

DIVISION 15. MIXED-USE DISTRICTS

Sec. 59-301. Mixed-use districts—General purpose, appropriate use and compatibility of uses and structures.

(a) *General purpose.* These mixed-use districts are enacted to provide for and encourage a compatible mix of uses, rather than a separation of uses, in accordance with the Denver comprehensive plan. The provisions of the mixed-use districts, OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 shall establish and define the uses of land and the siting and character of the improvements and structures allowed on the land in a manner that allows a balanced mix of uses in a pedestrian-friendly environment. The special review use and development plan review processes set forth herein and the associated rules and regulations will assure that adjacent uses are compatible and that design is of a high quality. Public amenities such as streets with detached sidewalks and tree lawns, parkways, parks, creek corridors, open spaces and direct access to permanent mass transit facilities should be used to organize private development. The director of planning may adopt rules and regulations relating to the design and siting of structures and uses to assure the compatibility of uses and high quality design. All of the mixed-use districts provide a broad range of uses in order to encourage the development of diverse, interesting neighborhoods. R-MU districts are predominantly residential with neighborhood-serving retail shops, offices, restaurants, and services along more heavily traveled streets. C-MU districts are predominantly commercial. T-MU districts combine residential, office, civic and commercial uses and are primarily organized to provide users with good access to transit. In order to accomplish this goal, these districts must be proximate and accessible to a mass transit railway system station and must have a direct pedestrian connection to that station. All uses and structures will be sited and designed to be compatible with one another.

- (1) *OS-1 Open Space District.* The OS-1 district is intended for publicly and privately owned parks, open space, natural habitats, golf courses, and a limited range of other uses, such as public or private recreation centers and concessions, that may enhance the use and enjoyment of open space.
- (2) *R-MU-20 Residential Mixed Use District.* The R-MU-20 district is primarily residential, allowing either single-or multiple-unit dwellings. Along collector or arterial streets, development may be either residential or mixed-use, combining residential with neighborhood-serving retail, office, or service uses. Commercial uses should be located on collector or arterial streets or in areas that already have commercial uses. No maximum residential density is prescribed; instead, the scale of buildings is determined by bulk plane, maximum height, setbacks, open space requirements, and parking ratios. The intent is to encourage a full range of housing types, including affordable housing.
- (3) *R-MU-30 Residential Mixed-Use District.* The R-MU-30 district is a primarily residential district allowing higher density multiple unit dwellings of a density appropriate to the center-city and other activity centers such as light rail transit stations. Supporting commercial development, such as consumer retail and service uses and small-scale

office uses, is encouraged to create a truly mixed-use environment. No maximum residential density is prescribed. Instead, maximum height, setbacks, and open space requirements determine the scale of buildings.

- (4) *C-MU-10 Commercial Mixed-Use District.* The C-MU-10 district is the most restrictive of the commercial mixed-use districts, with the shortest list of allowed uses. It includes commercial uses appropriate for high-visibility locations such as employment centers and the intersections of arterial streets. The purpose of the district is to concentrate higher intensity commercial uses, spatially define streets, encourage higher site and building design standards, and create a more attractive pedestrian environment. Uses incompatible with this purpose, such as auto-related uses, industrial uses, and single-unit dwellings, are not allowed. All uses and structures will be sited and designed to be compatible with one another.
- (5) *C-MU-20 Commercial Mixed-Use District.* The C-MU-20 district provides for a mix of commercial, residential, and industrial uses along or near arterials or other high traffic streets. Site and building design will be of a quality that enhances the character of the streets. A wide range of commercial and residential uses are allowed, along with limited industrial uses. All uses and structures will be sited and designed to be compatible with one another.
- (6) *C-MU-30 Commercial Mixed-Use District.* The C-MU-30 district provides for a wide range of commercial, office, retail, industrial, and residential uses that allow property owners the flexibility to respond to the long-term evolution of development trends. All uses and structures will be sited and designed to be compatible with one another.
- (7) *T-MU-30 Transit Mixed-Use District.* The T-MU-30 district provides for urban development proximate to a mass transit railway system station to promote a mix, arrangement, and intensity of uses that support transit ridership and use of other transportation modes, especially walking. The arrangement of uses allows residents, workers, and shoppers to walk to transit and other destinations within the district. The T-MU-30 district allows the broadest range of uses and most development intensity. The T-MU-30 district is intended for station areas with adequate land to create a viable transit oriented development (TOD) and to transition to the surrounding community. A T-MU-30 district must be proximate to a mass transit railway system station and have a direct pedestrian connection to that station. That point of a T-MU-30 district that is nearest to a mass transit railway system station shall be located no more than 1500 feet from the intersecting center lines of the tracks and adjacent passenger loading platforms.

(b) *Appropriate use of mixed-use districts.* Mixed-use districts should be used only when there is no other zone district that is more appropriate for the desired uses; there are or will be multiple uses, not just a single use, either in a single structure or on a single parcel; when the desired uses substantially conform with the mixed-use zoning requirements and extensive use waivers are not required; when it is anticipated that over time there will be a need and desire for flexibility; and when a higher level of design review is desired in order to mitigate

potential impacts. Mixed-use districts may also be more appropriate when there is more than a single owner and when an appropriate planning framework is in place for the area which includes the proposed mixed-use district. The director of planning may adopt rules and regulations relating to the appropriate use of mixed-use districts instead of other zone districts including PUDs. In addition, all applications to rezone land into a mixed-use district shall be submitted to the planning board. The planning board may make a recommendation as to the appropriateness of using a mixed-use district for the subject land to the zoning administrator.

(c) *Compatibility.* All uses and structures shall be sited and designed to be compatible with one another. To determine compatibility, a review, including but not limited to, the following characteristics of the uses and structures shall be conducted relative to other affected uses and structures: location, orientation, operation, massing, scale, and visual and sound privacy. The director of planning may adopt rules and regulations relating to the compatibility of uses and structures based upon the above-listed characteristics.

(d) *Integration with adjacent public infrastructure.* The T-MU-30 districts shall be designed to integrate into the adjacent transportation system and maintain or exceed specific performance standards. These performance standards include: strong pedestrian connections to ensure the maximum benefits of the transit system; connectivity to existing roadways; multi-modal roadway design that accounts for each transportation mode; strategic locations of parking lots/structures; compatibility with the regional transportation system; and, minimization of impacts to local neighborhood streets.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-302. Enclosure of uses.

This section sets forth the types of enclosure required for each use.

(1) *Types of enclosure.* The three (3) types of enclosures are:

- a. *Drive-up.* A structure designed or operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle.
- b. *Enclosed.* A permanently roofed structure fully contained on all sides by solid exterior walls, which are pierced only by windows, vents or customary entrances and exits, excluding drive-up structures.
- c. *Unenclosed.* A structure without a permanent roof or a structure that is not fully contained on all sides by solid exterior walls, is pierced only by windows, vents or customary entrances and exits, excluding drive-up structures, or where a use, other than open space, park or recreation, is conducted totally or substantially without structural containment.

(2) *Application.* Any permitted use or part of such a use conducted outside of a completely enclosed structure and all drive-up facilities shall be subject to the review process in accordance with section 59-306 (procedures for the review of nonindustrial special

review uses and enclosure requirements). The standards set forth in section 59-306(g) (unenclosed uses and drive-up facilities; standards) shall be applied in reviewing the enclosure.

- (3) *Requirements for outdoor storage and waste disposal.*
- a. All outdoor storage of waste shall be enclosed by a fence, wall, hedge or other type of landscaping adequate to conceal such facilities from the adjacent property. Such enclosure shall meet fire department safety requirements.
 - b. Waste shall be contained and/or deposited in such a manner that natural causes or forces do not transfer it off the zone lot.
 - c. All wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
 - d. This provision applies to all residential uses: No flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks of fuel directly connected to heating devices or appliances located on the same zone lot as the tanks of fuel are excluded from this provision.
 - e. For all nonresidential uses, no flammable gases or solids, combustible or flammable liquids or explosives shall be stored above ground except for the following as permitted and regulated by the fire department:
 1. Tanks or drums of fuel directly connected to heating devices or appliances located on the same zone lot as the tanks or drums of fuel;
 2. Vaulted tanks;
 3. Tanks containing compressed natural gas for the fueling of vehicles operated in association with a permitted use; and
 4. LP gas dispensing units.
- (4) *Exceptions to use enclosure requirements.*
- a. Notwithstanding the otherwise applicable provisions, the following uses need not be enclosed: Automobile gasoline filling stations; agriculture uses; athletic fields; building contractors, heavy; cemeteries; concrete, asphalt, and rock crushing facilities; husbandry; nurseries, plant; public or private park or open space; parking of vehicles; parking of vehicles, excess; and, sales lots for motor vehicles, recreational vehicles, trucks, and trailers.
 - b. Eating place: providing that upon application to and issuance by the department of zoning administration of a permit therefor the aforesaid use need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat provided further that:
 1. If such an outdoor eating area is fifty (50) feet or more from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 district, it shall be subject to the following conditions:
 - i. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and

- ii. The outdoor eating area shall be clearly delimited by fences, walls or plant materials.
 - iii. No required off-street parking spaces shall be used for the outdoor eating area.
 - iv. Where the outdoor eating area lies between fifty (50) and one hundred (100) feet of any of the residential districts listed above the use of the outdoor eating area and all activities therein shall cease by 10:00 p.m. except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.;
 - v. Each permit shall be valid for a period of not more than one (1) year but, upon application, may be renewed. Failure to comply with all of the above conditions shall be cause for revocation of the permit.
2. If such an outdoor eating area is less than fifty (50) feet from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 district, it shall be subject to the approval of the board of adjustment under the provisions of section 59-54(3)u.

(Ord. No. 228-05, § 10, eff. 4-15-05)

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-303. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, conditional, 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. Uses left blank are not allowed in that district. Permitted uses are uses by right.

<i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>SR = Uses permitted after special review</i> <i>D = Uses permitted with distance requirements</i> <i>* = Need not be enclosed</i> <i>(blank) = Not permitted</i>	<i>Zone District</i>						
	<i>R-MU-</i>		<i>C-MU-</i>			<i>T-MU-</i>	<i>OS</i>
<i>Use</i>	<i>20</i>	<i>30</i>	<i>10</i>	<i>20</i>	<i>30</i>	<i>30</i>	<i>1</i>
Residential							
Artist studio		P	P	P	P	P	
Assisted living facility	P	P	P	P	P	P	
Dwelling, multiple unit	P	P	P	P	P	P	
Dwelling, single unit	P	P		P	P		
Nursing home, hospice	P	P		P		P	
Live/work residential	P	P	P	P	P	P	
Residence for older adults	P	P	P	P	P	P	
Residential, institutional/special	P	P	P	P	P	P	
Rooming and/or boarding house	L14/SR	L14/SR	P	P	P	P	
Retail, service, office							
Adult establishment as follows							

Key: P = Permitted L = Uses permitted with limitations SR = Uses permitted after special review D = Uses permitted with distance requirements * = Need not be enclosed (blank) = Not permitted	Zone District						
	R-MU-		C-MU-			T-MU-	OS
	20	30	10	20	30	30	1
Adult amusement or entertainment					SR/D2	D2	
Bookstore, adult					SR/D2	D2	
Eating place with adult amusement					SR/D2	D2	
Photo studio, adult					SR/D2	D2	
Sexually oriented commercial enterprise					SR/D2	D2	
Theater, adult					SR/D2	D2	
Animal care, kennel, cattery					P	SR	SR
Animal sales, service, care, household pets only	SR/D3/ L17	L17	L17	P	P	SR	
Automobile gasoline filling station, emissions inspection		SR		P	P	SR	
Automobile repair garage					P	SR	
Automobile wash, laundry and/or polishing shop*				P	P		
Automobile, motorcycle, light truck sales, leasing, rental*					P	L34	
Banking and financial services	D3	P	P	P	P	P	
Bed and breakfast	D3	P	P	P	P	P	
Bookstore	L38/D3	L39/SR	L39/SR	P	P	L39/SR	
Brewpub		SR	P	P	P	SR	
Communications service		P	P	P	P	P	
Eating place*	L45/D3	P	P	P	P	L46	SR/L45
Food preparation and sales, commercial		L49			P	SR/L49	
Food sales or market, large		SR	SR	P	P	SR	
Food sales or market, small	SR/D3	P	P	P	P	P	SR
Furniture, furnishings, retail sale, large scale		L39/SR	L39/SR	P	P	L39/SR	
Garden supply store		SR		P	P		
Home building materials and supplies, sales, or rental				P	P		
Hotel		P	P	P	P	P	
Laboratory, research, development, technological service		SR	SR	SR	SR	SR	
Liquor store		D7	SR/D7	D7	D7	D7	
Motel		P		P	P		
Office: nondental, nonmedical	L65/D3	L66/SR	P	P	P	L66/SR	SR/L66
Printing service, publishing, business support		P	P	P	P	P	
Retail, service, repair, consumer, large scale		SR	SR/L72	P	P	SR/L72	
Retail, service, repair, consumer, medium scale		SR	P	P	P	P	
Retail, service, repair, consumer, small scale	D3	P	P	P	P	P	
Retail, service, repair, consumer, special		L38/SR	L39/SR	P	P	L39/SR	
Service, repair, commercial		SR/L89		SR/L89	P	SR/L89	
Vehicle, equipment sales, leasing, service, rental*					L92/ SR/D9		

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	<i>R-MU-</i>		<i>C-MU-</i>			<i>T-MU-</i>	<i>OS</i>
	<i>20</i>	<i>30</i>	<i>10</i>	<i>20</i>	<i>30</i>	<i>30</i>	<i>1</i>
Industrial, wholesale, transportation, utilities							
Automobile parts recycling business*					SR		
Manufacturing, fabrication, and assembly, custom			SR	P	P	SR	
Manufacturing, fabrication, and assembly, general				SR/ L99/D9	L99/D9		
Manufacturing, fabrication, and assembly, heavy					SR/D9		
Manufacturing, fabrication, and assembly, light				SR	P	SR	
Parking of vehicles*				SR	SR	L108	
Railroad facilities					L106	L106	
Recycling collection station			SR	P	P	SR	
Recycling plant, scrap processor					SR/D9		
Terminal and service facility for bus system*					L114	L114	
Terminal, freight, air courier services*					P		
Terminal, public transportation, local*		P		P	P	P	
Utility, major impact		SR	SR	P	P	SR	SR
Utility, minor impact	SR/D3	SR	P	P	P	SR	SR
Wholesale trade, general, and/or storage of toxic and/or hazardous materials				SR	P		
Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials		SR/ L127	SR/ L128	L129/ SR	P	SR/ L129	
Arts, entertainment, recreation, institutions							
Ambulance service				P	P		
Child care center	D3	P	P	P	P	P	P
Church, religious institution	L132/ SR/D3	L132/ SR	P	P	P	L132/SR	
Clinic, office, laboratory, dental or medical	L135/ L65/D3	L135/ SR	L135/ SR	L135/ SR	L135/ SR	L135/ SR	
Club or lodge		P	P	P	P	SR	
Community or senior center or recreational facility	D3	P	P	P	P	P	SR
Conference center, meeting hall		SR			P		
Fire station	D3	P	P	P	P	P	
Golf course*	D3		P	P	P		P
Library	D3	P	P	P	P	P	
Mortuary				P	P		
Museums, other special purpose cultural institutions	SR/D3	P	P	P	P	SR	SR
Parks, public, open space, associated buildings*	D3	P	P	P	P	P	P
Police station	SR/D3	SR	P	P	P	P	
Postal facility, neighborhood	SR/D3	P	P	P	P	P	SR
Recreation services, indoor		SR	P	P	P	P	SR
Recreation services, outdoor*				P	P	SR	SR
School, elementary or secondary	L157/D3	L157	L157	L157	L157	L157	

<i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>SR = Uses permitted after special review</i> <i>D = Uses permitted with distance requirements</i> <i>* = Need not be enclosed</i> <i>(blank) = Not permitted</i>	<i>Zone District</i>						
	<i>R-MU-</i>		<i>C-MU-</i>			<i>T-MU-</i>	<i>OS</i>
<i>Use</i>	<i>20</i>	<i>30</i>	<i>10</i>	<i>20</i>	<i>30</i>	<i>30</i>	<i>1</i>
School, vocational or professional		L159/ SR	L159	P	P	SR	
Sports and/or entertainment facility		SR			P		
Studio, professional		P	P	P	P	P	
Theater, indoor		P	P	P	P	P	
University or college	SR/D3	P	P	P	P	P	
Construction, mining, agriculture							
Agriculture, limited*			D17	D17	D17		D17
Contractors, special trade, general				P	P		
Contractors, special trade, heavy, contractor yard*					D9		
Husbandry*							SR/D17
Nursery, plant				P	P		SR
Construction, temporary structures (See § 59-81)							
Residential care uses (See § 59-82)							
Power, gas, telecommunications (See § 59-83)							
Uses allowed by temporary permit (See § 59-86)							
Accessory uses (See § 59-87)							
Home occupations (See § 59-89)							

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 228-05, § 11, eff. 4-15-05; Ord. No. 909-05, § 8, eff. 12-16-05; Ord. No. 836-06, § 9, eff. 12-26-06; Ord. No. 20-07, § 1, eff. 1-26-07; Ord. No. 340-06, § 16, eff. 6-9-06; Ord. No. 57-09, § 15, eff. 1-30-09)

Sec. 59-304. Distance requirements.

The following defines the distance requirement enumerated in the use chart in section 59-303:

D2

- a. The following permitted uses shall not be established, operated or maintained within five hundred (500) feet of a residential district, a multiple-unit dwelling, 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; nor may more than two of the following permitted uses be established, operated or maintained within one thousand (1,000) feet of each other:
 - 1. Adult amusement or entertainment;
 - 2. Bookstore, adult;

3. Eating place with adult amusement or entertainment;
 4. Photo studio, adult;
 5. Sexually oriented commercial enterprise; and
 6. theater, adult.
- b. For the purposes of this section 59-304 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.

D3 In the R-MU-20 zone district, all enumerated civic and commercial uses shall be located not less than fifty (50) feet from the nearest boundary of any zone lot containing a single-or two-unit dwelling existing at the time of application for the civic or commercial use unless such civic or commercial use has been sited and designed to assure its compatibility with adjacent dwelling units. The adequacy of the siting and design for the purpose of achieving compatibility shall be determined by the zoning administrator.

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 the July 31, 2000, shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

D9 The following industrial uses shall be located five hundred (500) feet or more from the nearest boundary of any zone lot containing a single-or two-unit dwelling existing at the time of application for the industrial use:

- a. Aircraft maintenance and repair facility;
- b. Building contractors, heavy;
- c. Concrete, asphalt, and rock crushing facility;
- d. Manufacturing, fabrication, and assembly, general;
- e. Manufacturing, fabrication, and assembly, heavy; and
- f. Recycling plant.

This five-hundred-foot spacing requirement may be reduced or eliminated by the zoning administrator, if an analysis of the proposed use, its siting, design, traffic generation, and other external effects indicate a reduced or eliminated separation will have no significant adverse impact on the nearby existing single-or two-unit dwelling.

D17 The raising and/or grazing of livestock animals and any confinements for such animals shall be located not less than five hundred (500) feet from the nearest boundary of any zone lot containing a single-or two-unit dwelling existing on the date of application for the raising and/or grazing of livestock animals use. The five-hundred-foot spacing requirement shall not apply to any accessory residential dwelling units located on the same zone lot as the raising and/or grazing of the livestock animals.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-305. Limitations.

The following define the limitations enumerated in the use chart in section 59-303:

L14 Fraternity and sorority house requires special review.

L17 No overnight boarding.

(Ord. No. 836-06, § 10, eff. 12-26-06)

L34 Limited to automobile, motorcycle and light truck rental.

L38 Limited to no more than ten thousand (10,000) square feet of gross floor area.

L39 Special review required if over ten thousand (10,000) square feet of gross floor area in the R-MU-30, and if over thirty thousand (30,000) square feet of gross floor area in the C-MU-10 or T-MU-30.

L45 Limited to three thousand five hundred (3,500) square feet of gross floor area.

L46 Drive up facilities not allowed.

L49 Flight kitchen not permitted.

L65 Limited to 5,000 square feet individually and no more than 10,000 square feet in aggregate. Airline reservation center not permitted.

L66 Office for parks purposes is a special review use. In the OS-1 district only, limited to office for parks purposes, special review.

L72 In the CMU-10 and TMU-30 districts only, service, large scale is not permitted.

L89 Building maintenance service: special review. Other commercial services not permitted. Laundry, dry-cleaning, commercial, industrial is allowed only in the CMU-20 district.

L92 Excluding buses. Industrial special review: aircraft maintenance and repair facility.

L99 Except the following: 20 Food and kindred products, 32 Stone, clay, glass and concrete products.

L106 Limited to railroad passenger terminal.

L108 Limited to parking of vehicles, excess.

L114 No service facility.

L127 Limited to storage services; use by special review.

L128 Limited to postal processing center; use by special review.

L129 In the C-MU 20 district, limited to postal processing center and wholesale sales, use by right; warehousing, wholesale trade, light special review and storage services not permitted. In the T-MU-30 limited to wholesale trade, light only, use by special review.

L132 Special review if seating capacity of over 600 in the sanctuary or main activity area.

L135 Use by right limited to clinic or office, medical or dental. Special review/conditional: laboratory, except laboratory not allowed in the R-MU-20.

L157 Boarding school permitted.

L159 Special review for other than vocational or professional small in the R-MU-30 district. Limited to school, vocational or professional, small, in the C-MU-10 district. Flight training center not allowed in either district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-306. Procedures for the review of nonindustrial special review uses and enclosure requirements.

(a) *Purpose.* The following provisions are established to address special review uses. The special review process allows particular uses to be reviewed in accordance with specific standards, conditions, and restrictions. Some land uses have a nature or scale that significantly impacts both the immediately surrounding area and the entire community, which impact cannot be predetermined and which cannot be controlled by general zone district standards. There are also certain uses that, because of their unique characteristics, cannot be properly classified as allowed uses in a particular zone district, without consideration of both the potential impact of those uses upon neighboring land or public facilities, and the public

need for that use at a particular location. The special review process provides for the accommodation of these types of uses subject to specific conditions that ensure compatibility

of the use with the use and enjoyment of neighboring properties. The required enclosure of certain uses as set forth in section 59-302 also warrants a special review. The following general categories require review under the procedure set forth herein:

- (1) Uses publicly operated or traditionally associated with a public interest.
- (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (3) Uses wholly or partially conducted outside of a completely enclosed structure, and all drive-up facilities.

(b) *Approval authority.* The zoning administrator may approve, approve with conditions and restrictions, or deny any application for a special review use or for an enclosure requirement except those applications for special review use submitted as part of a general development plan (hereinafter "GDP", see section 59-314) in which case the approval authority shall be the approval authority for the submitted GDP. Prior to approving an application for a special review use or enclosure, the approval authority shall find that the proposed special review use or enclosure complies with the standards herein prescribed.

(c) *Application, how made.* All applications for approval of a special review use or enclosure under this subsection shall be filed with the department of zoning administration by any person, or entity having an interest in the land for which a special review use or enclosure is sought.

(d) *Application for special review use or enclosure, contents.* The application for a special review use or enclosure shall be filed with the zoning administrator on a prescribed form. The application shall contain the following:

- (1) A legal description of the property, and a plan of the subject property, drawn at a scale of not less than one (1) inch per two hundred (200) feet, which shall show the location, arrangement, and extent, of the following where applicable:
 - a. Uses by type, including the gross acreage or square footage of each proposed use;
 - b. Structures or building envelopes by type of use, maximum height of structures, maximum gross floor area for each use, and land coverage of buildings and impervious areas;
 - c. Dimensions of separations between buildings, streets and other features;
 - d. Residential densities by housing type and maximum number of dwelling units;
 - e. Interior streets and drives, and parking areas;
 - f. Adjacent public streets and alleys;
 - g. Loading and outdoor storage areas and access thereto, including areas for storage of boats, campers, trailers and recreation vehicles;
 - h. Landscaped areas including typical materials;
 - i. Buffer areas and fencing; and

- j. Treatment of sound, vibration, glare, radiation, fumes, and heat emission which will extend beyond the zone lot.

(2) Any other information deemed necessary by the zoning administrator.

(e) *Review.* The provisions of section 59-41(b) shall be followed except for applications for special review uses submitted as part of a GDP. Submittals done as part of a GDP shall be processed and approved in accordance with section 59-314.

(Ord. No. 468-05, § 17, eff. 7-15-05)

(f) *Special review use, standards.* No application for a special review use shall be granted by the approval authority unless the approval authority finds that all of the following conditions are met or can be met through conditions placed on approval of the application:

- (1) The establishment, maintenance, and operation of the special review use will not be detrimental to or endanger the public health, safety, or general welfare of the community;
- (2) The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special review use;
- (3) The establishment of the special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) The proposed special review use meets all of the applicable provisions of chapter 59 (zoning) and all applicable regulations;
- (5) The aggregate impacts of similar uses shall not result in harmful external effects or environmental impacts;
- (6) The special review use shall conform to all applicable regulations of the zone district in which it is located;
- (7) If located within a GDP area, the special review use shall be consistent with the GDP and, if in the T-MU-30 district, shall enhance access to or use of multiple modes of transportation.
- (8) The proposed use shall be consistent with the purposes and objectives of the zone district in which it is located.
- (9) The proposed special review use shall be sited and designed to be compatible with adjacent uses;
- (10) The potential impacts of the proposed special review use will be adequately mitigated.

(g) *Unenclosed uses and drive-up facilities; standards.* Uses that are unenclosed or drive-up facilities shall be reviewed to determine the existence of detrimental external effects and/or environmental impacts including: traffic congestion or truck traffic on residential streets; air pollution caused by a stationary source; water pollution, surface and/or subsurface; radioactive emissions; toxic or hazardous materials and/or wastes; emission of noise, heat, glare, fumes,

and/or odors; fire hazards; and visual pollution. In any T-MU-30 district, drive-up facilities associated with eating places shall not be allowed and all other drive-up facilities shall be enclosed and shall be considered uses requiring special review pursuant to subsection (6) of this section. No application for uses that are unenclosed or drive-up facilities shall be granted unless the zoning administrator finds that any detrimental external effects or environmental impacts and the aggregate impacts of similar uses that result in such harmful external effects or environmental impacts can be adequately mitigated. The zoning administrator may place conditions on the application to ensure such mitigation.

(h) *Decision.* The decision of the approval authority shall take into account any statements or written materials received from any interested parties and shall be based on the standards for review set forth herein. When the zoning administrator is the approval authority, the zoning administrator shall approve the application, approve the application with conditions, or deny the application within forty-five (45) days after the completed application was received by the zoning administrator. The zoning administrator shall send the applicant a written notice of such decision. When the development review committee (established by section 59-619(a)(1), and in this division hereinafter referred to as "DRC") or the planning board is the approval authority the DRC or planning board shall approve the application, approve the application with conditions or deny the application as part of the GDP process.

(i) *Additional requirements.* The following shall apply to all special review uses:

- (1) Prior to the granting of a permit for a special review use or enclosure, the approval authority may place conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special review use or enclosure as deemed necessary to promote the public health, safety, and general welfare of the community.
- (2) No change in a structure containing the special review use or enclosure, or change in the nature of the special review use or enclosure shall be permitted unless approved by the zoning administrator. The zoning administrator may approve for minor alterations or changes which are compatible with the original structure, use, or enclosure approved by the zoning administrator.
- (3) When the zoning administrator is the approval authority for a permit for a special review use, said special review use shall become null and void twelve (12) months of the date of the decision of the zoning administrator, unless the use or enclosure begins operating, or a valid building permit is issued. The zoning administrator may extend the permit for the use by special review for additional time periods not to exceed a total of twelve (12) additional months.
- (4) No application for a special review use which has been denied by the approval authority shall be considered for a period of one (1) year from the date of said denial unless the zoning administrator determines that the application contains substantial changes that address the reasons for denial of the application.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 886-05, §§ 1—8, eff. 12-9-05)

Sec. 59-307. Additional procedures for the review of industrial special review uses.

In addition to, but simultaneous with, the process for reviewing special review uses set forth in this division, industrial special review uses shall be subject to section 59-286 (procedure for the review of conditional uses), except that those applications for industrial special review uses submitted as part of a GDP shall be reviewed as part of said GDP.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 886-05, § 9, eff. 12-9-05)

Sec. 59-308. Uses by temporary permit.

In the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, temporary uses shall be regulated by section 59-86 (uses allowed by temporary permit).

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-309. Accessory uses.

In the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, accessory uses shall be regulated by section 59-87 (accessory uses).

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-310. Home occupations.

In OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, home occupations shall be regulated by section 59-89 (home occupations allowed).

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-311. Limitation on external effects of uses.

In the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, the limitations on external effects of uses shall be regulated by division 3 (regulations on specific effects, uses and structures) of article III of chapter 59, D.R.M.C., and section 59-302 (enclosure of uses).

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 625-05, § 15, eff. 9-2-05)

Sec. 59-312. Permitted structures.

The following are addressed in this section:

Zone lots for structures;

Required unobstructed open space;

Minimum and maximum setbacks for structures;

Permitted encroachments into required setback spaces;

Permitted fences; walls and retaining walls;

Bulk planes;

Maximum building heights;

Maximum gross floor area in structures; and

Required site improvements for industrial uses.

(1) *Zone lots for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right or by special review. Each zone lot shall have at least one (1) front line and may contain in addition to the principal structure one (1) or more subordinate structures containing only accessory uses. The zone lot for each structure used as a single-unit dwelling shall contain not less than four thousand (4,000) square feet; the zone lot for each structure used as a two-unit dwelling shall contain not less than six thousand (6,000) square feet; and the zone lot for each structure used for any other use shall contain not less than ten thousand (10,000) square feet. Notwithstanding the previous sentence, if qualifying under the provisions of article IV, chapter 27 (affordable housing) the zone lot for each structure used as a single-unit dwelling shall contain not less than thirty-six hundred (3,600) square feet; the zone lot for each structure used as a two-unit dwelling shall contain not less than fifty-four (5,400) square feet; and the zone lot for each structure used for any multiple unit dwelling shall contain not less than nine thousand (9,000) square feet. Zone lots smaller than required by this section may be approved pursuant to section 59-313 (development plan review). Upon application to and approval by the zoning administrator, the boundaries and area of an existing zone lot may be amended if full compliance with all requirements of this chapter 59 can be maintained.

(2) *Required unobstructed open space.* The zone lot for structures shall contain at least the following amounts of unobstructed open space:

<i>Minimum Required Amounts of Unobstructed Open Space</i>	
<i>Use</i>	<i>Amount</i>
Single- or two-unit dwellings.	35 percent of the total zone lot area.
Structures, other than single or two unit dwellings, with no ground floor commercial use and which are three (3) or fewer stories in height.	20 percent of the total zone lot area.
Structures, other than single or two unit dwellings, with ground floor commercial uses, or which are four (4) or more stories in height.	0 percent of the total zone lot area.

<i>Minimum Required Amounts of Unobstructed Open Space</i>	
<i>Use</i>	<i>Amount</i>
Structure complexes in an R-MU-20 or R-MU-30 zone district with an approved GDP.	May be reduced to 10 percent of the GDP area if open space is aggregated in one (1) or more areas and is entirely useable open space. The required open space may be aggregated from multiple zone lots within a GDP area provided the aggregated area enhances the connection to transit facilities, plazas or streets, or enhances the pedestrian environment, enhances or creates a public space, or is a benefit to the neighborhood and is publicly accessible and will remain publicly accessible, and is entirely usable open space, and is shown on an approved GDP. In no case shall the open space for single and two unit dwellings be reduced.
Structure complexes in a T-MU-30 zone district	10 percent of total zone lot area. The required open space may be aggregated from multiple zone lots within a GDP area provided the aggregated area enhances the connection to transit facilities, plazas or streets, or enhances the pedestrian environment, enhances or creates a public space, or is a benefit to the neighborhood and is publicly accessible, will remain publicly accessible, and is entirely usable open space, and is shown on an approved GDP.

(Ord. No. 886-05, § 10, eff. 12-9-05)

(3) *Setbacks for structures.* All structure shall have the setbacks listed below. Except as otherwise hereinafter provided, the space resulting from the setbacks shall be open and unobstructed.

a. Minimum setbacks.

<i>Uses</i>	<i>Front setback measured from front zone lot line</i>	<i>Side setback measured from side zone lot line</i>		<i>Rear setback</i>	
	<i>Minimum setback</i>	<i>Minimum Setback</i>		<i>Minimum Setback measured from rear zone lot line or as noted</i>	
Single or two-unit dwellings or structures with no ground floor commercial use and which are three (3) or fewer stories in height.	10 feet. Provided, however, that if the front setbacks of the residential structure abutting on either side of the proposed structure are greater than 10 feet, the minimum front setback of the proposed structure shall be the average of the front setbacks of the abutting structures.	1. On lots 30 feet in width or less	3 feet	1. Use by right or use by special review structure with no rear alley	20 feet

<i>Uses</i>	<i>Front setback measured from front zone lot line</i>	<i>Side setback measured from side zone lot line</i>		<i>Rear setback</i>	
	<i>Minimum setback</i>	<i>Minimum Setback</i>		<i>Minimum Setback measured from rear zone lot line or as noted</i>	
	The minimum front setback for garages facing directly on to the street shall be 20 feet from the back of the sidewalk.				
				With an alley, setback measured to alley centerline	20 feet
		2. On lots greater than 30 feet in width	5 feet	2. Attached or detached garage or carport with no alley	5 feet
				With an alley with doors opening directly onto the alley	5 feet
				With an alley but with no doors opening directly onto the alley	0 feet
		3. Regardless of lot width, detached accessory structures may be located as follows:		3. Detached accessory structures and fixtures with no alley	5 feet

<i>Uses</i>	<i>Front setback measured from front zone lot line</i>	<i>Side setback measured from side zone lot line</i>	<i>Rear setback</i>
	<i>Minimum setback</i>	<i>Minimum Setback</i>	<i>Minimum Setback measured from rear zone lot line or as noted</i>
		(a) On lots 125 feet or less in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is more than 40 feet from the rear line	0 feet With an alley but with no doors opening directly onto the alley 0 feet
		(b) On lots more than 125 feet in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is less than 85 feet from any front line of the zone lot	0 feet Fixtures for the disposal of trash and garbage 0 feet

<i>Uses</i>	<i>Front setback measured from front zone lot line</i>	<i>Side setback measured from side zone lot line</i>		<i>Rear setback</i>	
	<i>Minimum setback</i>	<i>Minimum Setback</i>		<i>Minimum Setback measured from rear zone lot line or as noted</i>	
Structures, that are not single or two unit dwellings, and which have ground floor commercial, or which are four (4) or more stories in height.	0 feet with no encroachments into right-of-way on ground floor	(1) On a side zone lot line congruent with a zone lot line of a zone lot zoned R-0, R-1, or R-2	5 feet	Structures that do not have a rear entrance	0 feet
		(2) Not on a side zone lot line congruent with a zone lot line of a zone lot zoned R-0, R-1 or R-2	0 feet	Structures that have a rear entrance	5 feet
Parking lots	5 feet	5 feet			0 feet

b. Within an individual T-MU-30 district area for which a GDP has been approved, setbacks shall be based upon the Transit Mixed-Use District zoning standards and the individual Transit Mixed Use district's GDP, which defines additional setback requirements based upon use, location, character, and sidewalk dimensions. If not specified, the setbacks for structures provided in the Minimum Setbacks chart in 59-312(3)a. above shall apply.

(Ord. No. 466-08, §§ 1, 2, eff. 9-12-08)

(4) *Permitted encroachments into required setback spaces:* The following are permitted encroachments into required setback spaces:

<i>Architectural Feature</i>	<i>Permitted encroachment into Front Setback</i>	<i>Permitted encroachment into Side Setback</i>	<i>Permitted encroachment into Rear Setback</i>
a. All Mixed Use Zones			
1. Belt courses, sills, lintels and pilasters.	18 inches	18 inches	18 inches
2. Cornices, eaves and gutters	5 feet	5 feet	5 feet
3. Outside stairways	5 feet	5 feet	3 feet
4. Access ramps for the handicapped.	May encroach into any required building setback space, provided no alternative location is available.	May encroach into any required building setback space, provided no alternative location is available.	May encroach into any required building setback space, provided no alternative location is available.
5. Unwalled porches, terraces and balconies.	5 feet (porch steps may encroach an additional two (2) feet into the setback so long as three (3) feet is retained between the back of the sidewalk and the bottom step)	5 feet	5 feet
6. Chimneys six (6) feet or less in width.	18 inches	18 inches	18 inches
7. Building accessories designed and intended to control light entering a structure and being a permanent part of such structure (excluding projecting windows).	5 feet	5 feet	5 feet
8. Building accessories designed and intended to control light entering a structure, not a permanent part of such structure or attached to a load-bearing member of such structure.	May project any distance into any setback space.	May project any distance into any setback space.	May project any distance into any setback space.

<i>Architectural Feature</i>	<i>Permitted encroachment into Front Setback</i>	<i>Permitted encroachment into Side Setback</i>	<i>Permitted encroachment into Rear Setback</i>
9. Any structure or part thereof which is below the grade of any setback space.	May project any distance into any setback space.	May project any distance into any setback space.	May project any distance into any setback space.
10. Gas and electric meters if screened on all sides by a masonry wall.	3 feet	3 feet	3 feet
11. Utility pedestals, transformers or other similar equipment providing they do not exceed a height of four (4) feet.	May project any distance into any setback space.	May project any distance into any setback space.	May project any distance into any setback space.
12. Flush mounted solar panels.	May project any distance into any setback space.	May project any distance into any setback space.	May project any distance into any setback space.
b. Residential Mixed Use Zones Only			
1. Basketball goals on a fixed post.	May project any distance into any setback space.	May project any distance into any setback space.	May project any distance into any setback space.
2. Ground mounted evaporative coolers.		May project three (3) feet into side setback space provided: i. The equipment is located behind the front of the residential structure and screened from adjacent properties ii. The noise standards of section 36-6 of the Denver Revised Municipal Code are not exceeded.	

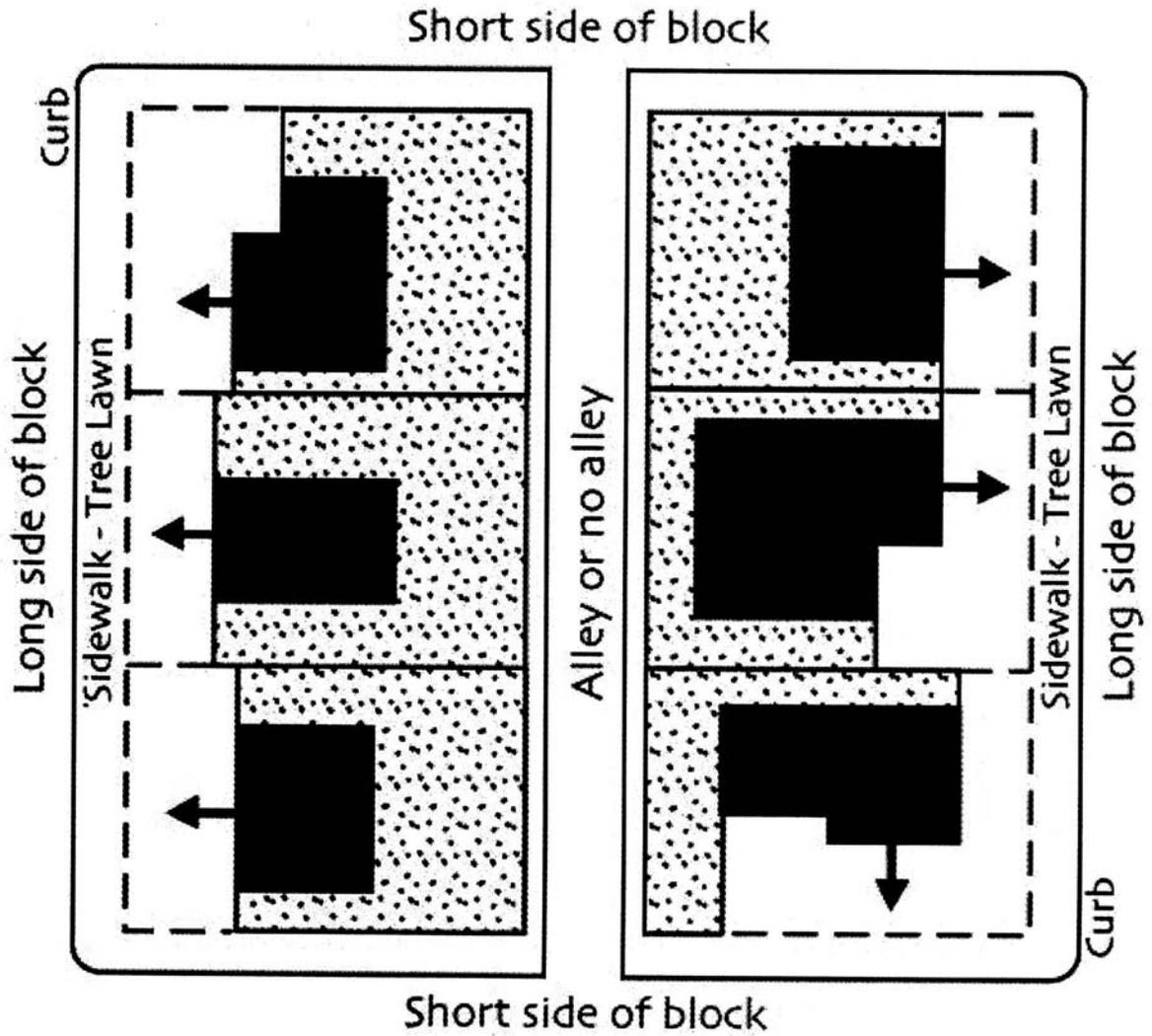
(Ord. No. 695-07, § 12, eff. 11-30-07; Ord. No. 53-08, § 30, eff. 2-8-08)

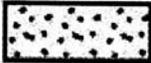
- (5) *Permitted fences, walls and retaining walls.* The height of fences and walls shall be determined as stated in section 59-2(112.1) fence and wall height measurement. Fences and walls not exceeding four (4) feet in height may be erected on any part of the

zone lot. Fences not exceeding six (6) feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure (see illustration).

- a. Retaining walls on zone lots which do not have single- or two-unit residential dwellings may be erected to any height.
- b. In the front setback of zone lots which contain single or two unit residential structures, retaining walls may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of such zone lot other than the front setback, retaining walls may be built to any height;
- c. Fences located on top of retaining walls in the front set back of zone lots which contain single or two unit residential structures, must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
- d. Fences not exceeding six (6) feet in height on a corner lot where a single or two unit residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure. Fences over four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-312(5) and the accompanying illustration;

Oblong Block



-  Area allowing fences up to 6 ft. high
-  Zone lot line
-  Direction residential structure faces

1

Oblong Block

- e. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot.
- f. On a corner zone lot, fences and walls may not exceed four (4) feet in height within ten (10) feet of the point of intersection of the front property lines.
- g. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal shall not be used as a fence or wall.

(Ord. No. 363-06, § 14, eff. 6-16-06; Ord. No. 605-06, § 8, eff. 9-22-06)

(6) *Bulk planes.*

- a. Single-unit dwellings and two-unit dwellings shall comply with the provisions set forth in section 59-120(c) (R-0, R-1, and R-2 districts, bulk of structures), except as modified pursuant to article VIII (special zone lot plans for planned building groups).
- b. All other uses with a side zone lot line congruent with a zone lot line of a zone lot zoned R-0, R-1 or R-2, shall comply with the following bulk plane limitations (see figure 1):

(Ord. No. 466-08, § 2, eff. 9-12-08)

1. Ground-level point. The starting point for locating the bulk plane shall be the midpoint of the specific lot line adjoining the zone lot containing the single-or two-unit dwelling. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.
2. Above-ground horizontal line. The starting line for bulk planes shall be a horizontal line which is located directly above the lot line adjoining the zone lot containing the single-or two-unit dwelling and passes through a point twenty (20) feet above the midpoint elevation of such lot line.
3. Sloping plane. The bulk planes start at the horizontal lines described above and extend upwards over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback).

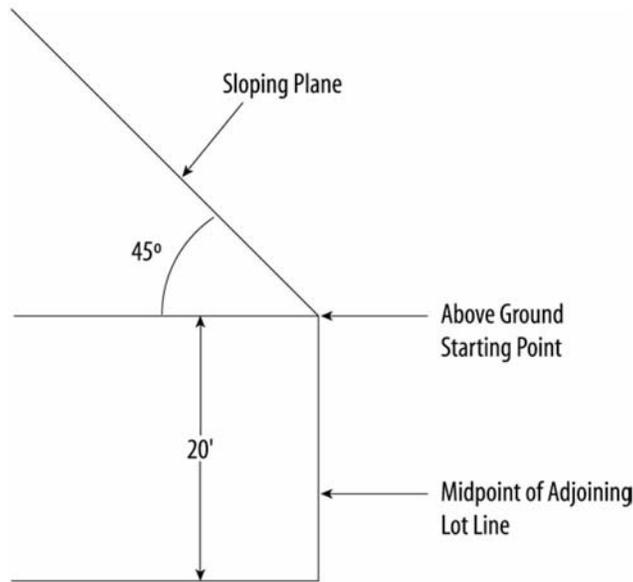


Figure 1

- (7) *Maximum building heights.* Structures in the R-MU districts are controlled by height and bulk limitations only, unless otherwise modified herein. Building height shall be measured in accordance with section 59-2(52) except that in the R-MU-20 district mechanical equipment and mechanical penthouses which may exceed the maximum permitted height by no more than twelve (12) feet. Flush mounted solar panels may exceed the height by any amount.

(Ord. No. 53-08, § 31, eff. 2-8-08)

<i>Maximum Permitted Building Heights</i>	
<i>Zone District</i>	<i>Height (in feet)</i>
OS-1	30 feet
R-MU-20	55 feet
R-MU-30	140 feet
T-MU-30	220 feet
Single- and two-unit dwellings located in any zone district	35 feet, subject to the bulk plane limitations in section 59-312(6) above

(Ord. No. 895-03, § 41, eff. 12-2-03)

- (8) *Maximum gross floor area in structures.* Structures in C-MU and T-MU districts are controlled by gross floor area unless otherwise modified herein.

		<i>R-MU</i>		<i>C-MU</i>			<i>T-MU</i>
<i>Maximum Gross Floor Area/Zone Districts</i>	<i>OS-1</i>	<i>20</i>	<i>30</i>	<i>10</i>	<i>20</i>	<i>30</i>	<i>30</i>
Maximum gross floor area is equal to five-tenths (0.5) of the area of the zone lot on which the structures are located (.5:1)	X						
Maximum gross floor area is equal to the area of the zone lot on which the structures are located (1:1)					X	X	
Basic maximum gross floor area is equal to two (2) times the area of the zone lot on which the structures are located (2:1)				X			
Basic maximum gross floor area is equal to five (5) times the area of the zone lot on which the structures are located (5:1)							X*

*Note: For an approved general development plan area within a T-MU-30 zone district, the maximum gross floor area limit may be applied on an area-wide basis, provided that the area-wide average maximum gross floor area shall not exceed the limit specified above. Any parking of vehicles, excess, shall be included in the calculation of gross floor area. For this purpose only, gross floor area for parking of vehicles, excess shall include all above grade parking spaces, drive aisles, and ramps; underground parking shall be excluded from the calculation.

- (9) *Required site improvements for industrial uses.* Section 59-415 (required site improvements) shall be in full force and effect for all industrial uses.
 (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 624-05, §§ 2, 3, eff. 9-2-05)

Sec. 59-313. Site plan review.

(a) *Applicability.* In the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, all construction of use by right or use by special review structures or additions to such structures shall be subject to the site plan review process, but not the standards for approval, set forth in article VIII (special zone lot plans for planned building groups), and rules and the regulations promulgated thereunder. The review procedures, standards, and criteria set forth in this section 59-313 shall be applied during the site plan review process. At the applicant's option, such review may be submitted concurrently with the site plan review process set forth in article VIII (special zone lot plans for planned building groups). Any property that is subject to the design standards or design review procedures of an overlay district, is designated as a Denver Landmark Structure, or is within a designated Denver Landmark District, shall not be subject to the standards and review procedures set forth herein.

(b) *Rules and regulations.* The director of planning has the authority to adopt rules and regulations for specific land areas establishing standards and guidelines and procedures for review of site plans based on the criteria set forth herein. Prior to the adoption of any rule or regulation, the director of planning shall forward the notice required under section 12-18 of the Denver Revised Municipal Code to all members of city council. City council members may submit comments on such rules or regulations as provided for in section 12-18 of the Denver Revised Municipal Code. Once adopted by the director of planning, such rules and regulations shall supercede the process, time frames, and application contents and criteria for design review, but not for the site plan review process set forth in article VIII (special zone lot plans for planned building groups).

(c) *Review.* All structures shall be subject to the design criteria and standards, and the review procedures set forth herein or in the rules and regulations prior to issuance of a zoning permit.

- (1) *Review process.* Review shall consist of the following three (3) phases. Review phases may be combined or eliminated by the zoning administrator after consideration of a recommendation by the director of planning.
 - a. Pre-submittal conference. Prior to filing an application, the applicant and the planning office shall have a pre-submittal conference to discuss the application and process. The pre-submittal conference may occur with the site plan pre-submittal conference or at the site plan schematic phase described in the PBG/PUD site plan rules and regulations. Information about the proposed uses, project program, and building footprint should be provided for discussion.
 - b. Schematic (concept) design phase. The architectural schematic design application shall be submitted.
 - c. Design development phase. The architectural design development application shall be submitted.

- (2) *Application, how filed, and notice.* All applications shall be filed with the department of zoning administration. Such applications shall be reviewed for completeness and, if found to be complete, shall be transmitted to the planning office for review. The department of zoning administration shall also notify all registered neighborhood organizations in accordance with section 12-96 and the city council member(s) whose district contains the proposed project or is within two hundred (200) feet of the proposed project, of all applications received for the schematic review phase for developments on sites equal to or larger than ten thousand (10,000) square feet. Such council member or registered neighborhood association may request additional information and may submit written comments to the planning office within twenty (20) days after notice is sent.
- (3) *Application, contents.* Applications shall contain the following information:
- a. Schematic (concept) design phase. Site plan and context photos of the site and immediately adjacent properties, building elevations, and other supporting information as requested;
 - b. Design development phase. Landscape plan, building elevations, building materials, facade details and treatments, all items required to make a determination of consistency for the schematic design phase, and other supporting information as requested.
- (4) *Review, recommendation decision, and time frames.* Review shall be conducted by the planning office.
- a. Review at the schematic design phase shall be completed within thirty (30) days after the submission of a complete application to the department of zoning administration. The planning office shall consider any written comments received and make a determination of consistency of the application with adopted plans, the standards and criteria and any applicable rules and regulations and guidelines and shall identify additional design issues to be addressed in the design development phase.
 - b. Review by the planning office at the design development phase shall be completed within thirty (30) days after the submission of a complete application to the department of zoning administration. The planning office shall make a determination of consistency of the application with the adopted plans, standards and criteria and any applicable rules and regulations and guidelines and shall make a recommendation to the zoning administrator. The zoning administrator shall have fifteen (15) days to approve, approve with conditions or deny the application after receipt of the determination by the planning office.
 - c. Review periods may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent.

(5) *Standards and criteria.* Site plan review shall be based on the following standards and criteria:

a. *General criteria:*

1. Continue Denver's physical character, including mixed use development, access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit;
2. Provide an adaptable and interconnected transportation system that encourages multiple modes of transportation, disperses traffic, and provides streets that accommodate multiple transportation modes including motor vehicles, transit, bicycles and pedestrians;
3. Use man-made and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and interconnections;
4. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit;
5. Create spatial definition of the streets with buildings and landscaping to promote pedestrian activity;
6. Design early phases of development so as to promote long-term quality and character;
7. Encourage housing in a range of densities, sizes, and types;
8. Be consistent with an approved GDP, if applicable.

b. *Site design criteria:*

1. Locate, screen, and buffer service, storage, delivery and refuse areas to minimize the view from streets, adjacent zone lots, and open spaces;
2. Minimize the visual impacts of parking areas, parking structures, and residential garages on streets, open spaces, and adjoining development;
3. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts, and circulation drives; and
4. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and transit facilities.
5. Site and design the use or utilize other technology to reduce potential adverse impacts between otherwise potentially incompatible uses.
6. Incorporate required water quality and stormwater management features into the overall site design.

c. *Building design criteria:*

1. Create buildings that provide human scale and interest through use of varied forms, materials, details, and colors;

2. Provide architecturally finished and detailed elevations for all exposures of the building with the primary facade, typically the street-facing elevation, having appropriate architectural expression;
 3. Provide a primary building entrance facing or clearly visible from the public sidewalk;
 4. Use durable materials that complement Denver's tradition as a city of brick and masonry; and
 5. Minimize the use of highly reflective glass, particularly at street level.
- d. *Transit Mixed-Use district criteria.* In addition to the general, building design and site design criteria in subsections 1 through 3 above, the following criteria shall apply in T-MU districts:
1. Site buildings to emphasize or reinforce the relationship of the development to the transit facility.
 2. Provide a primary building entrance facing or visible to the transit facility or the primary pedestrian connection to the transit facility.
 3. Provide clear and adequate pedestrian connections and linkages between buildings and transit facilities, public rights of way and transit facilities, and between multiple modes of transit.
 4. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as an easily identifiable component, is the primary public element to which buildings are oriented.
 5. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.
 6. Arrange building uses, heights, and scaling devices to reinforce the station area core and to transition to adjoining areas.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 886-05, §§ 11—13, eff. 12-9-05)

Sec. 59-314. General development plan.

(a) *Intent.* The intent of the general development plan (GDP) is to establish a workable framework for the development of large or phased projects. Major transportation, major stormwater drainage and water quality systems, major utilities, open space or land use issues within the GDP area shall be identified and a conceptual plan for addressing those issues shall be part of the GDP, so that such issues shall be completely addressed as the development proceeds. An approved GDP constitutes approval of a master plan that will guide all future development within the area defined by the GDP.

(b) *GDP required.* Notwithstanding the size of the zone lot, if a proposed development in the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, or C-MU-30 districts, anticipates establishing or changing in the required arterial and collector street grid or an existing water drainage course, or aggregating required open space beyond a single zone lot, as permitted pursuant to section 59-312(2), submittal of a GDP is required. Landowner(s), at their option, may elect to

submit a GDP for their property in order to establish a coordinated development plan for the project area. The manager of community planning and development (CPD) may also apply for a GDP when the manager finds it is necessary to implement the comprehensive plan. If any part of a development is zoned T-MU-30, submittal of a GDP is required. The GDP application shall contain the information required in applicable rules and regulations. Any required GDP must be approved before any zoning permit, to include site plan approval, is issued.

(c) *Preapplication phase.* Preliminary GDP applications shall be submitted to the DRC. Utilizing the procedures set forth in the rules and regulations adopted pursuant to section 59-314(q), the DRC shall ensure that there is adequate community outreach and shall determine the documentation that will be required to support the final GDP and the exact area to be covered by the final GDP.

(d) *GDP requirements.* In addition to the submittal requirements set forth in the GDP rules and regulations, and except as modified by the DRC after the preapplication phase is complete, all GDP applications shall include the following information:

- (1) *Narrative submittal requirements.* Unless waived by the DRC the following information shall be submitted in narrative form:
 - a. Description of land use concepts, ranges of square footage and general locational distribution, parking concept, public and private open space concept, and on site circulation concept of primary auto, bicycle and pedestrian and transit connections within the GDP area and connections to other areas.
 - b. Preliminary transportation analysis that addresses roadway network design and modal split.
 - c. Major stormwater drainage and water quality systems, major utilities, open space or land use issues and discussion of how such issues will be addressed as development proceeds.
 - d. Description of any proposed development standards at the edge of the GDP area to promote compatibility between the GDP area and adjacent land uses.
 - e. Estimated sequence and estimated timing where known of project construction, public land and right-of-way dedications, site infrastructure improvements, off-site infrastructure improvements, and supporting facilities.
 - f. Discussion of proposed incorporation of existing structures in future development plans.
 - g. Any other information required by the GDP rules and regulations.
- (2) *GDP graphic submittal requirements.* Unless waived by the DRC, the following information shall be submitted in graphic form according to technical requirements established by the GDP rules and regulations:
 - a. Existing conditions as specified in the GDP rules and regulations.
 - b. Diagram of conceptual land uses.

- c. Diagram of circulation plans for primary vehicular, transit, bicycle, and pedestrian service.
 - d. Concept plan, showing the relationship of development to GDP area ingress and egress and to public amenities and/or open spaces.
 - e. Open space concept plan, showing both the general location and general configuration of the intended public and private open spaces and bicycle and pedestrian corridors.
 - f. Preliminary utility and regional storm water detention/retention plans.
 - g. Preliminary transportation analysis that addresses roadway network design, location number and functional classification of proposed arterial and collector streets, general internal circulation and modal split.
 - h. Proposed incorporation of existing structures in future development plans.
 - i. Estimated sequence and estimated timing, where known, of project construction, public land and right-of-way dedications, on-site infrastructure improvements, off-site infrastructure improvements, and supporting facilities.
 - j. Maps and legal description of the boundaries of the GDP area.
 - k. Any other information required by the GDP rules and regulations.
- (e) *Optional submittals.* The following may be submitted as described.
- (1) Additional submittals that may be required by the DRC or requested by the applicant:
 - a. Proposed development standards.
 - b. Conceptual location, size, configuration and use of proposed public facilities, including schools.
 - c. Proposed size and layout of block patterns.
 - d. Major issues not resolved in the GDP with discussion of how issues will be addressed as development proceeds.
 - (2) Additional submittal options that may be requested by the applicant.
 - a. *Design guidelines.* Design guidelines may be approved as part of a GDP and shall be required for the entire area of a GDP which has any TMU-30 zoning. A GDP which has any TMU-30 zoning, may be approved without design guidelines, but such guidelines shall be approved prior to issuance of a zoning permit, including site plan approval, for any development project within that GDP area. Design guidelines shall be approved as rules and regulations by the manager of CPD pursuant to section 12-18.
 - b. *Master sign plan.*
 - c. *Requests for uses by special review.* In areas where a use by special review is shown on the use chart in section 59-303, an applicant may request approval of such use by special review as part of a GDP application or amendment. Such

special review uses shall be reviewed by the approval authority for the GDP and shall be approved or disapproved by said approval authority based on the standards provided in section 59-306(f).

- d. *Aggregating or reducing open space.* If the owner of a development wishes to request open space aggregation or reduction such request will require a GDP application and said request shall be specified in the GDP, and said application must demonstrate compliance with section 59-312(2).
- e. *Obtaining twenty-six (26) percent to fifty (50) percent parking reduction.* If the applicant wishes to obtain the twenty-six (26) percent to fifty (50) percent parking reduction allowed by section 59-316(1)(a) the information required by said section shall be included in the GDP.
- f. *Transportation facilities and infrastructure.* If the applicant wishes to have more specific approval for transportation facilities and infrastructure not required by 59-314(d) above the applicant may request such approval provided the applicant submits studies supporting the specific facilities or infrastructure.
- g. *Water quality best management practices.* Water quality best management practices may be included in the master drainage study.

(f) *Waiver of specific submissions.* Any information required by the GDP rules and regulations or this section 59-314 may be waived by the DRC on the basis that the information is not necessary to review the proposed GDP and such waiver shall be documented in writing by the zoning administrator.

(g) When the DRC has determined that the GDP application is complete, it shall forward the complete application to the city council member or members in whose district or districts the GDP area is located and the at large council members. Said council members shall also be forwarded copies of all subsequent modifications of the application. Said council members may forward their recommendations to the approving authority for the approving authority's consideration. At the same time, notice shall also be given to all registered neighborhood organizations (RNO) whose boundaries include any land in or within two hundred (200) feet of the area encompassed by the proposed GDP and all other RNOs that have provided the city with an electronic address that copies of the complete GDP are available in CPD for reading or purchase. RNOs that have provided the city with an electronic address shall be notified electronically.

(h) *Approval authority.* For GDPs that are for proposed developments with no TMU-30 zoning, the DRC shall be the approval authority. For proposed developments with any TMU-30 zoning or for GDPs initiated by the manager of CPD, the planning board shall be the approval authority.

(i) *Approval by the DRC for non-TMU-30 GDPs.* For non-TMU-30 GDPs, the DRC shall approve, approve with conditions or deny the application for the GDP utilizing the procedures established by the GDP rules and regulations and based on the criteria set forth in the GDP rules and regulations, section 59-314(l) and the requirements of sections 59-314(a) and

59-314(d). Action shall be taken within one hundred and twenty (120) days of DRC's determination that the application is complete, unless the applicant consents to an extension. The one hundred and twenty (120) days shall not include any time in which the applicant is revising the GDP application and the application is not under review by the DRC.

(j) *Recommendation for GDPs with TMU-30 zoning and for GDPs initiated by the manager of CPD.* For TMU-30 GDPs and for GDPs initiated by the manager of CPD, the DRC shall prepare recommendations to approve, approve with conditions or deny the application for the GDP based on the criteria set forth in the GDP rules and regulations, section 59-314(l) the requirements of section 59-314(a) and, section 59-314(d). If the DRC recommends denial or approval with conditions, the applicant may revise and resubmit the GDP to the DRC or may have the application forwarded, as is, to the planning board with said recommendation for denial or approval with conditions. All recommendations, along with the final GDP application, shall be forwarded to the planning board within thirty (30) days after final review of the GDP by the DRC.

(k) *Approval by planning board for GDPs with any T-MU-30 zoning, or CPD initiated GDPs.* A GDP with any T-MU-30 zoning within the GDP area, or a GDP for which the manager of CPD is the applicant shall be submitted to the planning board for its approval. The planning board shall hold a public hearing on the GDP.

- (1) *Posting of notice.* The land included in the GDP shall be posted for at least twenty (20) calendar days prior to the planning board public hearing. The posted notices shall be in number, size and location as required by the zoning administrator and shall indicate the boundaries of the property included in the GDP, the general uses allowed under the GDP, the time and place of the planning board public hearing, and any other information prescribed by the zoning administrator. Posted notices shall be removed by the applicant from the subject area within fifteen (15) calendar days after said public hearing has been held, and failure to remove such notices in a timely manner shall constitute a violation of this chapter.
- (2) *Mailing or electronic mailing of notice.* The zoning administrator shall mail, either by United States Postal Service or, with the consent of the recipient, by electronic mail, notices of the time and place of the planning board public hearing to the following at least twenty (20) days before the date of the public hearing:
 - a. The applicant.
 - b. All owners of land included in the boundaries of the GDP other than the applicant;
 - c. Owners of property within 200 feet of the boundary of the GDP;
 - d. Registered neighborhood organizations whose boundaries include any land in or within two hundred (200) feet of the area encompassed by the GDP, plus all RNOs which have provided the city with an electronic address shall be notified electronically;

- e. The city councilperson or persons in whose district or districts the GDP area is located, and the at large councilpersons.
 - f. Any special district, including Denver Charter districts or districts formed pursuant to Colorado Revised Statutes, title 32, adjacent to the GDP or in which any portion of the GDP lies; and
 - g. Any neighboring municipality or county which is contiguous to any boundary of the GDP.
 - h. Denver Public Schools.
- (3) *Planning board public hearing.* The planning board shall hold a public hearing at which all persons shall have an opportunity to be heard. The public hearing may be held open for up to three consecutive planning board regularly scheduled meetings, at which third meeting, if not sooner closed, said public hearing must be closed. A decision of the planning board to approve, approve with stipulations, or deny the GDP shall be forwarded to the zoning administrator for action in accordance with such decision within ninety (90) calendar days after the closing of the public hearing, unless the applicant consents to an extension of such time.
- (1) *Criteria for review.* The criteria for review of all GDPs shall be:
- (1) Consistency with the Denver Comprehensive Plan; and
 - (2) Compliance with city codes, rules, regulations and standards of the DRC applicable to the proposed GDP
- (m) *Recording.* All approved GDPs, and all approved amendments to such GDPs, shall be recorded in the real property records with a notation that all land within such boundaries shall be subject to the provisions of such GDP or amendment unless or until amended.
- (n) *Major and minor amendments.* An approved GDP may be amended at any time using the process set out herein, and may be amended simultaneously with the processing of a site plan application or a site plan amendment. The zoning administrator shall decide whether a proposed amendment is a "major" or "minor" amendment. In order to initiate an amendment, the applicant shall submit to the zoning administrator those GDP submission items listed in section 59-314(d) that would change if the proposed amendment were approved. Review of applications for amendments shall be governed by those criteria set forth in section 59-314(k), above. Approved amendments shall be recorded as set forth in section 59-314(l), above.
- (1) *Major amendments.* Major amendments shall be reviewed and approved using the process and criteria set out in sections 59-314(d), (e), (f), (g), (h), (i), (j), (k) and (l) above. Changes of the following types shall define an amendment as major:
- a. Significantly modify or reallocate the allowable height, mix of uses, or density of a development;
 - b. Significantly alter the location or amount of land dedicated to parks, trails, open space, natural areas or public facilities;

- c. Any change from, or addition to, the GDP of a type that would, under section 59-314(b) require a GDP in a non-TMU-30 district; or
- d. Modify any other aspect of the GDP that would significantly change its character.

(2) *Minor amendments.* Amendments that are not major amendments shall be termed "minor amendments" and shall be referred to the zoning administrator for review. The zoning administrator may also refer the application to other departments or agencies for comment using the process set out in section 59-314(c) of this section. After consultation with the manager of CPD, the zoning administrator shall approve, approve with conditions, or deny such amendment within twenty (20) calendar days after the date of applicant's submission of a complete application for amendment.

(o) *Effect of approved GDPs.* All GDPs and GDP amendments recorded under this division shall be binding upon the applicants and their successors and assigns and approving development review committee agencies, and shall limit and control the issuance of all zoning permits and certificates and the construction, location, use and operation of all land and structures included within the GDP or GDP amendment, provided, however, that sections 59-314(d)(1)(e) and 59-314(d)(2)(i) are advisory only and are not binding nor do they provide vested rights. A recorded GDP shall be in full force and effect until and unless such time as the GDP is amended or replaced by a new GDP for the same location following the applicable rules and regulations. An approved GDP shall constitute a site specific development plan which triggers a vested property right pursuant to CRS 24-68-102(4). Such property right which has been vested shall remain vested for a period of three (3) years. The applicant's vested rights are directly proportional to the level of detail approved in the general development plan. The applicant obtains vested rights only to the extent that the GDP specifically includes development program, architecture and engineering solutions and those solutions are specifically approved. The recorded GDP is binding upon the applicants, their successors and assigns and approving city review committee agencies. The implementation and phasing plan is not a self-implementing document and is to be used for strategic timing only. It neither confers nor denies any property rights or public funding.

(p) *Rules and regulations.* The managers of parks and recreation, public works and community planning and development are authorized to adopt, jointly or severally, rules and regulations and fees for the processing and approval of applications received pursuant to this section.

(q) *Appeals of decision.*

- (1) The final decision of the DRC to approve, approve with conditions or deny a GDP within its approval authority may be appealed to the board of adjustment.
- (2) The final decision of the planning board to approve, approve with conditions or deny a GDP within its approval authority may be appealed to the district court in accordance with the provisions of Colorado Rule of Civil Procedure 106(a)(4).

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 886-05, § 14, eff. 12-9-05)

Sec. 59-315. Permitted signs.

Sections 59-536 through 59-545 (signs) shall apply except as modified in this section.

(1) Conditions on signs subject to a permit:

- a. Signs may be created, altered and maintained only for and by a use by right or use by special review in the district in which the signs are located; shall be located on the same zone lot as the use by right or use by special review and shall be incidental, customary and commonly associated with the operation of the use by right or use by special review. All signs shall be designed to minimize glare and with appropriate lighting levels so as to be compatible with the mixed use nature of the zone district.
- b. Signs for a single-unit dwelling shall be subject to those conditions set forth in section 59-547 (signs permitted in the RS-4, R-0, R-1, R-X and P-1 districts).
- c. Signs for multiple-unit dwellings shall be subject to those conditions set forth in section 59-548 (signs permitted in the R-2, R-2-A, R-3-X, R-3, and H-1-A districts), except that the permitted maximum height above grade for ground or pedestal signs shall be six (6) feet.
- d. Signs on all zone lots in the R-MU-20, R-MU-30, C-MU-10, C-MU-20, and T-MU-30 districts containing any nonresidential use by right or special review use shall be subject to those conditions set forth in section 59-550 (signs permitted in the B-2, B-3, and I-0, except as follows:
(Ord. No. 895-03, § 42, eff. 12-2-03)
 1. Permitted sign types shall include wall, window, arcade, ground or pedestal.
 2. Permitted maximum height above grade:
 - i. For ground or pedestal signs shall be twelve (12) feet;
 - ii. For window or arcade signs shall be fifteen (15) feet; and
 - iii. For wall signs shall be twenty-five (25) feet, except that one (1) hotel or major tenant sign is permitted below the roof line of the building to which the sign is attached; provided, however, that consumer retail, large scale uses are allowed up to three (3) wall signs below the roof line of the building to which the sign is attached.
- e. Signs on all zone lots in the C-MU-30 and districts containing any nonresidential primary uses shall be subject to those conditions set forth in section 59-551 (signs permitted in the B-A-2, B-A-3, B-A-4, B-4, B-7, B-8, I-1 and I-2 districts), except as follows:
 1. Permitted sign types shall include wall, window, arcade and pedestal.
 2. Permitted maximum height above grade:
 - i. For ground or pedestal signs shall be sixteen (16) feet;
 - ii. For window or arcade signs shall be twenty-five (25) feet; and

- iii. For wall signs shall be thirty-five (35) feet, except that one (1) hotel or one (1) major tenant sign is permitted below the roof line of the building to which the sign is attached.
- (2) *Outdoor general advertising devices.* Outdoor general advertising devices are prohibited throughout the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts.
- (3) *Common signage plan.* If the owners or agents of two (2) or more zone lots in the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, and C-MU-30 districts include in the site plans for each such zone lot a common signage plan conforming to applicable regulations, and all such included zone lots are contiguous disregarding intervening streets and alleys, then a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each such zone lot. A common signage plan shall be required for GDP areas in a T-MU-30 district. All way-finding signage shall be exempt from the calculation of allowed signage. Once adopted, such common signage plan may be amended only with the written consent of the owners of all zone lots included in the common signage plan. Such common signage plan shall be subject to such reasonable restrictions as to location and organization as the zoning administrator may require to promote public safety, reduce visual clutter and increase visual interest.
- (4) *Projecting signs and graphics.* Projecting signs and graphics shall be permitted if the zoning administrator finds that the approved development meets any one (1) of the following conditions:
 - a. The approved development is at least one (1) block in length and contains at least three (3) consumer retail, small, and/or consumer service, small and/or eating place uses;
 - b. The approved development is a multiple-story building containing three (3) or more consumer retail and/or eating place uses located in the ground floor with residential uses located in the second story and above;
 - c. The approved development surrounds a publicly accessible pedestrian mall or town square open space on at least two (2) sides.
 - d. The approved development is in a T-MU-30 zone district.
- (5) *Criteria.* Projecting signs and graphics shall comply with rules and regulations governing size and placement which have been adopted based on the following criteria:
 - a. Must be compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
 - b. Must be compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels;

- c. Must be appropriate to and expressive of the business or activity for which they are displayed;
- d. Must be creative in the use of unique two-and three-dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials; and
- e. Must be of high quality, durable materials appropriate to the physical demands of the setting.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-316. 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 the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts, except as modified by this section.

- (1) *Reduction of parking spaces in all mixed use districts except the T-MU-30 zone district.* In all mixed-use zones with the exception of the T-MU-30 zone district, the number of off-street parking spaces for uses and structures located within one-fourth mile of the outer boundary of a rail transit station, a regional or urban ten-minute bus corridor or within one-half mile of the B-5 or B-7 zone districts may be reduced where, in the opinion of the zoning administrator, residents, employees, customers or visitors will use the transit system or will walk to their destinations. The zoning administrator shall not reduce the number of required off-street parking spaces by more than twenty-five (25) percent. The parking reduction may be increased as hereinafter provided:

(Ord. No. 161-10, § 1, eff. 3-26-10)

- a. *Reductions of twenty-six (26) percent to fifty (50) percent.* In order to obtain a reduction in the number of required parking spaces of between twenty-six (26) percent and fifty (50) percent, information supporting such a reduction in the form of shared parking analysis, trip reduction strategy, or transportation management plan shall be included in an approved GDP. All registered neighborhood organizations within two hundred (200) feet of the development for which this level of reduced parking is requested and the city council member in whose district the project is located and the at-large council members shall be notified of the application for reduced parking. Such registered neighborhood organizations and council members may request additional information. Any comments on the application shall be submitted in writing to the zoning administrator within twenty (20) days of receipt of the notice.

(Ord. No. 161-10, § 1, eff. 3-26-10)

- b. *Maximum reduction.* The total number of parking spaces required on an area-wide basis shall not be reduced by more than fifty (50) percent.

- c. *Disabled parking.* The number of spaces required for persons with disabilities shall not be reduced.
- (1.5) *Reduction of parking spaces in the T-MU-30 zone district.*
- a. Within an area with an approved GDP for a T-MU-30 district, an area-wide twenty-five (25) percent reduction in the number of required parking spaces shall be granted.
 - b. In addition to the twenty-five (25) percent reduction specified in [subsection] (1.5)a., above, in a T-MU-30 zone district with an approved GDP, the number of off-street parking spaces for uses and structures shall be reduced a further twenty-five (25) percent if located within one-half mile of the B-5 or B-7 zone districts or if served by more than one (1) RTD rail line.
 - c. In addition to the parking reductions allowed in [subsection] (1.5)a., and (1.5)b., above, in a T-MU-30 zone district, a further twenty-five (25) percent reduction may be granted if information supporting such a reduction in the form of shared parking analysis, trip reduction strategy, or transportation management plan is included in the approved GDP. All registered neighborhood organizations within two hundred (200) feet of the development for which this level of reduced parking is requested and the city council member in whose district the project is located and the at large council members shall be notified of the application for reduced parking. Such registered neighborhood organizations and council members may request additional information. Any comments on the application shall be submitted in writing to the zoning administrator within twenty (20) days of receipt of the notice.
 - d. Maximum reduction. The total number of parking spaces required on an area-wide basis shall not be reduced by more than seventy-five (75) percent.
- (Ord. No. 161-10, § 2, eff. 3-26-10)
- (2) *Special plan for shared parking.* In all mixed-use zone districts, the zoning administrator may authorize a reduction in the number of required parking spaces for multiple-use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Approval of a special plan for shared parking shall be subject to the following standards:
- a. *Location.* Shared off-street parking spaces shall be located no further than six hundred (600) feet from all the buildings and uses they are intended to serve. The separation shall be measured perpendicularly from the nearest point of the buildings or uses to the nearest point of the zone lot containing the shared off-street parking spaces.
 - b. *Shared parking analysis.* A parking analysis acceptable to the zoning administrator shall be submitted which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year. The study shall:
 - 1. Address the intensity and type of activities, the composition of uses; hours of operation of the uses; the rate of turnover for proposed shared spaces;

- distances of shared parking spaces from the uses they serve; availability of embedded on-street parking spaces in the public rights-of-way; and the anticipated peak parking and traffic loads for the site; and
2. Consider the availability of transit facilities and modes of available transit serving the site including both public and private transit (e.g., car and vanpooling).
- c. *Maximum reduction.* The total number of parking spaces required for each use shall not be reduced by more than fifty (50) percent.
 - d. *Disabled parking.* The number of spaces required for persons with disabilities shall not be reduced.
 - e. *Applications, how made and contents.* All applications for approval of a special plan for shared parking hereunder shall be filed with the department of zoning administration by the owners of the entire land area to be included within the special plan, and the owners of all structures then existing on such land area; shall contain sufficient evidence to establish to the satisfaction of the department that the applicants are the owners of the designated land and structures; shall contain such information and representations required by this subsection or deemed necessary by the department, and shall include plans showing the following details:
 1. The location of the uses by right or structures for which off-street parking space is required;
 2. The location of off-street parking spaces; and
 3. A landscape plan as required by section 59-585(10) (use and maintenance of off-street parking space; landscape plan).
 - f. *Review of application.* All applications hereunder shall be reviewed by the zoning administrator and either approved, approved with conditions or denied.
 - g. *Approved plan registered and recorded.* Upon approval of a special plan hereunder, a copy of such plan shall be registered among the records of the department of zoning administration and a copy of such plan, or such other record thereof as deemed proper by the department shall be recorded by the department of zoning administration with the Denver clerk and recorder.
 - h. *Effect of registered and recorded special plan.* All special plans registered and recorded hereunder shall run with the land, be binding upon the applicants for such special plans, their successors and assigns, and shall restrict and limit the use and operation of all land and structures included within such special plan to all conditions and limitations specified in such plan and the approval thereof. No zoning use permits shall be issued unless such uses comply with all the conditions and limitations of the approved special plan.

- i. *Amendment of registered and recorded special plans.* All special plans registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.
- j. *Withdrawal of registered and recorded special plans.* Upon application to the department of zoning administration by the owners of the entire land area included within any special plan registered and recorded hereunder, and the owners of any structures then existing thereon any such plan may be withdrawn, either partially or completely, from registration and released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses by right, land and structures withdrawn from such plan can be made to comply with all regulations established by this chapter 59 and unrelated to any special plan. Upon approval of the withdrawal of an application hereunder, the department of zoning administration shall register among its records and record with Denver clerk and recorder an appropriate certificate of such withdrawal.

(3) *Required off-street parking spaces.* All uses shall provide at least the number of off-street parking spaces set forth below, provided that:

- a. Parking for structures designated for preservation or for contributing structures in districts designated for preservation shall be in accordance with [subsection] 59-582(f). Additions to such structures shall meet the parking requirements of this division and subsection 59-582(f).
- b. All off-street parking spaces hereinafter required shall be designed in accordance with the dimensions set out in chart no. 1, off-street parking, which chart follows section 59-588.
- c. In a T-MU-30 district with an approved GDP, parking may be provided on a GDP-area wide basis, rather than on a zone lot basis.

(Ord. No. 449, § 2, eff. 8-31-07)

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
(a) Residential Uses	
1. Artist studio	1.0 space for each unit
1A. Assisted living facility	.75 of a space provided per unit in an assisted living facility provided that the zoning administrator may increase or decrease the required amount by up to one-half (.5) space per unit subject to the administrative review and public notice procedures in section 59-41. The zoning administrator may approve such increase or reduction only upon finding that the assisted living facility generates less or more parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors. If a reduction is permitted under this provision, no additional parking reduction otherwise available under this chapter will be granted. Any person, or the city, may apply for an increase or decrease from the base requirement upon an application for a use permit for such a facility.
2. Residence for consuls or clergy, monastery, convent, similar institution of religious training	1.0 space for each 600 square feet of gross floor area
3. Live/work residential	As required by 59-316(3)(a)4, below plus 1.0 space for each employee not residing in the dwelling unit

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
4. Dwelling, multiple unit	2.0 space for each dwelling unit in a multiple unit dwelling containing three or more bedrooms; 1.5 spaces for each dwelling unit in a multiple unit dwelling containing two bedrooms; 1.0 spaces for each dwelling unit in a multiple unit dwelling containing one bedroom or each studio unit
5. Nursing home, hospice	1.0 space for each 600 square feet of gross floor area contained in the structure(s) containing the use. Requests for up to 50 percent reduction of parking spaces may be made to the zoning administrator subject to the administrative review and public notice procedures in section 59-41. The zoning administrator may approve such reduction only upon finding that the nursing home/hospice generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors. If a reduction is permitted under this provision, no additional parking reduction otherwise available under this chapter (e.g., under section 59-316) will be granted.
6. Residence for older adults	1.0 space for each 3 dwelling units
7. Rooming and boarding house	1.0 space for each 300 square feet of gross floor area
8. Dwelling, single unit	1.0 space for each single unit dwelling located on a public or private street thirty (30) feet or more in width; 2.0 spaces for each single unit dwelling located on a public or private street less than thirty (30) feet in width
(b) Retail, service, office	
1. Adult establishment	1.0 space for each 200 square feet of gross floor area
2. Animal care, kennel, cattery	1.0 space for each 300 square feet of gross floor area
3. Animal sales, service, care, household pets only	1.0 space for each 300 square feet of gross floor area
4. Automobile gasoline filling station, emissions inspection	1.0 space for each 300 square feet of gross floor area

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
5. Automobile repair garage	1.0 space for each 300 square feet of gross floor area
6. Automobile wash, laundry and/or polishing shop*	1.0 space for each 300 square feet of gross floor area
7. Automobile, motorcycle, light truck sales, leasing; rental*	1.0 space for each 300 square feet of gross floor area
8. Banking and financial services	1.0 space for each 300 square feet of gross floor area
9. Bed and breakfast	1.0 space for each 600 square feet of gross floor area
10. Bookstore	1.0 space for each 300 square feet of gross floor area
11. Brew pub	1.0 space for each 200 square feet of gross floor area
12. Communications service	1.0 space for each 600 square feet of gross floor area
13. Eating place	1.0 space for each 300 square feet of gross floor area
14. Food preparation and sales, commercial	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review
15. Food sales or market, large	1.0 space for each 300 square feet of gross floor area
16. Food sales or market, small	1.0 space for each 300 square feet of gross floor area
17. Furniture, furnishings, retail sale, large scale	1.0 space for each 500 square feet of gross floor area
18. Garden supply store	1.0 space for each 300 square feet of gross floor area
19. Home building materials and supplies, sales, or rental	1.0 space for each 200 square feet of gross floor area
20. Hotel	1.0 space for each 600 square feet of gross floor area
21. Laboratory, research, development, technological service	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
22. Liquor store.	1.0 space for each 300 square feet of gross floor area
23. Motel	1.0 Space for each rental room

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
24. Office: nondental, nonmedical	1.0 space for each 500 square feet of gross floor area
25. Printing service, publishing, business support	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review.
26. Retail, service, repair, consumer, large scale	1.0 space for each 300 square feet of gross floor area
27. Retail, service, repair, consumer, medium scale	1.0 space for each 300 square feet of gross floor area
28. Retail, service, repair, consumer, small scale	1.0 space for each 300 square feet of gross floor area
29. Retail, service, repair, consumer, special	1.0 space for each 300 square feet of gross floor area
30. Service, repair, commercial	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
31. Vehicle, equipment sales, leasing, service, rental*	1.0 space for each 300 square feet of gross floor area
(c) Industrial, wholesale, transportation, utilities	
1. Automobile parts recycling business*	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
2. Manufacturing, fabrication, and assembly, custom	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review
3. Manufacturing, fabrication, and assembly, general	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review
4. Manufacturing, fabrication, and assembly, heavy	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review
5. Manufacturing, fabrication, and assembly, light	An area equal to one-tenth ($\frac{1}{10}$) the gross floor area in all structures containing the use by right or use by special review
6. Recycling center, facility	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
7. Recycling collection station	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
8. Recycling plant, scrap processor	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
9. Terminal and service facility for intercity bus system*	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
10. Terminal, freight, air courier services*	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
11. Terminal, public transportation, local*	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
12. Utility, major impact	1.0 space for each 600 square feet of gross floor area
13. Utility, minor impact	1.0 space for each 600 square feet of gross floor area
14. Wholesale trade, general, and/or storage of toxic and/or hazardous materials	An area equal to one-tenth (1/10) the gross floor area in all structures containing the use by right or use by special review
15. Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials	An area equal to one-tenth (1/10) the gross floor area in all structures containing the use by right or use by special review
Arts, entertainment, recreation, institutions	
1. Ambulance service	1.0 space for each 300 square feet of gross floor area
2. Child care center	1.0 space for each 600 square feet of gross floor area
3. Church, religious institution	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
4. Clinic, office, laboratory, dental or medical	1.0 space for each 300 square feet of gross floor area
5. Club or lodge	1.0 space for each 300 square feet of gross floor area
6. Community or senior center or recreational facility	1.0 space for each 600 square feet of gross floor area
7. Conference center, meeting hall	1.0 space for each 200 square feet of gross floor area
8. Fire station	1.0 space for each 300 square feet of gross floor area

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
9. Library	1.0 space for each 600 square feet of gross floor area
10. Mortuary	1.0 space for each 300 square feet of gross floor area
11. Museums, other special purpose cultural institutions	1.0 space for each 600 square feet of gross floor area
12. Police station	1.0 space for each 300 square feet of gross floor area
13. Postal facility, neighborhood	1.0 space for each 300 square feet of gross floor area
14. Recreation services, indoor*	1.0 space for each 300 square feet of gross floor area
15. Recreation services, outdoor*	1.0 space for each 300 square feet of gross floor area
16. School, elementary or secondary	a. Each elementary or grade school or junior high school shall provide ten (10) off-street parking spaces plus one (1) off-street parking space for each classroom; b. Each senior high school shall provide one (1) off-street parking space for each teacher and employee plus one (1) off-street parking space for each six (6) students based on design capacity for each senior high school
17. School, vocational or professional	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
18. Sports and/or entertainment facility	An area equal to one-fourth ($\frac{1}{4}$) the gross floor area in all structures containing the use by right or use by special review
19. Studio, professional	1.0 space for each 600 square feet of gross floor area
20. Theater, indoor	1.0 space for each 200 square feet of gross floor area
21. University or college	1.0 space for each 600 square feet of gross floor area
Construction, Mining and Agriculture	
1. Contractors, special trade, general	1.0 space for each 300 square feet of gross floor area

<i>REQUIRED OFF-STREET PARKING AMOUNT BY USE</i>	
<i>Use</i>	<i>Amount of Off-Street Parking Required</i>
2. Contractors, special trade, heavy, contractor yard*	An area equal to one-fourth (1/4) the gross floor area in all structures containing the use by right or use by special review
3. Husbandry	1.0 space for each 600 square feet of gross floor area
4. Nursery, plant	1.0 space for each 300 square feet of gross floor area

(Ord. No. 624-05, § 4, eff. 9-2-05; Ord. No. 20-07, § 2, eff. 1-26-07; Ord. No. 449, §§ 3, 4, eff. 9-14-07; Ord. No. 57-09, § 16, eff. 1-30-09)

(4) *Tandem parking.* Tandem parking may be allowed within all mixed use districts upon the submittal of an application for tandem parking relating to the proposed use, its operation and the proposed tandem parking configurations. Tandem parking may be allowed upon the approval of the director of planning and the zoning administrator upon review of a recommendation from the manager of public works. Tandem parking recommendations should be based on the following criteria:

- a. The proposed development is designed to minimize dependence on the automobile, is transit-oriented with housing units within one-quarter mile of from a transit stop, has units that are within one-quarter mile of retail or community services, and creates a pedestrian friendly and useable environment.
- b. There is adequate on-street parking and pedestrian connections.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-317. Off-street loading requirements.

The provisions of article VII of this chapter (off-street loading requirements) shall be in full force and effect in the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-318. Special zone lot for planned building groups.

The provisions of article VIII of this chapter (special zone lot plans for planned building groups) shall be in full force and effect in the OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, and T-MU-30 districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Secs. 59-319, 59-320. Reserved.