

PUD-G 23



1290 Williams Street
2018I-00142

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PUD-G 23

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 23 ESTABLISHED

The provisions of this PUD-G 23 apply to the land depicted on the Official Zoning Map with the label PUD-G 23, a parcel of land being Lots 43 through 46 inclusive, together with the north 3.8 feet of Lot 42, Block 51, Wyman's Addition to the City of Denver, together with the east 1/2 of vacated Williams Street adjacent to said lots, as vacated by Ordinance No. 283, Series of 1967 recorded October 06, 1967 in Book 9794 at page 519. City and County of Denver, State of Colorado; herein referred to as the "Property".

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 23 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea 1 Legal Description

BEING ALL OF LOT 46 AND A PORTION OF LOTS 44 AND 45, BLOCK 51, WYMAN'S ADDITION TO THE CITY OF DENVER, TOGETHER WITH THE EAST 1/2 OF VACATED WILLIAMS STREET ADJACENT TO LOTS 43 THROUGH 46 AND THE NORTH 3.8 FEET OF LOT 42, BLOCK 51, WYMAN'S ADDITION TO THE CITY OF DENVER, AS VACATED BY ORDINANCE NO. 283, SERIES OF 1967 RECORDED OCTOBER 06, 1967 IN BOOK 9794 AT PAGE 519; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 46, BLOCK 51, WYMAN'S ADDITION, THENCE SOUTH 00°09'25" WEST, ALONG THE EAST LINE OF SAID LOTS 45 AND 46, FOR A DISTANCE OF 42.00 FEET;
 THENCE NORTH 89°51'35" WEST, FOR A DISTANCE OF 38.00 FEET;
 THENCE SOUTH 00°08'25" WEST, FOR A DISTANCE OF 38.00 FEET;
 THENCE NORTH 89°51'35" WEST, FOR A DISTANCE OF 87.14 FEET TO A POINT ON THE EASTERLY LINE OF SAID VACATED NORTH WILLIAMS STREET;
 THENCE SOUTH 00°09'25" WEST, ALONG SAID EASTERLY LINE OF VACATED NORTH WILLIAMS STREET, FOR A DISTANCE OF 30.93 FEET TO A POINT 3.8 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID LOT 42, BLOCK 51 WYMAN'S ADDITION;
 THENCE NORTH 89°51'35" WEST, FOR A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED NORTH WILLIAMS STREET;
 THENCE NORTH 00°09'25" EAST, ALONG SAID CENTERLINE, FOR A DISTANCE OF 102.93 FEET TO A POINT OF INTERSECTION OF SAID CENTERLINE AND THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 46, BLOCK 51, WYMAN'S ADDITION;
 THENCE SOUTH 89°51'35" EAST, FOR A DISTANCE OF 165.13 FEET TO THE POINT OF BEGINNING.

SUBAREA "A" CONTAINS 11,986 SQUARE FEET, 0.275 ACRE MORE OR LESS.

B. Subarea 2 Legal Description

BEING ALL OF LOT 43, A PORTION OF LOTS 44 AND 45, TOGETHER WITH THE NORTH 3.8 FEET OF LOT 42, BLOCK 51, WYMAN'S ADDITION TO THE CITY OF DENVER; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 46, BLOCK 51, WYMAN'S ADDITION, THENCE SOUTH 00°09'25" WEST, ALONG THE EAST LINE OF SAID LOTS 45 AND 46, BLOCK 51, FOR A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING;
 THENCE CONTINUING SOUTH 00°09'25" WEST, ALONG THE EAST LINE OF SAID LOTS 42 THROUGH 45, BLOCK 51, FOR A DISTANCE OF 60.93 FEET TO A POINT 3.8 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID LOT 42, BLOCK 51 WYMAN'S ADDITION;
 THENCE NORTH 89°51'35" WEST, FOR A DISTANCE OF 125.13 FEET TO A POINT 3.8 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID LOT 42, BLOCK 51 WYMAN'S ADDITION;

THENCE NORTH 00°09'25" EAST, ALONG SAID EASTERLY LINE OF VACATED NORTH WIL-
 LIAMS STREET PER ORDINANCE NUMBER 283, SERIES 1967, FOR A DISTANCE OF 30.93 FEET;
 THENCE SOUTH 89°51'35" EAST, FOR A DISTANCE OF 87.14 FEET;
 THENCE NORTH 00°08'25" EAST, FOR A DISTANCE OF 30.00 FEET;
 THENCE SOUTH 89°51'35" EAST, FOR A DISTANCE OF 38.00 FEET TO THE POINT OF BEGIN-
 NING.
 SUBAREA "B" CONTAINS 5,010 SQUARE FEET, 0.115 ACRE MORE OR LESS.

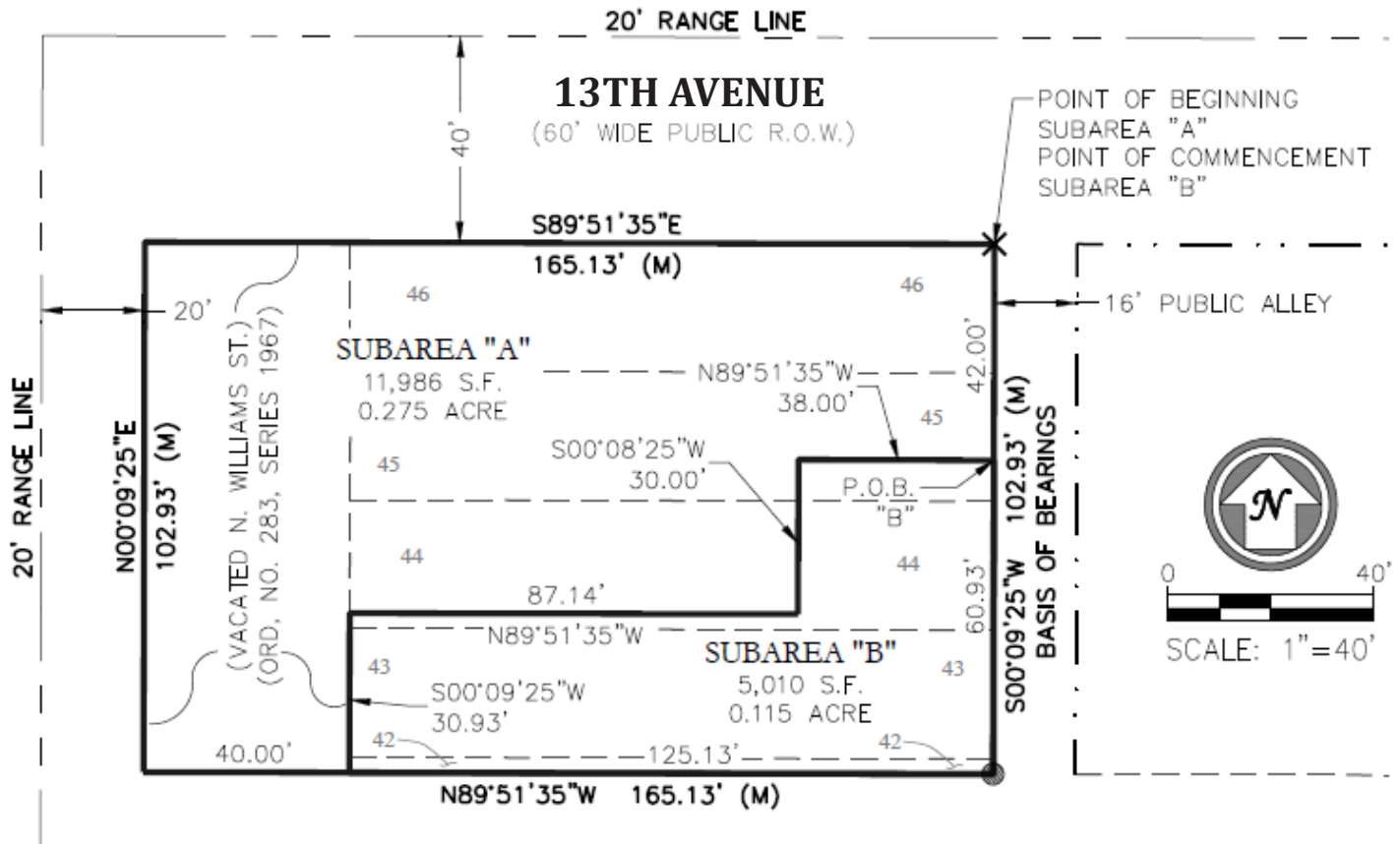


Figure 1-1. Subareas Established within PUD-G 23

SECTION 1.2 PUD-G 23 GENERAL PURPOSE

The general intent of PUD-G 23 is to follow the General Urban Neighborhood Context intent and the G-MU-3 zone district with the exception to allow additional commercial uses and two primary structures on a zone lot.

SECTION 1.3 PUD-G 23 SPECIFIC INTENT

More specifically, PUD-G 23 is intended to:

- 1.3.1 Allow the continued preservation and use of the Tears-McFarlane House through broadening the range of allowed uses on the property.
- 1.3.2 Facilitate the upkeep of the Tears-McFarlane House through increasing the allowed size and uses of structures built on the property.
- 1.3.3 Allow for flexibility to encourage ongoing use of the subject property consistent with the existing development on the property and the previously approved regulations.
- 1.3.4 Allow for active community-serving space and amenities to benefit the neighborhood and broader community.
- 1.3.5 Ensure any new structure constructed on the zone lot is subordinate to the Tears-McFarlane House and in keeping with the historic character of the property.

SECTION 1.4 LANDMARK DESIGNATION

The Tears McFarlane House, a Georgian style dwelling, was designed and constructed by Frederick Sterner in 1898 for Daniel W. Tears. Tears was Associate Counsel for New York Central Railroad. The house was purchased by Ida Kruse McFarlane in 1937. The building was designated in 1972 as a Denver Landmark under criteria A. History and B. Architecture.

- 1.4.1 Any changes to the exterior of the building or Property requires Landmark review and approval.
- 1.4.2 Landmark review is separate from and in addition to zoning review.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 GENERAL URBAN CONTEXT DESCRIPTION

All development in PUD-G 23 shall conform to the Denver Zoning Code Division 6.1, General Urban Context Description, as amended from time to time, except as modified in this PUD-G 23.

CHAPTER 3. DISTRICTS

SECTION 3.1 G-MU-3 DISTRICT

All development of this PUD-G 23 shall conform to the Denver Zoning Code, Section 6.2, Districts, as specifically applicable to the G-MU-3 Zone District, as amended from time to time, except as expressly modified in this PUD-G 23.

CHAPTER 4. DESIGN STANDARDS

4.1.1 General Intent

Section 6.3.1 General Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G 23.

4.1.2 Building Form Intent

Section 6.3.2 Building Form Intent of the Denver Zoning Code, as amended from time to time, shall apply to this PUD-G 23.

4.1.3 Subarea 1 Primary Building Form Standards

A. Applicability

All development within Subarea 1 as defined in Section 1.1.1.A of this PUD-G 23.

B. Number of primary structures allowed

There shall be one primary structure allowed within Subarea 1 of this PUD-G 23.

C. Building forms allowed

Primary structures shall comply with the Urban House building form standards for G-MU-3 zone districts described in section 6.3.3.4.A of the Denver Zoning Code, as amended from time to time, except as expressly modified in this PUD-G 23.

D. Specific standards as follows:

Except as modified in the following table, the standards for the G-MU-3 zone district stated in DZC Article 6 shall apply.

PRIMARY STRUCTURES - SUBAREA 1 - MODIFIED URBAN HOUSE BUILDING FORM STANDARDS

Primary structures in Subarea 1 of this PUD-G23 shall comply with the Urban House building form standards applicable in the G-MU-3 zone district, except that the height, building coverage, and pedestrian access form standards shown in the Table below shall control in this PUD-G23.

| HEIGHT | URBAN HOUSE BUILDING FORM PUD-G 23 |
|--|---|
| Feet (max) | 45' |
| SITING | PUD-G 23 |
| SETBACKS AND BUILDING COVERAGE | |
| Building Coverage per Zone Lot, including all accessory structures (max) | 50% |
| DESIGN ELEMENTS | PUD-G 23 |
| STREET LEVEL ACTIVATION | |
| Pedestrian Access, Primary Street | na |

4.1.4 Subarea 2 Primary Building Form Standards

A. Applicability

All development within Subarea 2 as defined in Section 1.1.1.B of this PUD-G 23.

B. Number of primary structures allowed

There shall be one primary structure allowed within Subarea 2 of this PUD-G 23.

C. Building forms allowed

Primary structures shall comply with the Urban House building form standards for G-MU-3 zone districts described in section 6.3.3.4.A of the Denver Zoning Code, as amended from time to time, except as expressly modified in this PUD-G 23.

D. Specific standards as follows:

Except as modified in the following table, the standards for the G-MU-3 zone district stated in DZC Article 6 shall apply.

PRIMARY STRUCTURES - SUBAREA 2 - MODIFIED URBAN HOUSE BUILDING FORM STANDARDS

Primary structures in Subarea 2 of this PUD-G23 shall comply with the Urban House building form standards applicable in the G-MU-3 zone district, except that the height, setback, building coverage, building configuration, and pedestrian access form standards shown in the Table below shall control in this PUD-G23.

| HEIGHT | URBAN HOUSE BUILDING FORM PUD-G 23 |
|---------------|---------------------------------------|
| Stories (max) | 1 |
| Feet (max) | 20' |

| SITING SETBACKS | PUD-G 23 |
|--|----------|
| Primary Street, block sensitive setback required | na |
| Primary Street Structure (min) | 10' |
| Side Street (min) | 1' |
| Side Interior (min) | 1' |
| Rear (min) | 1' |
| Building Coverage per Zone Lot, including all accessory structures (max) | 50% |

| DESIGN ELEMENTS BUILDING CONFIGURATION | PUD-G 23 |
|---|-----------------------|
| Building Footprint (max) | 3,500 ft ² |
| Horizontal Dimension (max) | 70' |
| Pedestrian Access, Primary Street | na |

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

SECTION 5.1 USES

- 5.1.1 This PUD-G 23 shall follow the G-MU-3 UO-3 Zone District of the Denver Zoning Code, as amended from time to time, to establish the primary, accessory, and temporary land uses allowed, including all applicable limitations and required zoning procedures, with the following exceptions, additions, and modifications:
- A. “Arts, Recreation and Entertainment Services, Indoor”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - B. “Arts, Recreation and Entertainment Services, Outdoor”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - C. “Eating & Drinking Establishments”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - D. “Dental / Medical Office or Clinic”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - E. “Food Sales or Market”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - F. “Retail Sales, Service & Repair, All Others”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - G. “Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Accessory Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - H. “Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Accessory Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - I. “Outdoor Retail Sale and Display”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Accessory Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - J. “Outdoor Retail Sales”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Temporary Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - K. “Outdoor Sales, Seasonal”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Temporary Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.
 - L. “Retail Food Establishment, Mobile”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Temporary Use with Limitations and require a Zoning Permit (L-ZP). Limitations in DZC Article 11 shall apply, as modified in Section 6.4 of this PUD-G 23.

SECTION 5.2 REQUIRED MINIMUM PARKING

5.2.1 This PUD-G 23 shall require a minimum of 9 parking spaces to be provided on the property for any and all land uses occurring within the PUD.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 23 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time, with the following exception:

A. Number of Uses and Structures Allowed Per Zone Lot

There shall be no limit to the number of primary uses per zone lot within this PUD-G 23. There shall be two primary structures per zone lot permitted within this PUD-G 23.

SECTION 6.2 ARTICLE 9 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 23 shall conform to Article 9, Special Contexts and Districts of the Denver Zoning Code, as amended from time to time, with the following exception:

A. Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

SECTION 6.3 ARTICLE 10 OF THE DENVER ZONING CODE

6.3.1 Applicability

Development in this PUD-G 23 shall conform to Article 10, General Design Standards of the Denver Zoning Code, as amended from time to time, with the following exception:

A. Sign Standards

The sign standards stated in DZC Article 10 that apply to the G-RX-3 zone district shall apply to this PUD-G 23, with the following modifications:

1. The maximum number of permanent signs allowed shall be calculated separately per subarea of this PUD-G 23.
2. The maximum number of joint identification signs allowed shall be one per subarea of this PUD-G 23.
3. All signs must comply with applicable Landmark requirements, including the Design Guidelines for Landmark Structures and Districts as amended from time to time.

SECTION 6.4 ARTICLE 11 OF THE DENVER ZONING CODE

6.4.1 Applicability

Development in this PUD-G 23 shall conform to Article 11, Use Limitations and Definitions of the Denver Zoning Code, as specifically applicable to the G-MU-3 Zone District, as amended from time to time, with the following exceptions:

A. Arts, Recreation and Entertainment Services, Indoor

The use limitations stated in DZC Article 11 for the Arts, Recreation and Entertainment Services, Indoor primary use that apply to the G-R0 zone district shall apply to this PUD-G 23.

B. Eating & Drinking Establishments

The use limitations stated in DZC Article 11 for the Eating & Drinking Establishments, All Types primary use that apply to the MX-2x zone district shall apply to this PUD-G 23.

C. Dental/Medical Office or Clinic

The use limitations stated in DZC Article 11 for the Dental/Medical Office or Clinic primary use that apply to the G-RO zone district shall apply to this PUD-G 23.

D. Food Sales or Market

The use limitations stated in DZC Article 11 for the Food Sales or Market primary use that apply to the RX zone district shall apply to this PUD-G 23.

E. Retail Sales, Service & Repair

The use limitations stated in DZC Article 11 for the Retail Sales, Service & Repair, All Types primary use that apply to the MX-2x zone district shall apply to this PUD-G 23.

F. Outdoor Retail Sales

The use limitations stated in DZC Article 11 for the Outdoor Retail Sales temporary use that apply to Mixed Use Commercial zone districts shall apply to this PUD-G 23.

G. Outdoor Sales, Seasonal

The use limitations stated in DZC Article 11 for the Outdoor Sales, Seasonal temporary use that apply to the RX zone district shall apply to this PUD-G 23.

H. Retail Food Establishment, Mobile

The use limitations stated in DZC Article 11 for the Retail Food Establishment, Mobile temporary use that apply to Mixed Use Commercial zone districts shall apply to this PUD-G 23.

SECTION 6.5 ARTICLE 12 OF THE DENVER ZONING CODE**6.5.1 Applicability**

Development in this PUD-G 23 shall conform to Article 12, Procedures and Enforcement of the Denver Zoning Code, as amended from time to time, with the following exceptions:

A. Site Development Plan and Multiple Ownerships

In the case of multiple ownerships (groups or individuals) within this PUD-G 23:

1. Any one ownership may obtain zoning permit(s) consistent with the approved site development plan without the consent of the other ownership(s).
2. Under Section 12.3.7, amendments to the approved site development plan shall require consent from all ownership(s), including ownership signatures on the amended site development plan.
3. Under Section 12.3.7, modifications to the site development plan initiated by one ownership do not require the consent of the other ownership(s).

SECTION 6.6 ARTICLE 13 OF THE DENVER ZONING CODE**6.6.1 Applicability**

Development in the PUD-G 23 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD-G 23, whenever a section of the Denver Zoning Code is referred to in this PUD-G 23, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 23, this PUD-G 23 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 23 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C, Vested Rights, and 9.6.1.5, Vested Rights, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 23. The property rights vested through approval of this PUD-G 23 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as expressly modified by this PUD-G 23.