Denver Zoning Code Text Amendment
Active Centers and Corridors Design Overlay (DO-8)
PUBLIC REVIEW DRAFT - 11/09/20

This document contains the draft of a proposed text amendment to the Denver Zoning Code to create the Active Centers and Corridors Design Overlay (DO-8). Councilwoman Amanda Sandoval requested Community Planning and Development draft this text amendment. Councilwoman Sandoval plans to sponsor an official map amendment (rezoning) to apply the Active Centers and Corridors Design Overlay to several existing Mixed Use and Main Street districts in the Berkeley-Regis neighborhood.

This public review draft includes a 2-page introduction and proposed amendments to Article 5 (edit to the Shopfront building form to create consistency with all Shopfront building forms in other contexts) and Article 9 (regulations for the DO-8).

Review Draft Document Conventions

- Text in red underline is proposed new language.
- Text in red strikethrough is proposed deleted language.
- Text in blue strikethrough is being moved from one section/location to another.
- Text in blue, no strikethrough, has been moved from another section/location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments.

Please send any questions or comments to Kristofer Johnson at kristofer.johnson@denvergov.org.
WHAT IS A DESIGN OVERLAY?
A design overlay is a tool to modify specific zoning standards in the underlying zone district in areas where the overlay is applied.

For example, the underlying zone district establishes general rules about how tall a building can be, how far the building must be set back from the property line, and ways that the building can contribute to an active street level, such as windows and entrances.

These baseline rules can be modified by a design overlay to reinforce the desired character for newly developing or redeveloping areas.

WHY CREATE A NEW DESIGN OVERLAY?
Since 2010, when the Denver Zoning Code went into effect, many traditional neighborhood commercial areas have experienced a rapid transition towards more residential uses and less active streets.

The Main Street and Mixed Use zone districts were originally created to ensure broad applicability and avoid conflicts with existing structures across the entire city. This resulted in more generic standards that were not tailored to the specific needs of neighborhood commercial corridors and centers.

Blueprint Denver, the city’s land use and transportation plan adopted in 2019, specifically recommends the creation of design overlays for areas that are anticipated to have high levels of pedestrian activity and a mix of uses.

At the request of Councilwoman Amanda Sandoval, representing District 1, the Department of Community Planning and Development is preparing an amendment to the Denver Zoning Code to create the “Active Centers and Corridors Design Overlay.”

WHEN AND WHERE WILL THE DESIGN OVERLAY BE APPLIED?
Completion of the design overlay is targeted for early 2021 and is currently proposed for application to portions of City Council District 1.

The new overlay is proposed to be applied to properties with Main Street or Mixed Use zone districts along portions of Tennyson Street, Lowell Boulevard, 44th Avenue, and 38th Avenue. The overlay could eventually be applied to other neighborhood commercial areas across the city.
WHAT IS ALLOWED UNDER THE CURRENT RULES?
The existing underlying Mixed Use and Main Street and zone districts currently apply. Many other standards exist in these districts and would not be modified by the design overlay.

BUILDING FORMS
Allowed building forms in Mixed Use and Main Street districts include Shopfront, Town House, Drive-Thru Services, and Drive-Thru Restaurant. Mixed Use districts also include the General form.

FRONT SETBACK
Main Street and Mixed Use districts currently do not require a front setback.

BUILD-TO RANGE
The Shopfront form in Main Street and Mixed Use districts requires a majority of the building to be within 5 feet of the front property line.

RESIDENTIAL SETBACK
Main Street and Mixed Use districts do not require a special front setback for residential units at the ground floor.

GROUND FLOOR USES
Main Street and Mixed Use districts allow all uses at the ground floor and throughout the building. There is no requirement to provide a mix of residential and nonresidential uses.

TRANSPARENCY
Main Street and Mixed Use districts allow several alternatives to providing windows at the ground floor, including wall design elements, display cases, and ATM’s.

GROUND FLOOR HEIGHT
Main Street and Mixed Use districts do not require a minimum ground floor height.

WHAT WOULD BE ALLOWED UNDER THE DESIGN OVERLAY?
The proposed Active Centers and Corridors Design Overlay would modify the rules in Mixed Use and Main Street zone districts to support enhanced design quality, mix of uses, and pedestrian experience.

BUILDING FORMS
The design overlay would limit allowed building forms to only the Shopfront and Town House. These forms have the highest design-related standards in the underlying zoning.

FRONT SETBACK
The design overlay would require a 2-foot front setback to increase pedestrian space.

BUILD-TO RANGE
The design overlay would increase the range and require the majority of the building to be within 10 feet of the front property line.

RESIDENTIAL SETBACK
The design overlay would require a 7-foot front setback and an entrance with a porch or canopy for any residential unit at the ground floor.

GROUND FLOOR USES
The design overlay would require approximately 50% of the ground floor frontage on lots greater than 37.5 feet wide to contain nonresidential uses to a minimum depth of 15 feet. Lots greater than 50 feet wide would need to provide nonresidential uses across 75% of the ground floor frontage.

TRANSPARENCY
The design overlay would not allow any alternatives to windows except for permanent art.

GROUND FLOOR HEIGHT
The design overlay would require a minimum ground level height of 14 feet in the Shopfront form, as measured from the first floor to the floor above. Note, the interior height of the ground level from floor to ceiling could be less than 14 feet.

HOW DO I LEARN MORE?
The Text Amendment and Map Amendment (rezoning) websites include additional information:

www.denvergov.org/textamendments
www.denvergov.org/proposedrezonings

You can also contact city planner Kristofer Johnson via email: kristofer.johnson@denvergov.org
ARTICLE 5. URBAN (U-) NEIGHBORHOOD CONTEXT
J. Shopfront
## Article 5: Urban Neighborhood Context

### Division 5.3 Design Standards

#### Shopfront

<table>
<thead>
<tr>
<th>Height</th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MX-2x</th>
<th>U-MX-3</th>
<th>U-MS-2</th>
<th>U-MS-3</th>
<th>U-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Feet (min/max)</td>
<td>na/45'</td>
<td>na/70'</td>
<td>na/30'</td>
<td>na/45'</td>
<td>24'/70'</td>
<td>70'/120'</td>
<td></td>
</tr>
</tbody>
</table>

#### Siting

<table>
<thead>
<tr>
<th>Required Build-to</th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MX-2x</th>
<th>U-MX-3</th>
<th>U-MS-2</th>
<th>U-MS-3</th>
<th>U-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>70% 0'/15'</td>
<td>70% 0'/15'</td>
<td>75% 0'/5' Residential Only Buildings: 0'/10'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
<td>25% 0'/5' Residential Only Buildings: 0'/10'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Setbacks

| Side Interior | U-MX-2x, U-MX-2x: 5' | All Other Zone Districts: 10' |
| Rear, alley/no alley | 0'/5' | 20'/25' |
| Rear, adjacent to Protected District, alley/no alley | 0'/10' | 0'/10' |

#### Parking

Surface Parking between building and Primary Street/Side Street: Not Allowed/Allowed

Surface Parking Screening: See Article 10, Division 10.5

#### Design Elements

<table>
<thead>
<tr>
<th>Dwelling Unit Configuration</th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MX-2x</th>
<th>U-MX-3</th>
<th>U-MS-2</th>
<th>U-MS-3</th>
<th>U-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure may contain Side-by-Side Dwelling Units</td>
<td>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td>na</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>35'/40'</td>
<td>na</td>
<td>na</td>
<td>35'/40'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Street Level Activation

| Transparency, Primary Street (min) | 60% |
| Transparency, Side Street (min) | 25% |

#### USES

<table>
<thead>
<tr>
<th>Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)</th>
<th>All U-RX Zone Districts</th>
<th>All U-MS and U-MX Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>na</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

**PUBLIC REVIEW NOTE:**
The revision above addresses an error in the code and updates the Shopfront form in the Urban context to match the Shopfront form as it currently applies in other contexts.

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

DENVER ZONING CODE

June 25, 2010 | Republished May 24, 2018
ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS
4. No other such lodging is located within 500 feet of the proposed use as measured along the same face block from zone lot line to zone lot line.

5. The structure contains a minimum of 1,000 square feet of gross floor area and no guest room or suite contains less than 100 square feet of floor area.

6. The lodging shall provide breakfast as part of the room price.

7. The interior and exterior of the structure shall be maintained in a manner that reflects the original architectural character of the building, and the property shall be landscaped in a manner that protects the appearance and value of surrounding properties and neighborhoods and improves environmental conditions, thereby promoting the general welfare. The landscaping shall be Continuously Maintained which includes necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement shall occur in the next planting season; but, in any event, replacement time shall not exceed one year.

8. The sign regulations of Division 10.10, Signs, shall apply; provided, however, the maximum sign area permitted on any one street front shall not exceed 10 square feet. The maximum height of any ground sign shall be 4 feet.

9. Related retail sales may be conducted within the structure; however, the floor area allocated to this retail use shall not exceed 10 percent of the gross floor area of the structure. Access to this retail area shall be limited to use by overnight guests only.

10. No social activities, such as weddings, receptions, private parties or similar events, will be permitted unless at least 90 percent of the participants are overnight guests.

SECTION 9.4.5 DESIGN OVERLAY DISTRICTS (DO-)

9.4.5.1 General Purpose

Design Overlay Districts are intended to serve one or more of the following purposes:

A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;

B. To reinforce the desired character for newly developing or redeveloping areas.

C. To provide uniformity in the design standards applicable to arterial specific streets or to river corridors having varied underlying zoning;

D. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;

E. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and

F. To implement design standards in a geographically specific area or multiple areas or districts with similar conditions and objectives throughout the city.

9.4.5.2 Applicable Standards and Modifications Allowed

A. Applicable Standards - In General

A design overlay zone district includes standards that modify otherwise applicable standards in the underlying zone district. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may include new zoning standards not otherwise applicable in the underlying zone district, but not including new limitations on a permitted use. Any changes or modifications to the standards
in a design overlay zone district are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments.

B. Modification of Underlying Zone District Standards

1. Modification of Permitted Uses and Use Limitations Not Allowed
   A Design Overlay District shall not be used to add to the specific permitted uses in the underlying zone district, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations applicable to specific permitted uses in the underlying zone district.

2. All Other Applicable Standards -- Modification Allowed
   All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay zone district, in which case the standard in the design overlay zone district shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

<table>
<thead>
<tr>
<th>DESIGN OVERLAY DISTRICT NAME</th>
<th>ZONING MAP DESIGNATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uptown Design Overlay District</td>
<td>DO-1</td>
</tr>
<tr>
<td>Washington Street Design Overlay District</td>
<td>DO-2</td>
</tr>
<tr>
<td>Lafayette Street Design Overlay District</td>
<td>DO-3</td>
</tr>
<tr>
<td>Side Interior Setback Design Overlay District</td>
<td>DO-4</td>
</tr>
<tr>
<td>South Sloan's Lake Design Overlay District</td>
<td>DO-5</td>
</tr>
<tr>
<td>Peña Station Next Design Overlay District</td>
<td>DO-6</td>
</tr>
<tr>
<td>River North Design Overlay District</td>
<td>DO-7</td>
</tr>
<tr>
<td>Active Centers and Corridors Design Overlay District</td>
<td>DO-8</td>
</tr>
</tbody>
</table>

9.4.5.4 Effect of Approval

A. Official Map Designator
   Each Design Overlay District shall be shown on the official map by an “DO-” designator and an appropriate number placed after the underlying zone district designation.

B. Limitation on Permit Issuance
   No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.

2. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District’s standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.

B. Lower Floor Building Design
   All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below;
9.4.5.12 **Active Centers and Corridors Design Overlay District (DO-8)**

A. **Creation**
   There is hereby created a design overlay district designated as the Active Centers and Corridors Design Overlay District (DO-8).

B. **Intent**
   To encourage neighborhood mixed-use areas that support nonresidential uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential uses.

C. **Applicability**
   The provisions of this DO-8 district shall apply only to those areas within Mixed Use (MX) and Main Street (MS) Zone Districts that are designated with the DO-8 Overlay Zone District on the Official Zone Map.

D. **Primary Building Form Standards Within Overlay District**

1. **Intent**
   a. To apply Siting Standards that enable greater flexibility for outdoor dining areas and similar exterior uses, increase space for pedestrians, buffer private residential uses from the public realm, and locate surface parking to the rear or side of buildings.
   b. To apply Design Element Standards that promote ground floor heights consistent with nonresidential uses, encourage windows at the street level, and clearly distinguish entries into individual dwelling units with additional features.
   c. To apply Use Building Form Standards that locate nonresidential uses at the ground floor of structures with long street-facing frontages.

2. **Applicability**
   All primary structures in the DO-8 Overlay District shall comply with the primary building form standards stated in this Section 9.4.5.12.D.

3. **General Standards**
   Except as modified in this Section 9.4.5.12.D, the district-specific primary building form standards set forth in the Underlying Zone District shall apply.

4. **Building Forms Allowed**
   The Shopfront and Town House primary building forms are the only forms allowed for Primary Structures within the DO-8 Overlay District.

5. **District-Specific Standards**
   The district-specific standards of the Underlying Zone District are modified as set forth in the following table. If a standard is not listed below, refer to the Underlying Zone District.
### DO-8 Overlay District

<table>
<thead>
<tr>
<th><strong>SITING</strong></th>
<th>Shopfront Building Form</th>
<th>Town House Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REQUIRED BUILD-TO</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min/max build-to range)</td>
<td>2'/10'</td>
<td>See Underlying Zone District</td>
</tr>
<tr>
<td>Portion of Structure Subject to a Residential Setback: 7'/15'</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min)</td>
<td>2'</td>
<td>See Underlying Zone District</td>
</tr>
<tr>
<td><strong>RESIDENTIAL SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary and Side Street (min)</td>
<td>7'</td>
<td>na</td>
</tr>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking between Building and Primary Street/Side Street</td>
<td>Not Allowed / Not Allowed</td>
<td>Not Allowed / Not Allowed</td>
</tr>
<tr>
<td><strong>DESIGN ELEMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BUILDING CONFIGURATION</strong></td>
<td>Shopfront Building Form</td>
<td>Town House Building Form</td>
</tr>
<tr>
<td>Street Level Height (min)</td>
<td>14'</td>
<td>na</td>
</tr>
<tr>
<td><strong>STREET LEVEL ACTIVATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transparency Alternatives</td>
<td>See Section 9.4.5.12.F</td>
<td>See Section 9.4.5.12.F</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street (min / min for each Street Level Dwelling Unit)</td>
<td>Entrance / Dwelling Unit</td>
<td>Entrance with Entry Feature</td>
</tr>
<tr>
<td><strong>USES</strong></td>
<td>Shopfront and Town House Building Forms</td>
<td></td>
</tr>
<tr>
<td><strong>ACTIVE USES BY ZONE LOT WIDTH</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37.5' or less</td>
<td>Greater than 37.5' and up to 50'</td>
<td>Greater than 50'</td>
</tr>
<tr>
<td>Street Level Nonresidential Active Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
<td>na</td>
<td>70% - See Section 9.4.5.12.E</td>
</tr>
</tbody>
</table>

### E. Supplemental Design Standards for the DO-8 Overlay District

The following supplemental design standards for Street Level nonresidential active uses in the DO-8 Overlay District shall apply:

- **a. Intent**
  To promote activity on the street and sidewalk and encourage a vibrant urban environment with ground floor uses accessible to the general public.

- **b. Applicability**
  This Section 9.4.5.12.E applies to all Primary Structures in areas within MX-3 and higher or MS-3 and higher Zone Districts that are designated with the DO-8 Overlay Zone District and are located on Zone Lots that are greater than 37.5 feet in Zone Lot Width.

- **c. Allowance**
  i. Street Level nonresidential active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
ii. Street Level nonresidential active uses include all permitted Primary Uses except the following:
   a) Dwelling, Single Unit;
   b) Dwelling, Two Unit;
   c) Dwelling, Multi-Unit;
   d) Dwelling, Live / Work;
   e) Automobile Services, Light;
   f) Mini-storage Facility; or
   g) Wholesale Trade or Storage, Light.

iii. Street Level nonresidential active uses include all permitted Accessory Uses except the following:
   a) Accessory Uses associated with Primary Uses prohibited by Section 9.4.5.12.F.3.a;
   b) Outdoor Storage, General;
   c) Outdoor Storage, Limited;
   d) Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   e) Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.

iv. Street Level nonresidential active uses shall not include Parking Spaces or Parking Aisles.

v. The length of any build-to alternatives shall not apply toward the required percentage of Street Level building frontage that must be occupied by Street Level nonresidential active uses.

F. Design Standard Alternatives and Exceptions for the DO-8 District

The following design standard alternatives and exceptions for Street Level transparency in the DO-8 Overlay District shall apply:

1. Intent
   To provide visual interest on building facades and enhance the visual quality of the built environment along Street Level facade areas where windows are not feasible.

2. Allowance
   Permanent art shall be the only transparency alternative allowed in the DO-8 Overlay District and may count toward no more than 30% of the required transparency on Primary Streets or Side Streets, provided it meets the requirements stated in Section 13.1.6.3.A.5. Transparency Alternative Requirements.