

DIVISION 8. B-8-G AND B-8-A DISTRICTS

Sec. 59-201. Generally.

The provisions of this division apply to all lands, uses and structures in B-8-G and B-8-A districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-202. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, conditional, limited, require short review or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in either of these districts. Uses left blank are not allowed in that district. Permitted uses are uses by right.

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| <i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>C = Uses permitted with conditions</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>Use</i> | <i>B-8-A</i> | <i>B-8-G</i> |
| Residential | | |
| Dwelling, multiple unit | P | P |
| Dwelling, single unit | P | P |
| Residential, institutional/special | | L13 |
| Retail, service, office | | |
| Animal sales, service, care, household pets only | P | P |
| Auto pawn lot, auctioneer for automobiles, large vehicles or heavy equipment | C/L21* | C/L21 |
| Automobile gasoline filling station, emissions inspection | C | C |
| Automobile wash, laundry and/or polishing shop* | L31 | C/L31 |
| Automobile, motorcycle, light truck sales, leasing, rental* | C | C |
| Banking and financial services | P | L35 |
| Bed and breakfast | C | C |
| Body art establishment | C/D4 | |
| Bookstore | P | P |
| Brewpub | C | P |
| Communications service | L41/C | L41/C |
| Eating place | L43 | L43/L192 |
| Food preparation and sales, commercial | P | P |

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| <i>Use</i> | <i>B-8-A</i> | <i>B-8-G</i> |
| Food sales or market, large | L52/C | L50 |
| Food sales or market, small | L52/C | L50 |
| Furniture, furnishings, retail sale, large scale | P | C |
| Garden supply store | P* | P* |
| Home building materials and supplies, sales, or rental | L57/C | L58/C |
| Hotel | C | C |
| Laboratory, research, development, technological service | P | P |
| Liquor store | | C/D7 |
| Motel | C | C |
| Office: nondental, nonmedical | P | P |
| Pawn shop | C | C |
| Printing service, publishing, business support | P | L68/C |
| Retail, service, repair, consumer, large scale | P | C |
| Retail, service, repair, consumer, medium scale | P | L35 |
| Retail, service, repair, consumer, small scale | P | L35 |
| Retail, service, repair, consumer, special | L79/C | L80/C |
| Service, repair, commercial | L85 | L85/C |
| Vehicle, equipment sales, leasing, service, rental* | C/L90 | C/L90 |
| Industrial, wholesale, transportation, utilities | | |
| Assembly, without fabrication | L57/C | C |
| Helipad, helistop, heliport* | L97/C/D12 | L97/C/D12 |
| Manufacturing, fabrication, and assembly, custom | L57/C | L8/C |
| Manufacturing, fabrication, and assembly, general | L6/L57/C | L8/C |
| Manufacturing, fabrication, and assembly, heavy | | C/L100 |
| Manufacturing, fabrication, and assembly, light | L57/C | L8/C |
| Parking of vehicles* | L107/C | L107/C |
| Railroad facilities* | L106/C | L106/C |
| Railway right-of-way* | C/L111 | C/L111 |
| Terminal, freight, air courier services | C | C |
| Terminal, public transportation, local* | C | C |
| Utility, major impact | | L115* |
| Utility, minor impact | P | P |

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| <i>Use</i> | <i>B-8-A</i> | <i>B-8-G</i> |
| Vehicle storage, commercial* | L107/C | L107/C |
| Wholesale trade, general, and/or storage of toxic and/or hazardous materials | L123 | L124 |
| Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials | L123/C | L124/C |
| Arts, entertainment, recreation, institutions | | |
| Ambulance service | C | C |
| Child care center | P | P |
| Church, religious institution | P | P |
| Clinic, office, laboratory, dental or medical | P | P |
| Club or lodge | P | P |
| Community or senior center or recreational facility | C | C |
| Conference center, meeting hall | P | P |
| Fire station | P | P |
| Golf course* | C | C |
| Library | P | P |
| Mortuary | P | P |
| Museums, other special purpose cultural institutions | P | P |
| Parks, public, open space, associated buildings* | C | C |
| Police station | P | P |
| Postal facility, neighborhood | P | P |
| Recreation services, indoor | L147/C | L147/C |
| Recreation services, outdoor* | L150/C | L150/C |
| School, elementary or secondary | P | P |
| School, vocational or professional | L154/C | P |
| Studio, professional | P | |
| Theater, indoor | P | P |
| University or college | C | P |
| Construction, mining, agriculture | | |
| Aquaculture | L164 | L164 |
| Contractors, special trade, general | P | P |
| Contractors, special trade, heavy, contractor yard* | L166 | L166/C |

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| <i>Use</i> | <i>B-8-A</i> | <i>B-8-G</i> |
| Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2) | | |
| Residential care uses (See § 59-82) | | |
| Uses allowed by temporary permit (See § 59-86) | | |

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 909-05, § 2, eff. 12-16-05; Ord. No. 326-06, § 5, eff. 5-26-06; Ord. No. 459-06, § 9, eff. 7-21-06; Ord. No. 836-06, § 5, eff. 12-26-06)

Sec. 59-203. Distance requirements.

The following define the distance requirements enumerated in the use chart in section 59-202:

D4 Not more than two (2) of the following permitted uses may be established, operated or maintained within one thousand (1,000) feet of each other: Body art establishment.

D7

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

D12 Helipad or helistop must be a minimum of one thousand (1,000) feet from a residential district or a PUD district which allows residential uses, provided, however, that helipads or helistops in the B-8-G district located south of 8th Avenue shall not be subject to the review requirements of section 59-205, or the requirement that such facility must be a minimum of one thousand (1,000) feet from a residential district or a PUD district that allows residential uses.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-204. Limitations and conditions.

The following define the limitations enumerated in the use chart in section 59-202:

L6 Fabrication: the fabrication only of the following articles: art goods, including church art goods, needlework and mannequins and figurines; awnings; bakery products; beverage

bottling; bottling or packaging of prepared specialty food products, excluding processing of ingredients; brooms, brushes; buttons; cameras; cigars, custom; clocks; clothing, custom; cosmetics, excluding the manufacture of pigments and other basic raw materials, but including the compounding of the final product by mixing; costumes, custom; costume jewelry; dyeing, custom; engraving; fishing tackle; fur dyeing, finishing and apparel (no tanning); furniture, custom; glass products from glass stock; ink mixing and packaging (no pigment manufacture); instruments, professional, scientific controlling, musical and similar precision, and instrument equipment and parts; jewelry; millinery, custom; needlework; newspaper publishing; optical goods and equipment; orthopedic appliances; photographic supplies (no film); plastic products, but not involving casting or molding processes; religious art goods; taxidermy; toys; umbrellas; upholstery, custom; venetian blinds or window shades, except preliminary milling of the wood or metal slats; watches.

L8

- a. Fabrication only of the following articles, and only in facilities of seven thousand five hundred (7,500) gross square feet or less; the fabrication only of the following articles: art goods, including church art goods, needlework and mannequins and figurines; clothing, custom; costumes, custom; costume jewelry; glass products from glass stock; jewelry; lithography; millinery, custom; needlework; religious art goods.
- b. Conditional uses:
 1. Fabrication only of the articles listed in L8.a. above in facilities of more than seven thousand five hundred (7,500) gross square feet.
 2. Fabrication only of the following articles; awnings; bakery products; beverage bottling; bottling or packaging of prepared specialty food products, excluding processing of ingredients; brooms; brushes; buttons; cameras; cigars, custom; clocks; cosmetics, excluding the manufacture of pigments and other basic raw materials, but including the compounding of the final product by mixing; dyeing, custom; engraving; fishing tackle; fur dyeing, finishing apparel (no tanning); furniture, custom; ink mixing and packaging (no pigment manufacture); instruments, professional, scientific controlling, musical and similar precision, and instrument equipment and parts; newspaper publishing, optical goods and equipment; orthopedic appliances; photographic supplies (no film); plastic products, but not involving casting or molding processes; taxidermy; umbrellas; upholstery, custom; venetian blinds or window shades, except preliminary milling of the wood or metal slats; watches.

L13 Limited to parish house.

L17 [Limitation L17 was deleted by Ordinance 836-06, § 6, effective Dec. 26, 2006.]

L21 Limited to auctioneer for automobiles.

L31 Automobile laundry, including steam cleaning, if visible steam is not discharged directly into outside air. Need not have doors. Must comply with the following conditions:

- a. A minimum of five (5) parking spaces is provided on the same zone lot for each washing stall;
- b. All off-street parking areas shall be hard-surfaced and dust-free;
- c. All lights used to illuminate the area shall be directed away from adjacent residential properties.

L35 Drive through service facility is a conditional use.

L41 Limited to radio and television broadcasting, including transmitter. Transmitter is a conditional use.

L43 Need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat, subject to all of the following conditions:

- a. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
- b. The eating area shall be clearly delimited.
- c. Any part of the serving area located outside of the completely enclosed structure shall have a hard, all weather surface.

L50 Fruit or vegetable store need not be enclosed to the extent that the unenclosed portion shall not exceed in area one-fourth the gross floor area of the structure containing the use by right.

L52 Conditional uses; farmer's market.

L57 Conditional use if on a zone lot greater than twenty five thousand (25,000) square feet or operating between 10:00 p.m. and 5:00 a.m.

L58 Limited to retail sales with indoor storage only; becomes a conditional use if operated with outdoor storage. All outdoor storage shall be enclosed by a fence or wall adequate to conceal such storage from adjacent property.

L68 Limited to 10 employees, becomes conditional use with more than 10 employees.

L79 Limited to the sale at retail, service or repair of any commodity the fabrication or assembly of which is permitted in the district. Conditional uses: auctioneer, firearms, LP gas, public bath. Monuments and tombstone sales at retail is a conditional use: need not be enclosed; provided, however, that if the zone lot on which the use is conducted abuts a residential district or is separated from the residential district only by an alley, any outdoor display shall be screened from the residential district by means of some planting, a fence or wall.

L80 Conditional uses: auctioneer, firearms, LP gas, public bath. Excluded: coal, monuments and tombstones.

L85 Limited to: use by right: diaper service, linen supply, laundry. Metal sharpening, conditional use in the B-8-G only.

L90 Conditional and limited to:

- a. Boat sales or repair, not including dismantling or wrecking; need not be enclosed, provided that the unenclosed part of such use shall comply with all specifications for maintenance of off-street parking space except the limitation against sales;
- b. Automobile trailers, house trailers and recreation vehicles but no commercial wrecking, dismantling or junkyard; need not be enclosed, provided that the unenclosed part of such use shall comply with all specifications for maintenance of off-street parking space except the limitation against sale.

L97 Helipad or helistop, not including maintenance, repair, fueling or hangar facilities, conditional unless in the B-8-G south of Eighth Avenue.

L100 Conditional and limited to koshering of poultry sold at retail on the premises, with no slaughtering, eviscerating or dressing of poultry conducted outside an enclosed structure and with all wastes deposited outdoors to be in completely enclosed containers.

L106 Conditional use limited to passenger terminal.

L107 Limited to enclosed structures, or structures which are enclosed except for portions of the parking structure over forty-five (45) feet above grade, provided that any unenclosed parking deck must have screening walls at least four (4) feet in height and further provided that all lighting on the unenclosed parking deck shall be provided with fully shielded fixtures, none of which exceed six thousand five hundred (6,500) lumens per fixture and which are designed and installed so that they do not project glare off of the zone lot. Conditional if unenclosed and does not meet the criteria of the previous sentence. In the B-8-G district surface parking lots constructed after July 1, 1994, and not required to meet the requirements of chapter 59, article VI of the Revised Municipal Code shall be allowed only as conditional uses, and shall only be approved provided that the following conditions are met:

- a. Such parking lot shall serve a specific, identified business or residential facility that is a use by right or conditional use then permitted and operating in the B-8-G district.
- b. Any parking lot that is not located on the same zone lot as the use it serves, and that provides amounts of parking beyond those required to meet the minimum off-street parking requirements for such use pursuant to chapter 59, article VI of the Revised Municipal Code:
 1. Shall have some portion of such parking lot located within two hundred (200) feet of the zone lot containing the use it serves; and
 2. Shall not offer parking to the public in return for a fee; and

3. Shall include signage stating that parking is available only for the specific, identified business or residential facility that it serves and that public parking is not permitted.

(Ord. No. 280-06, § 1, eff. 5-5-06)

L111 Limited to light rail right-of-way.

L114 [Limitation L114 was deleted by Ordinance 459-06, § 10, effective July 21, 2006.]

L115 Limited to water reservoir, need not be enclosed.

L123 Limited to

- a. Mail order house;
- b. Wholesale trade or warehousing of any commodity the fabrication or assembly of which is a permitted use in this district;
- c. Crating service and newspaper distribution station; become conditional uses if on a zone lot greater than twenty-five thousand (25,000) square feet or operate between 10:00 p.m. and 5:00 a.m.

L124 Limited to

- a. Mail order house;
- b. Wholesale trade or warehousing of any commodity the fabrication or assembly of which is a permitted use in this district, plus automobile and truck parts, accessories, tires and tubes; beauty shop equipment and supplies, drugs; flowers; household furniture, furnishing and equipment; medical and hospital equipment and supplies; tobacco products; provided however, that buildings with warehouse uses shall have one (1) or more of the uses listed in section 59-202 as an accessory use occupying at least twenty-five (25) percent of the building.
- c. Crating service and newspaper distribution station are conditional uses.

L147 Conditional uses:

1. Recreational facility not including a sports arena; provided, however, that twelve (12) related professional sporting events may be conducted in a calendar year; need not be enclosed;
2. Billiard parlor in the B-8 A district.

L150 Only swimming pool is a use by right, all others conditional.

L154 Any school is a conditional use, except that any school: not permitting the use of machinery, other than office machines and mechanical or machinery parts of household appliances used for instruction or practice by the student; not allowing repair as a service or the sale of repaired appliances; not conducting classes or other school activities after 11:00 p.m. is a use by right.

L164 Limited to tropical fish hatchery.

L166 Special trades contractor: a contractor specializing in one (1) or more trades of which the following are examples: plumbing, heating, refrigerator and air conditioning; painting, paper hanging and decorating; wiring and electrical work; glass and glazing work; damp proofing; fire proofing; tile, linoleum floor laying and other floor work; insulation, asbestos and acoustical work; carpentry and cabinet making; excavating; well drilling; masonry and stone work; ornamental iron work. Trucks having a manufacturer's capacity of more than two (2) tons shall not remain on the premises except as necessary to load and discharge contents. Becomes a conditional use in the B-8-G district with outdoor storage areas.

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

- a. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in the rules and regulations for the landscaping of parking areas.
- b. There shall be no glare from permanent lighting or vehicle headlights projected onto residential uses. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto residential uses shall not exceed three-tenths (0.3) of a foot candle.
- c. The manager of public works shall only approve curb cuts providing access to the site that do not unreasonably interfere with automobile or pedestrian traffic and shall only approve queuing lanes if they are adequate to prevent backups onto public streets.
- d. No device that amplifies sound shall be so designed or operated that the amplified sound can be perceived on any residentially zoned lot.
- e. All parts of any drive-through facility shall be separate from parking circulation aisles.
- f. Any drive-through facility located on a zone lot that is adjacent to a residentially zoned zone lot and which has any portion of the facility located eighty-five (85) feet or less from the residentially zoned zone lot may only be open during the hours of 5:30 am to 11:00 pm, Sunday through Thursday and 5:30 am to midnight Friday and Saturday.
- g. This limitation L192 applies only to drive through facilities that commence operations after June 1, 2006.

(Ord. No. 326-06, § 6, eff. 5-26-06)

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-205. Procedure for the review of conditional uses.

Conditional uses may be permitted upon the completion of the review procedure described below:

- (1) *Referral to public agencies and others.* Within seven (7) days after receipt of a complete permit application for a conditional use, the zoning administrator shall forward a copy of the application to:
 - a. The planning office;

- b. All registered neighborhood organizations within two hundred (200) feet of the site for which the conditional use is proposed. The notice to registered neighborhood organizations shall advise them of their rights to request a public meeting on the application for conditional use pursuant to section 59-205(3);
- c. Other agencies as deemed appropriate by the zoning administrator;

- d. The property owner, if the property owner is not the applicant for the conditional use;
 - e. The review committee referred to in subsections (5) and (6) below.
- (2) *Posting the property.* In addition, the property where the conditional use would be located shall be posted for at least twenty-one (21) consecutive days during the thirty-day period after the completed application is received. The posted notices shall:
- a. Be in number, size and location as required by the zoning administrator;
 - b. Indicate the boundaries of the property included in the application;
 - c. Describe the conditional use requested;
 - d. State the deadline by which any request for a public meeting on the conditional use must be delivered to the zoning administrator; and
 - e. Have any other information required by the zoning administrator. Posted notices shall be removed by the applicant from the subject area within thirty (30) days after the completed application is received, and failure to remove such notices in a timely manner shall constitute a violation of this chapter.
- (3) *Standard for review.* All proposed conditional uses shall be reviewed on the basis of whether such use, as proposed:
- a. Would have adverse effects on a stable mixed use neighborhood with residential uses; and
 - b. Is substantially consistent with the Denver comprehensive plan, including any applicable, adopted neighborhood plan.
- (4) *Request for public meeting and notification of public meeting.* A public meeting on the proposed conditional use may be requested by:
- a. Any registered neighborhood organization within two hundred (200) feet of the subject zone lot, after a majority vote of the executive committee, board of directors, or membership of such registered neighborhood group in favor of such request;
 - b. Any three (3) property owners that own property within two hundred (200) feet of the subject zone lot, provided, however, that if there are less than three (3) property owners within two hundred (200) feet of said zone lot, then a request by all property owners within two hundred (200) feet of said zone lot shall be sufficient.
 - c. The director of planning.
 - d. The zoning administrator.
 - e. The applicant for conditional use.

Such request must be submitted to the zoning administrator in writing and received no later than thirty (30) days after the date on the notices delivered pursuant to section 59-205(1). Within seven (7) days after the receipt of such request, the zoning

administrator shall set a date for a public meeting and shall send a notice to the parties listed in section 59-205(1) and to any property owners who have requested a public meeting pursuant to section 59-205(4)b. The meeting date shall be no less than twenty-one (21) days and no more than thirty-five (35) days from the date on the notice of such meeting.

- (5) *Decision without public meeting.* If no timely request for a public meeting in accordance with the requirements of this section 59-205 is received, then the application for conditional use shall be reviewed by a review committee consisting of the zoning administrator, the manager of community planning and development, and the chairperson of the planning board or their designated representatives. The decision of such review committee shall take into account any comments received from any affected party, and shall be based on that standard for review set forth in section 59-205(3). Such review committee shall recommend approval, approval with conditions, or denial of the application within forty-five (45) days after receipt of the completed application by the zoning administrator. The zoning administrator shall consider the recommendation of the review committee and make a final decision within seven (7) days of receiving the recommendation of the review committee.
- (6) *Decision after a public meeting.* If one (1) or more timely requests for a public meeting in accordance with the requirements of section 59-205 are received, then a public meeting shall be held by that review committee described in section 59-205(5). The review by that committee shall take into account any statements or written materials presented at such meeting and any written comments received from any affected party and shall be based on that standard for review set forth in section 59-205(3). The review committee shall recommend approval, approval with conditions, or denial of the application within fifteen (15) days after the public meeting. The zoning administrator shall consider the recommendation of the review committee and make a final decision within seven (7) days of receiving the recommendation of the review committee.
- (7) *Application of procedure to existing uses.* Uses listed as conditional uses in section 59-202 and existing at the time of adoption of this division shall not be enlarged more than fifteen (15) percent of the existing floor area or site area unless the addition meets the requirements of this section 59-205 and the procedures of said section are followed.
(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-206. Limitations on external effects of uses.

External effects of uses, as regulated by section 59-92.
(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-207. Permitted structures.

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided, and continuously maintained for a structure or structures containing one or more uses by right and/or conditional uses. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure or structures containing a use or uses by right or conditional use or uses and one (1) or more subordinate structures containing only an accessory use or uses.

(Ord. No. 625-05, § 11, eff. 9-2-05)

- (1) *Open space required.* For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling there shall be provided in the B-8-A district a minimum of thirty (30) square feet of unobstructed open space and in the B-8-G district a minimum of twenty-five (25) square feet of unobstructed open space, for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies but shall not include space provided for off-street parking. Such requirement shall not apply to the construction of multiple unit dwellings through the conversion of buildings originally designed for nonresidential uses.
- (2) *Setbacks from Speer Boulevard.* All structures on zone lots contiguous with Speer Boulevard shall be set back from Speer Boulevard a distance of at least ten (10) feet. In addition, any structure over one hundred (100) feet tall that is located on a zone lot containing at least fifteen thousand (15,000) square feet of area shall have that portion of the structure that is more than one hundred (100) feet above ground level set back at least twenty (20) feet from the right-of-way of Speer Boulevard; provided, however, that in lieu of such additional setback, the owner of such property may choose to have the design of such structure reviewed and approved by the planning office to avoid overshadowing of the Speer Boulevard right-of-way. Such design review shall be conducted pursuant to section 59-213 below.

(b) *Floor area in structures:*

- (1) *Basic maximum gross floor area.* The sum total of the gross floor area of all structures on a zone lot shall not exceed four (4) times the area of the zone lot on which the structures are located.
- (2) *Floor area premiums.* In addition to the basic maximum gross floor area permitted under subsection (b)(1) above, a premium of additional floor area may be constructed according to the following formulas:
 - a. One (1) square foot of floor area premium shall be awarded for each square foot of the following uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses:
 1. Construction of residential uses;
 2. Construction of residential support uses defined as grocery store, hardware store, drug store, variety store, elementary or secondary school meeting all

requirements of the compulsory education laws of the state, or similar residential support use, as determined by the zoning administrator, within a new structure or through conversion of all or a portion of an existing structure from other uses, provided that each such use is located on the ground floor of a structure of two (2) or more floors that contains a use by right or a conditional use and does not have surface parking spaces located between the structure and any public street. No area awarded a premium under this subsection shall receive a floor area premium for a child care facility.

3. Construction of child care facility. No area awarded a premium under this subsection shall receive a floor area premium for a residential support use.
 4. Construction of arts, entertainment, or cultural facility defined as amusement or entertainment on payment of a fee, art gallery, museum, theater, or other similar uses as determined by the zoning administrator.
 5. Rehabilitation of a designated historic building defined as a structure designated for preservation or a structure located in a district for preservation rehabilitated to the standards for historic preservation as set by the U.S. secretary of the interior or to the standards of the landmark preservation commission.
- b. A floor area premium equal to twenty-five (25) percent of the zone lot area for public art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:
1. Valuation of construction of a new structure or the renovation of an existing structure must exceed fifty (50) percent of the replacement cost of the existing structure excluding land costs; and
 2. The public art must cost at least one (1) percent of the valuation of construction of the new structure or one (1) percent of the valuation of construction of the structure renovation or five hundred thousand dollars (\$500,000.00), whichever is less; and
 3. The public art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least one (1) public street.
- c. A floor area premium equal to forty (40) percent of the zone lot area if the structure qualifies under the provisions of article IV, chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses.
- d. All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

(3) *Maximum gross floor area in structures.* Notwithstanding the provisions of section 59-207(b)(2), the sum total of the gross floor area of all structures on a zone lot shall

not be greater than six (6) times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in section 59-212 or 59-213 as appropriate, the sum total of the gross floor area of all structures on a zone lot shall not be greater than seven (7) times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated historic structures within the B-8-A zone district may be transferred to other properties within the B-8-A district and undeveloped floor area from designated historic structures within the B-8-G zone district may be transferred to other properties within the B-8-G district pursuant to the procedures for transfer of undeveloped floor area from historic structures in the B-5 district set forth in section 59-223(b)(3), provided, however, that no receiving zone lot may increase its maximum gross floor area by more than one (1) times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than those limits set forth in the preceding sentence.

(c) *Bulk and maximum height of structures.* The B-4 and B-8 districts are controlled districts within the meaning of section 59-96, which section must be checked to determine if there are special limitations on bulk planes or building height in addition to those set forth in this section.

- a. In the B-8-A district, the maximum height of structures shall not exceed two hundred (200) feet, but shall not affect any area subject to a mountain view preservation ordinance.
- b. In the B-8-G district, in no event shall the maximum height of structures exceed one hundred seventy-five (175) feet above the elevation of Broadway Street as measured at the highest point on Broadway directly east or west of the subject property, as the case may be, as determined by the city engineer. No such height limit shall affect any area subject to a mountain view restriction defined in chapter 10 of the Revised Municipal Code. Upon request by the applicant, a review committee consisting of the zoning administrator, the director of planning and development, and the chairperson of the planning board or their designated representatives shall have authority to increase the maximum heights by up to twenty-five (25) feet in order to compensate for design constraints imposed by unusually high water tables, irregularly shaped parcels not caused by the property owner, and other unusual site conditions not caused by the property owner.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 36, 37, eff. 12-2-03)

Sec. 59-208. Permitted signs.

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

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-209. Off-street parking requirements.

(a) The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in these districts except: (a) The number of off-street parking spaces required for uses located within one-fourth ($\frac{1}{4}$) mile of the outer boundary of a rail transit station or a regional or urban ten-minute bus corridor shall be reduced by twenty-five (25) percent; and

(b) In the B-8-G district only, the following uses when located on the first floor of multi-story mixed use buildings and totaling in the aggregate no more than five thousand (5,000) square feet of gross floor area per building, shall require no off-street parking:

- (1) Retail, service, repair, consumer, small-scale;
- (2) Food sales or market, small; or
- (3) Eating place, small, with no live entertainment.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 655-06, § 1, eff. 10-13-06; Ord. No. 397-07, § 1, 8-6-07)

Sec. 59-210. Off-street loading requirements.

The provisions of article VII of this chapter on off-street loading requirements shall be in full force and effect in these districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-211. Special zone lot plan for planned building groups.

The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be in full force and effect in these districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-212. Design review procedure in the B-8-A.

(a) *Design review applicability.* Design standards and review procedures shall apply to the following:

- (1) The floor area premium described in section 59-207(b)(3): all structures, and all site improvements or alterations constructed or renovated after September 1, 1996, where the renovation site improvements or alterations are valued at more than fifty (50) percent of the replacement cost of the existing structure excluding land costs, and the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials; and
- (2) The lower eighty (80) feet of a building: constructed or renovated, and all site improvements or alterations constructed or renovated after September 1, 1996, where the renovation site improvements or alterations are valued at more than fifty (50)

percent of the replacement cost of the existing structure excluding land costs, and the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials.

(b) *Design review procedures.* Design review shall be conducted by the planning office staff. Design review shall be completed within thirty (30) days after the submission of a complete application to the zoning administration, except that the thirty-day review period may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent, and no permits for construction and use shall be issued until design review has been completed.

(c) *Design review shall be based on the following criteria:*

- (1) Premium floor area review. The project shall be designed to promote the following objectives:
 - a. Be consistent with the pertinent elements of the Denver comprehensive plan, particularly any adopted neighborhood plan;
 - b. Provide human scale through change, contrast, intricacy in facade form, color and/or materials;
 - c. Spatially define the street space; and

- d. Respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;
 - e. Provide step backs in the building form to:
 - 1. Create pedestrian scale along the street;
 - 2. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
 - 3. Increase sky and daylight exposure to the street; and
 - 4. Increase sunlight exposure to the street, particularly along "numbered" streets;
 - f. Locate the building, or buildings, on the site to:
 - 1. Increase sky and daylight exposure to the street;
 - 2. Increase sunlight exposure to the street, particularly along "numbered" streets;
 - 3. Create usable open space accessible to the public along the street, particularly along view corridors; and
 - 4. Avoid intrusions on residential privacy as much as possible;
 - g. Locate pedestrian active uses, wherever possible, along the street;
 - h. Provide at street level as much as possible, transparent facades, and frequent pedestrian access to the buildings;
 - i. Provide finished, architecturally designed and detailed facades for all exposures of the building, particularly those exposures above the first floor;
 - j. Architecturally design the top of the building to provide a finished terminus to the building's form. At a minimum, screen all roof-top mechanical equipment and carefully design and detail all roof-top penthouses; and
 - k. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.
- (2) Lower eighty feet review. Project layout and design of the lower eighty (80) feet of structures shall be designed to promote the following objectives:
- a. Be consistent with the pertinent elements of the Denver comprehensive plan, particularly any adopted neighborhood plan;
 - b. Provide human scale through change, contrast, intricacy in facade form, color, and/or materials where lower levels of a structure face public streets;
 - c. Spatially define the street space in order to promote pedestrian activity; and
 - d. All structures should respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;
 - e. Provide setbacks in the building form to:
 - 1. Create pedestrian scale along the street;

2. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
3. Increase sky and daylight exposure to the street; and
4. Increase sunlight exposure to the street, particularly along "numbered" streets;
- f. Locate pedestrian active uses, wherever possible, along the street; and
- g. Provide, at street level, as much as possible, transparent facades, and frequent pedestrian access to the buildings.

(3) *Parking structures review:*

- a. Shall have ground floor frontages occupied by pedestrian active uses as defined in section 59-2(193), or shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages by pedestrian-active uses as defined in section 59-2(193), unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses;
- b. Shall be designed to be compatible with the scale and character of the surrounding area and the vision and goals of the Denver comprehensive plan and any adopted neighborhood plan; and
- c. Shall provide variety and human scale through the use of architectural proportions, detail, surface relief, texture, and materials that are complementary to traditional commercial and industrial structures.

(d) *Planning office rules and regulations.* The planning office has the authority to adopt rules and regulations further establishing criteria, standards and procedures.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-213. Design review procedure in the B-8-G.

All structures constructed after July 1, 1994, and all structures renovated after July 1, 1994, where (i) the renovation is valued at more than fifty (50) percent of the replacement cost of the existing structure excluding land costs, and (ii) the renovation includes alterations to the exterior of the structure other than restoration of original design features with original materials, shall be subject to the design review procedures set forth below; provided, however, that such procedures shall not apply to any structure that is subject to the design review procedures of any overlay district, nor to structures designated for preservation pursuant to chapter 30 of the Revised Municipal Code, nor to structures in a district designated for preservation pursuant to chapter 30 of the Revised Municipal Code, nor to any facade that does not face a public street. The planning office has authority to adopt rules and regulations establishing standards and procedures that address the following topics:

- (1) Project layout and design of the lower eighty (80) feet of structures shall be designed to promote the following standards:
 - a. To provide human scale through change, contrast, and intricacy in facade form, color and/or materials;

- b. To spatially define the street spaces and open spaces in order to promote the image of a cohesive, identifiable, pedestrian-oriented neighborhood;
 - c. To be consistent with the urban design goals of the Denver Comprehensive Plan, including any adopted neighborhood plan element;
 - d. If the structure is located on a zone lot adjacent to (a) Speer Boulevard, or (b) a publicly owned open space adjacent to Speer Boulevard, then such layout and design shall respect the parkway character of Speer Boulevard as it passes through the neighborhood; and
 - e. If the structure is located within one (1) block of the boundaries of the civic center overlay district, then such layout and design shall respect the civic character of the civic center area.
- (2) Parking structures (1) shall have ground floor frontages facing named or numbered streets occupied by one (1) or more pedestrian-active uses as defined in section 59-2(195), or (2) shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages facing named or numbered streets by one (1) or more pedestrian-active uses as defined in section 59-2(195), unless such requirements are inconsistent with the structure of existing buildings being converted to parking uses.
- (Ord. No. 280-06, § 2, eff. 5-5-06)

Design review procedures, where applicable, shall be performed by the planning office and shall be completed within thirty (30) days after the submission of a complete application to the zoning administrator, or the design shall be considered approved. Such thirty-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent. The zoning administrator shall not issue permits for use and construction until the planning office certifies that design review has been completed or until the review period, as it may have been extended, has elapsed.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Secs. 59-214, 59-215. Reserved.