## Page Replacement Packet for DZC Text Amendment 6:

Temporary Tiny Home Villages, Updates to Large Development Review, and Clerical Error Corrections to Figure Numbers in Article 9 & 13

<table>
<thead>
<tr>
<th>Remove old pages</th>
<th>Insert new pages</th>
<th>Notes</th>
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<td><strong>a. Article 3</strong>, 3.4-13 to 3.4-14</td>
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NOTE: page numbering assumes 2-sided copy of the code. Pages with content that was amended contain a footer with the term “Amendment: 6”. Pages that do not have content changes do not contain the “Amendment: 6” footer.
### Article 3. Suburban Neighborhood Context
### Division 3.4 Uses and Required Minimum Parking

**Key:***
- * = Need Not be Enclosed
- P = Permitted Use without Limitations
- L = Permitted Use with Limitations
- NP = Not Permitted Use
- ZP = Zoning Permit Review
- ZPIN = Subject to Zoning Permit Review with Informational Notice
- ZPSE = Subject to Zoning Permit with Special Exception Review

When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

#### USE CATEGORY

<table>
<thead>
<tr>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Parking Reqmt: # spaces per unit of measurement</td>
<td></td>
</tr>
<tr>
<td>Bicycle Parking Reqmt: # spaces per unit of measurement (Required Spaces in Enclosed Facility / Required Spaces in Fixed Facility)</td>
<td></td>
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</table>

### TEMPORARY USE CLASSIFICATION

<table>
<thead>
<tr>
<th>Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)</th>
<th>Unlisted Temporary Uses</th>
<th>L - Applicable to all Zone Districts</th>
<th>Not Applicable - See Permitted Primary Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Service - Temporary</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Amusement / Entertainment - Temporary*</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Bazaar, Carnival, Circus or Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Building or yard for construction materials*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Fence for Demolition or Construction Work</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Health Care Center</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Noncommercial Concrete Batch-Plant*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Outdoor Retail Sales - Pedestrian / Transit Mall*</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor Retail Sales*</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Outdoor Sales, Seasonal*</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Parking Lot Designated for a Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Retail Food Establishment, Mobile*</td>
<td>NP</td>
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<td>NP</td>
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<tr>
<td>Temporary Construction Office</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Temporary Office - Real Estate Sales</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Temporary Tiny Home Village</td>
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<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Tent for Religious Services</td>
<td>NP</td>
<td>NP</td>
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**Note:** §11.11.1
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### TEMPORARY USE CLASSIFICATION

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<tbody>
<tr>
<td>Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</td>
<td>Occasionally, retail sales to Places of Religious Assembly</td>
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<tr>
<td>Outdoor Eating and Serving Area Accessory to a Drinking Establishment Use*</td>
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<td>NP</td>
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<tr>
<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
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<td>NP</td>
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<tr>
<td>Outdoor Retail Sale and Display*</td>
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<td>NP</td>
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<tr>
<td>Outdoor Storage, General*</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Outdoor Storage, Limited*</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use</td>
<td>NP</td>
<td>NP</td>
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</table>

### TEMPORARY USE CLASSIFICATION

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlisted Temporary Uses</td>
<td>L - Applicable to all Zone Districts</td>
<td>§ 11.11.1</td>
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<tr>
<td>Ambulance Service - Temporary</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Amusement/Entertainment - Temporary*</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Bazaar, Carnival, Circus or Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Building or yard for construction materials*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Fence for Demolition or Construction Work</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Health Care Center</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Noncommercial Concrete Batch Plant*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Outdoor Retail Sales - Pedestrian Transit Mall*</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor Retail Sales*</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor Sales, Seasonal*</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Parking Lot Designated for a Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Retail Food Establishment, Mobile*</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Temporary Construction Office</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<td>Temporary Office - Real Estate Sales</td>
<td>L-ZP</td>
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<td>Temporary Tiny House Village</td>
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<tr>
<td>Tent for Religious Services</td>
<td>NP</td>
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### Article 5. Urban Neighborhood Context

#### Division 5.4 Uses and Required Minimum Parking

**DENVER ZONING CODE**

June 25, 2010 | Republished May 24, 2018

**KEY:**
- * = Need Not be Enclosed
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### ACCESSIBLE TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION

<table>
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<th>USE CATEGORY</th>
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<th>APPLICABLE USE LIMITATIONS</th>
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<tbody>
<tr>
<td>Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</td>
<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
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<td></td>
<td>Unlisted Accessory Uses</td>
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<td>L - Applicable to all Zone Districts</td>
<td>§11.7; §11.10.2</td>
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<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
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<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
<td>§11.7; §11.10.3</td>
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<td></td>
<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
<td>L - Applicable to all Zone Districts</td>
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<td></td>
<td>Car Wash Bay Accessory to Automobile Services</td>
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<td>Car Wash Bay Accessory to Automobile Services</td>
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<td></td>
<td>Conference Facilities Accessory to Hotel Use</td>
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<td>Conference Facilities Accessory to Hotel Use</td>
<td>§11.7; §11.10.6</td>
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<td></td>
<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
<td>L - Applicable to all Zone Districts</td>
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<td></td>
<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
<td>§11.7; §11.10.7</td>
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<td>Emergency Vehicle Access Point</td>
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<td>Garden*</td>
<td>L - Applicable to all Zone Districts</td>
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<td>Garden*</td>
<td>§11.7; §11.10.9</td>
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<td>L - Applicable to all Zone Districts</td>
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<td>Keeping of Animals</td>
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<td>Nonresidential Uses in Existing Business Structures in Residential Zones - Accessory Uses</td>
<td>§11.7; §11.10.11</td>
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<td></td>
<td>Occasional Sales, Services Accessory to Places of Religious Assembly*</td>
<td>L - Applicable to all Zone Districts</td>
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<td>Occasional Sales, Services Accessory to Places of Religious Assembly*</td>
<td>§11.7; §11.10.12</td>
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<td></td>
<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
<td>L - Applicable to all Zone Districts</td>
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<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
<td>§11.7; §11.10.13</td>
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### Article 5. Urban Neighborhood Context
#### Division 5.4 Uses and Required Minimum Parking

**KEY:**
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  - ZPIN = Subject to Zoning Permit Review with Informational Notice
  - ZPSE = Subject to Zoning Permit with Special Exception Review
- When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Primary Nonresidential Uses</td>
<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
<td>L-ZP/ZPSE</td>
</tr>
<tr>
<td>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</td>
<td>Outdoor Retail Sale and Display*</td>
<td>L-ZP/ZPSE</td>
</tr>
<tr>
<td></td>
<td>Outdoor Storage, General*</td>
<td>L-ZP</td>
</tr>
<tr>
<td></td>
<td>Outdoor Storage, Limited*</td>
<td>L-ZP</td>
</tr>
<tr>
<td></td>
<td>Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use</td>
<td>L-ZP</td>
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### Temporary Use Classification

<table>
<thead>
<tr>
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<th>L - Applicable to all Zone Districts</th>
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</thead>
<tbody>
<tr>
<td>Unlisted Temporary Uses</td>
<td>$11.11.1</td>
</tr>
<tr>
<td>Ambulance Service - Temporary</td>
<td>$11.11.2</td>
</tr>
<tr>
<td>Amusement / Entertainment - Temporary*</td>
<td>$11.11.3</td>
</tr>
<tr>
<td>Bazaar, Carnival, Circus or Special Event*</td>
<td>$11.11.4</td>
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<tr>
<td>Building or yard for construction materials*</td>
<td>$11.11.5</td>
</tr>
<tr>
<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
<td>$11.11.6</td>
</tr>
<tr>
<td>Fence for Demolition or Construction Work</td>
<td>$11.11.7</td>
</tr>
<tr>
<td>Health Care Center</td>
<td>$11.11.8</td>
</tr>
<tr>
<td>Noncommercial Concrete Batch Plant*</td>
<td>$11.11.9</td>
</tr>
<tr>
<td>Outdoor Retail Sales - Pedestrian Transit Mall*</td>
<td>$11.11.10</td>
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<tr>
<td>Outdoor Retail Sales*</td>
<td>$11.11.11</td>
</tr>
<tr>
<td>Outdoor Sales, Seasonal*</td>
<td>$11.11.12</td>
</tr>
<tr>
<td>Parking Lot Designated for a Special Event*</td>
<td>$11.11.13</td>
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<tr>
<td>Retail Food Establishment, Mobile*</td>
<td>$11.11.14</td>
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<td>Temporary Construction Office</td>
<td>$11.11.15</td>
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<td>Temporary Office - Real Estate Sales</td>
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<td>Temporary Tiny Home Villages</td>
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<tr>
<td>Tent for Religious Services</td>
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## Article 6. General Urban Neighborhood Context

### Division 6.4 Uses and Required Minimum Parking

<table>
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<tr>
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<th>APPLICABLE USE LIMITATIONS</th>
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<tr>
<td></td>
<td>Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility)</td>
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<td></td>
<td></td>
<td>G-RH-3 G-MU-8</td>
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</tbody>
</table>

### TEMPORARY USE CLASSIFICATION

#### Temporary Uses

**(Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)**

- **Unlisted Temporary Uses**: L- Applicable to all Zone Districts
- **Ambulance Service - Temporary**: NP L-ZP L-ZP L-ZP L-ZP Not Applicable - See Permitted Primary Uses SG 11.11.1
- **Amusement / Entertainment - Temporary**: NP NP NP NP NP NP NP NP
- **Bazaar, Carnival, Circus or Special Event**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.4
- **Building or yard for construction materials**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.5
- **Concrete, Asphalt, and Rock Crushing Facility**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.6
- **Fence for Demolition or Construction Work**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.7
- **Health Care Center**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.8
- **Noncommercial Concrete Batch Plant**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.9
- **Outdoor Retail Sales - Pedestrian / Transit Mall**: NP NP NP NP NP NP NP NP SG 11.11.10
- **Outdoor Retail Sales**: NP NP NP NP L-ZP L-ZP NP L-ZP SG 11.11.11
- **Outdoor Sales, Seasonal**: NP NP NP NP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.12
- **Parking Lot Designated for a Special Event**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.13
- **Retail Food Establishment, Mobile**: NP NP NP NP L-ZP L-ZP L-ZP NP SG 11.11.14
- **Temporary Construction Office**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.15
- **Temporary Office - Real Estate Sales**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.16
- **Temporary Tiny Home Village**: L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP L-ZP SG 11.11.17
- **Tent for Religious Services**: NP NP NP NP NP NP NP NP

**KEY**: * = Need Not be Enclosed  P = Permitted Use without Limitations  L = Permitted Use with Limitations  NP = Not Permitted Use  ZP = Zoning Permit Review  ZPIN = Subject to Zoning Permit Review with Informational Notice  ZPSE = Subject to Zoning Permit with Special Exception Review  When no ZP, ZPIN, ZPSE listed = No Zoning Permit required
### Article 7. Urban Center Neighborhood Context
#### Division 7.4 Uses and Required Minimum Parking

**KEY:**  
* = Need Not be Enclosed  
P = Permitted Use without Limitations  
L = Permitted Use with Limitations  
NP = Not Permitted Use  
ZP = Zoning Permit Review  
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<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicle Parking Reqmt: # spaces per unit of measurement</td>
<td>L-ZP</td>
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<tr>
<td></td>
<td>Bicycle Parking Reqmt: # spaces per unit of measurement</td>
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<td>Required Spaces in Enclosed Facility (% Required Spaces in Fixed Facility)</td>
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</table>

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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</thead>
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<tr>
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<td>Ambulance Service - Temporary</td>
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<tr>
<td></td>
<td>Amusement / Entertainment - Temporary*</td>
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<tr>
<td></td>
<td>Bazaar, Carnival, Circus or Special Event*</td>
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<td>Building or yard for construction materials*</td>
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<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
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<td>Fence for Demolition or Construction Work</td>
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<td>Health Care Center</td>
<td>L-ZP P-ZP P-ZP P-ZP</td>
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<td>Noncommercial Concrete Batching Plant*</td>
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<td>Outdoor Retail Sales - Pedestrian / Transit Mall*</td>
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<td>Outdoor Retail Sales*</td>
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<td>Temporary Construction Office</td>
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<td>Temporary Tiny Home Villages</td>
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<tr>
<td></td>
<td>Tent for Religious Services</td>
<td>NP NP NP NP</td>
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</table>
### Article 8. Downtown Neighborhood Context
#### Division 8.11 Uses and Minimum/Maximum Parking Requirements

**Key:**  
- * = Need Not be Enclosed  
- P = Permitted Use without Limitations  
- L = Permitted Use with Limitations  
- NP = Not Permitted Use  
- ZP = Zoning Permit Review  
- ZPIN = Subject to Zoning Permit Review with Informational Notice  
- ZPSE = Subject to Zoning Permit with Special Exception Review  
- When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

**Specific Use Type**  
- D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5.

- Vehicle Parking Reqmt: # spaces per unit of measurement  
- Bicycle Parking Reqmt: # spaces per unit of measurement  
- (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<td>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</td>
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<tr>
<td>Accessory to Places of Religious Assembly*</td>
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<td>L-ZP</td>
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<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
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<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
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<td>Outdoor Storage, Limited*</td>
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**Unlisted Accessory Uses**

- Accessory to Primary Nonresidential Uses
  - L-ZP: Subject to Zoning Permit Review
  - L-ZPIN: Subject to Zoning Permit Review with Informational Notice
  - L-ZPSE: Subject to Zoning Permit with Special Exception Review

- When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

### Accessory to Primary Nonresidential Uses Use Classification

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<thead>
<tr>
<th>Specific Use Type</th>
<th>Classification</th>
<th>Applicable Use Limitations</th>
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<tbody>
<tr>
<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
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<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
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<td>Not Applicable - See Permitted Primary Uses</td>
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<tr>
<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
<td>L</td>
<td>L</td>
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<tr>
<td>Car Wash Bay Accessory to Automobile Services</td>
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<tr>
<td>College accessory to a Place for Religious Assembly</td>
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<td>Conference Facilities Accessory to Hotel Use</td>
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<tr>
<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
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<td>Emergency Vehicle Access Point</td>
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<td>Garden*</td>
<td>L-ZP/L-ZPIN</td>
<td>L-ZP/L-ZPIN</td>
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<td>Keeping of Animals</td>
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</tbody>
</table>

**Amendment:** 3
### 8.11-12 Downtown Neighborhood Context

#### Division 8.11 Uses and Minimum/Maximum Parking Requirements

**KEY:**  * = Need Not be Enclosed  P = Permitted Use without Limitations  L = Permitted Use with Limitations  NP = Not Permitted Use  
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<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<tr>
<td>D-C</td>
<td>D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.</td>
<td>D-GT D-AS D-AS-12+ D-AS-20+ D-CPV-R D-CPV-C</td>
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#### TEMPORARY USE CLASSIFICATION

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<tr>
<th>Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</th>
<th>Unlisted Temporary Uses</th>
<th>L - Applicable to all Zone Districts</th>
<th>$11.11.1</th>
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</thead>
<tbody>
<tr>
<td>Ambulance Service - Temporary*</td>
<td></td>
<td>Not Applicable - See Permitted Primary Uses</td>
<td>$11.11.2</td>
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<tr>
<td>Amusement / Entertainment - Temporary*</td>
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<tr>
<td>Bazaar, Carnival, Circus or Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Building or yard for construction materials*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
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<tr>
<td>Fence for Demolition or Construction Work</td>
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<td>L-ZP</td>
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<tr>
<td>Health Care Center</td>
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<td>P-ZP</td>
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</tr>
<tr>
<td>Noncommercial Concrete Batching Plant*</td>
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<tr>
<td>Outdoor Retail Sales - Pedestrian / Transit Mall*</td>
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<tr>
<td>Outdoor Retail Sales*</td>
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<td>NP</td>
<td>NP</td>
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<tr>
<td>Outdoor Sales, Seasonal*</td>
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<td>L-ZP</td>
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<tr>
<td>Parking Lot Designated for a Special Event*</td>
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<td>L-ZP</td>
<td>L-ZP</td>
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<tr>
<td>Retail Food Establishment, Mobile*</td>
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<tr>
<td>Temporary Construction Office</td>
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<tr>
<td>Temporary Office - Real Estate Sales</td>
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<td>Temporary Tiny Home Village</td>
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<tr>
<td>Tent for Religious Services</td>
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</tbody>
</table>
SECTION 9.1.4 SUPPLEMENTAL DESIGN STANDARDS

9.1.4.1 Surface Parking Between the Building and the Primary/Side Street

A. Intent
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

B. Applicability
This Section 9.1.4.1 applies to the General and Town House building forms in the I-MX zone districts.

C. Surface Parking Not Allowed
Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.

Figure 9.1-1

9.1.4.2 Rooftop and/or Second Story Decks

A. Intent
To protect the privacy of adjacent rear yards when adjacent to low-scale residential neighborhoods.

B. Applicability
Town House building form in all the I-MX zone districts when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

C. Supplemental Design Standard
1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the Zone Lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the Zone Lot depth, including detached or freestanding structures but excluding the detached...
accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

9.1.4.3 Dwelling Units Oriented to the Street

A. Intent
To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

B. Applicability
This Section 9.1.4.3 shall apply to development under the Town House building form in all I-MX zone districts when required by the building form standards.

Supplemental Design Standard

1. On an Interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.

2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or the Side Street Zone Lot Line.
   a. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
   b. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.
   c. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
### USE CATEGORY

#### SPECIFIC USE TYPE
- Vehicle Parking Requirement - # of spaces per unit of measurement
- Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)

### APPLICABLE USE LIMITATIONS

#### I-MX-3

#### I-MX-5

#### I-MX-8

#### I-A

#### I-B

### TEMPORARY USE CLASSIFICATION

#### Unlisted Temporary Uses
- L - Applicable to all Zone Districts

#### Ambulance Service - Temporary
- Not Applicable - See Permitted Primary Uses

#### Amusement / Entertainment - Temporary*
- L-ZP

#### Bazaar, Carnival, Circus or Special Event*
- L-ZP

#### Building or yard for construction materials*
- L-ZP

#### Concrete, Asphalt, and Rock Crushing Facility*
- L-ZP

#### Fence for Demolition or Construction Work
- L-ZP

#### Health Care Center
- P-ZP

#### Noncommercial Concrete Batching Plant*
- L-ZP

#### Outdoor Retail Sales - Pedestrian / Transit Mall*
- NP

#### Outdoor Sales*
- L-ZP

#### Outdoor Sales, Seasonal*
- L-ZP

#### Parking Lot Designated for a Special Event*
- L-ZP

#### Retail Food Establishment, Mobile*
- L-ZP

#### Temporary Construction Office
- L-ZP

#### Temporary Office - Real Estate Sales
- L-ZP

#### Temporary Tiny Home Village
- L-ZP

#### Tent for Religious Services
- L-ZP

---

**Key:**
- *= Need not be enclosed
- P = Permitted Use without Limitations
- L = Permitted Use with Limitations
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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required
Article 9. Special Contexts and Districts
Division 9.1 Industrial Context

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### Article 9. Special Contexts and Districts

#### Division 9.2 Campus Context

**Denmark Zoning Code**  
June 25, 2010 | Republished May 24, 2018

**Use Category**

**Specific Use Type**
- Vehicle Parking Requirement - # of spaces per unit of measurement
- Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)

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<thead>
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<td></td>
<td>Retail Food Establishment, Mobile*</td>
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</tr>
</tbody>
</table>

**Applicable Use Limitations**

- L - Applicable in all Zone Districts
- ZP = Zoning Permit Review
- ZPSE = Subject to Zoning Permit with Special Exception Review
- NP = Not Permitted Use
- P = Permitted Use without Limitations
- CMP-H
- CMP-EI
- CMP-ENT
- CMP-NWC-C
- CMP-NWC-G
- CMP-NWC-F
- CMP-NWC-R

**Key:**  * = Need Not be Enclosed  
P = Permitted Use without Limitations  
L = Permitted Use with Limitations  
NP = Not Permitted Use  
ZP = Zoning Permit Review  
ZPIN = Subject to Zoning Permit Review with Informational Notice  
ZPSE = Subject to Zoning Permit with Special Exception Review  
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required
### Article 9. Special Contexts and Districts

#### Division 9.3 Open Space Context

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>OS-A</th>
<th>OS-B</th>
<th>OS-C</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<tr>
<td>Accessory to Primary Nonresidential Uses</td>
<td>Unlisted Accessory Uses</td>
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<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
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<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
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<td></td>
<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
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<td>Car Wash Bay Accessory to Automobile Services</td>
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<td>College accessory to a Place for Religious Assembly</td>
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<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
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<td>Emergency Vehicle Access Point</td>
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<td>Garden*</td>
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<td>Keeping of Animals</td>
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<td>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</td>
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<td>Occasional Sales, Services Accessory to Places of Religious Assembly*</td>
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<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
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<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
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<td>Outdoor Retail Sale and Display*</td>
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<td>Outdoor Storage, Limited*</td>
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<td>Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use</td>
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### Article 9. Special Contexts and Districts

#### Division 9.3 Open Space Context

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<tr>
<td></td>
<td>• Vehicle Parking Requirement - # of spaces per unit of measurement</td>
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<td></td>
<td>• Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)</td>
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<table>
<thead>
<tr>
<th>TEMPORARY USE CLASSIFICATION</th>
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<tr>
<td>Building or yard for construction materials*</td>
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<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
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<td>Fence for Demolition or Construction Work</td>
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<td>Health Care Center</td>
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<td>Noncommercial Concrete Batching Plant*</td>
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<td>Tent for Religious Services</td>
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<td>§11.11.13</td>
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</tbody>
</table>
3. **Shallow Lot Standards**
   a. **Applicability**
      i. Zone lots established prior to July 10, 2015 where at least one side interior or side street zone lot line is 90 feet or less deep, measured from the intersection of the primary street zone lot line and a side interior or side street zone lot line to the intersection of a zone lot line opposite the primary street.
   
   b. **Standards**
      i. Rooftop and/or Second Story Decks are allowed in 100% of zone lot depth.
      ii. The following underlying zone district primary building form height standards applicable in the front 65% of zone lot depth shall apply to 100% of zone lot depth:
         a) Height in stories;
         b) Height in feet;
         c) Allowable height increase; and
         d) Bulk plane vertical height at side interior and side street zone lot line.

E. **Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only**
   1. **Side Interior Setback**
      a. The minimum side interior setback shall be 0 feet.
      b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

9.4.3.9 **Potter Highlands Conservation Overlay (CO-4)**
   A. **Creation**
      There is hereby created a Conservation Overlay District designated as the Potter Highlands Conservation Overlay District.
   
   B. **Intent**
      To apply additional building form standards that are consistent with the established character of the Potter Highlands Historic District.
   
   C. **Applicability**
      This Potter Highlands Conservation Overlay shall apply only to those areas designated as CO-4 on the Official Zone Map.
   
   D. **Primary Building Form Standards Applicable to Urban House, Duplex, and Tandem House Building Forms**
      1. **Side Interior Setbacks**
         a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 5 feet.
      2. **Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines**
         a. For zone lots 30 feet or less in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 15 feet.
         b. For zone lots greater than 30 feet in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 13 feet.
3. **Rooftop Decks**
   a. Rooftop deck on roof of second story or above
      i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the second story or on the roof of any story above the second story of a structure shall be prohibited in 100% of zone lot depth.
   b. Rooftop deck on roof of Street Level story
      i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the Street Level story of a structure shall be permitted in the front 65% of zone lot depth.

4. **Low-Slope Roof Height Limit and Bulk Plane Exception**
   a. In the front 65% of zone lot depth:
      i. Low-Slope Roof structures shall have a maximum height of 25 feet.
      ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.
   b. In the rear 35% of zone lot depth:
      i. Low-Slope roof structures shall have a maximum height of 14 feet.
      ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.

5. **Bulk Plane Exception**
   Any portion of structures extending through and exceeding bulk plane standards shall be subject to the following limitations:
   a. The highest point of an exception shall not exceed the height of the ridge of the pitched roof. (See Figure 9.4-1)

   ![Figure 9.4-1](Not to Scale. Illustrative Only.)
   b. An exception shall contain at least one window that faces a side interior or side street zone lot line.
   c. An exception may only project through and exceed bulk plane standards in the front 65% of zone lot depth.
   d. An exception shall not have a Low-Slope Roof.
   e. An exception’s roof overhangs shall not exceed 3 feet, measured perpendicular from the exterior wall of the exception to the edge of the roof overhang.
f. An exception shall step back a minimum of 5 feet from the building facade located between an exception and the primary street zone lot line, measured perpendicular from an exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)

g. An exception shall step back a minimum of 3 feet from the building facade located between an exception and the rear zone lot line, measured perpendicular from the exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)

h. The maximum length of an individual exception shall be 12 feet, measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-3)

i. The minimum separation between exceptions shall be 4 feet, measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-4)
j. The maximum cumulative length of all exceptions shall not exceed 50% of the overall structure length facing the side interior or side street zone lot line within the front 65% of zone lot depth. Maximum cumulative length shall be calculated using the sum of the length of all exceptions divided by the structure length in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-5)

E. Primary Building Form Standards Applicable to Structures Containing Two Unit Dwelling Uses

1. Applicability
   a. Two Unit Dwelling uses legally established and Continuously Maintained prior to July 10, 2015 shall be considered conforming uses and shall not be subject to the zone lot standards in this subsection 9.4.3.9.E. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards of the underlying zone district, provided:
      i. The zone lot shall not be reduced, expanded, or enlarged, and
      ii. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.
   b. Two Unit Dwelling uses established after July 10, 2015 shall be subject to the standards in this subsection 9.4.3.9.E.
2. Zone Lot Standards
   a. Zone Lot Size
      The minimum zone lot size shall be 5,500 square feet.
   b. Zone Lot Width
      The minimum zone lot width shall be 50 feet.

F. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit

Building Form Only

1. Applicability
   The following standards shall replace the side interior setback standards found in the accessory building form tables in the underlying Zone District.

2. Side Interior Setbacks
   a. The minimum side interior setback shall be 0 (zero) feet.
   b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

9.4.3.10 Krisana Park Conservation Overlay (CO-5)

A. Creation
   There is hereby created a Conservation Overlay District designated as the Krisana Park Conservation Overlay District.

B. Intent
   The intent of the Krisana Park Conservation Overlay District is to apply additional building form standards that are consistent with the established character of the Krisana Park neighborhood, while allowing some flexibility consistent with the overall character. The established character of the neighborhood includes single-story or split-level single family houses with low-pitched roof-line profiles and a strong horizontal emphasis, without rooftop decks. Additions are intended to be compatible in scale and proportion with original buildings.

C. Applicability
   This Krisana Park Conservation Overlay District shall apply only to those areas designated as CO-5 on the Official Zone Map.

D. Rule of Measurement for Two Base Planes
   1. Front Base Plane
      The Front Base Plane shall be the base for measuring height in the front 50% of the Zone Lot Depth.
   2. Rear Base Plane
      The Rear Base Plane shall be the base for measuring height in the rear 50% of the Zone Lot Depth.
E. **Primary Building Form Standards Applicable to Suburban House Building Form**

1. **Height in Stories**
   The maximum height in stories shall be 1.5 stories.

2. **Height in Feet**
   a. The maximum height in feet shall be 18 feet. See Figure 9.4-6.
   b. There shall be no permitted height increase for lot width over 50’.

3. **Bulk Plane**
   a. In the front 50% of the zone lot depth:
      i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 10 feet.
      ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).
         See Figure 9.4-6.
   b. In the rear 50% of the zone lot depth:
      i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 14 feet.
      ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).
         See Figure 9.4-6.

Figure 9.4-6
4. **Roof Pitch**
   No Roof shall have a sloping plane greater than 3:12. See Figure 9.4-7.

5. **Setback, Rear, No Alley**
   The minimum Setback, Rear, no alley, shall be 15 feet. See Figure 9.4-8.

6. **Rooftop and/or Second Story Decks**
   Rooftop and/or Second Story Decks are prohibited on the entirety of the zone lot.
SECTION 9.4.4 USE OVERLAY DISTRICTS (UO-)

9.4.4.1 Purpose
Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010. Because variation of permitted uses in an underlying zone district is most appropriately the focus of a legislative rezoning or an amendment to the underlying zone district, future application of the use overlay zone districts created herein is strictly limited and the establishment of new use overlay zone districts is prohibited.

9.4.4.2 Modification of Underlying Zone District Standards
A. Modification of Permitted Uses and Use Limitations Allowed
1. A Use Overlay District may be used to add to the specific permitted uses in the underlying zone district, or prohibit specific permitted uses in the underlying district.
2. Use limitations otherwise applicable to permitted uses in the underlying zone district may be modified.

B. Applicable Standards -- Modification Not Allowed
All of the provisions of the underlying zone district shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay zone district.

9.4.4.3 Use Overlay Districts Established
The following Use Overlay Districts are established:

<table>
<thead>
<tr>
<th>USE OVERLAY DISTRICT NAME</th>
<th>ZONING MAP DESIGNATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Use Overlay District</td>
<td>UO-1</td>
</tr>
<tr>
<td>Billboard Use Overlay District</td>
<td>UO-2</td>
</tr>
<tr>
<td>Historic Structure Use Overlay District</td>
<td>UO-3</td>
</tr>
</tbody>
</table>

9.4.4.4 Limitation on Applicability of Use Overlay Zone Districts
A. Except for the three use overlay zone districts expressly established in Section 9.4.4.6, 9.4.4.7, and 9.4.4.8 below, no new use overlay zone districts may be established after June 25, 2010.

B. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, a use 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.

C. No properties may be rezoned to either the Adult Use Overlay District or to the Billboard Use Overlay District after June 25, 2010.

D. The Historic Structure Use Overlay District may be applied to properties through a rezoning application approved after June 25, 2010.

9.4.4.5 Effect of Approval
A. Official Map Designator
Each Use Overlay District shall be shown on the official map by an “UO-" designator and an appropriate number placed after the underlying zone district designation.
2. Stuart Street- West 16th Avenue to West Conejos Place
   
   a. **Applicability**
   This Section 9.4.5.9.C.2’s standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 16th Avenue and West Conejos Place.

   b. **Maximum Primary Building Height**
   The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 4 stories and 60 feet. See Figure 9.4-10.

   c. **Height Exceptions**
   The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-3 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:
i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 4 stories and 60 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

3. West 17th Avenue
   a. Applicability
      This Section 9.4.5.9.C.3’s standards shall apply on the south side of West 17th Avenue between Stuart Street and Quitman Street, except that area subject to the standards in Section 9.4.5.9.C.1. above.

   b. Maximum Primary Building Height
      The maximum height of primary structures located within 43 feet of the West 17th Avenue zone lot line shall be 5 stories and 70 feet. See Figure 9.4-11.

   c. Height Exceptions
      The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-5 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

      i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 35 feet from the zone lot line abutting West 17th Avenue. Such projection shall be measured perpendicular to the zone lot line abutting 17th Avenue. See Figure 9.4-14.

      ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.
4. **Quitman Street**

   a. **Applicability**
      This Section 9.4.5.9.C.4’s standards shall apply on the west side of Quitman Street between West 17th Avenue and West Conejos Place.

   b. **Maximum Primary Building Height**
      The maximum height of primary structures located within 60 feet of the Quitman Street zone lot line shall be 5 stories and 70 feet. See Figure 9.4-12.

   c. **Height Exceptions**
      The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-5 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:
      
      i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 52 feet from the zone lot line abutting Quitman Street. Such projection shall be measured perpendicular to the zone lot line abutting Quitman Street. See Figure 9.4-14.

      ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable base zone district.
5. **Perry Street**
   
   a. **Applicability**
   
   This Section 9.4.5.9.C.5’s standards shall apply on the west side of Perry Street between West 17th Avenue and West Conejos Place.

   b. **Maximum Primary Building Height**
   
   The maximum height of primary structures located within 80 feet of the Perry Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-13.

   **Figure 9.4-13**

   ![Diagram of Perry Street zone](Not to Scale. Illustrative Only.)

   c. **Height Exceptions**
   
   The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-3 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

   i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Perry Street. Such projection shall be measured perpendicular to the zone lot line abutting Perry Street. See Figure 9.4-14.

   ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.
9.4.5.10 Peña Station Next Design Overlay District (DO-6)

A. Creation
There is hereby created a design overlay district designated as the Peña Station Next Design Overlay District (DO-6).

B. Intent
The intent of this Section 9.4.5.10 is to:

1. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to showcase ever-evolving, cutting-edge technology and sustainability in a model transit-oriented development located at the commuter rail station at 61st Avenue near Peña Boulevard. Such ever-evolving, cutting-edge technology and elements supporting sustainability within the District are intended to be incorporated and displayed in ways that will foster civic pride and economic vitality, which may include:
   a. Creative and artistic signs,
   b. Special Lighting Elements,
   c. Signs fused with art,
   d. Self-illuminated signs,
   e. Signs integrated with one or more iconic or distinctive features, and
   f. Non-standard or one-of-a-kind advertising opportunities.
2. The flexibility referenced in Section 9.4.5.10.B.1 is intended to facilitate development of a coordinated program of signage and illumination elements that enhances the aesthetic values of the city and ensures quality design; enhances the city’s attraction to and creates greater excitement and anticipation for residents, employees, and visitors; and promotes good urban design. Further, the processes to establish or amend a District Plan, and the review criteria in this Section 9.4.5.10, are intended to mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on residential uses and on users of Peña Boulevard, thereby protecting property values.

3. Signs permitted under the District Plan established in this section are intended to be in addition to signage permitted according to Division 10.10 Signs.

C. Applicability

1. The provisions of this Section 9.4.5.10, shall apply only with respect to:
   a. Signs that are located within the DO-6 zone district and permitted by the District Plan, and
   b. Special Lighting Elements that are located within the DO-6 zone district and permitted by the District Plan.

2. Notwithstanding Section 9.4.5.10.C.1., except to the extent otherwise stated in the District Plan, the provisions of this Section 9.4.5.10 shall not apply to signs permitted in Division 10.10 Signs, except Section 9.4.5.10.F Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and

3. Notwithstanding Sections 9.4.5.10.C.1 and 9.4.5.10.C.2, the provisions of this Section 9.4.5.10 shall not apply to any signs or Special Lighting Elements located on land retaining an underlying zone district designation under Former Chapter 59 until such property is rezoned (through an Official Map Amendment) to an underlying zone district under this Code.

4. A sign or Special Lighting Element that does not require a zoning permit or a building permit under the provisions of either the D.R.M.C. or this Code (other than this Section 9.4.5.10) shall not be deemed to require a zoning permit or a building permit, as appropriate, due to the provisions of this Section 9.4.5.10.

D. Conflicting Provisions

In addition to the provisions of Sections 9.4.2.2 and 9.4.2.3, if any provision of this Code (other than this Section 9.4.5.10) that is applicable to the underlying zone district is varied by, or conflicts with, the provisions of the District Plan adopted in accordance with the requirements of this Section 9.4.5.10, then the provisions of the District Plan shall control.

E. Glare

Signs and Special Lighting Elements permitted under this Section 9.4.5.10 or under the terms of the District Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

F. Minimum Pixel Pitch for Signs Using Digital Illumination

A sign using digital illumination shall have a minimum pixel pitch of 11 millimeters, unless otherwise specified in the District Plan.

G. Maximum Height

1. Except as provided by Section 9.4.5.10.G.2 and 9.4.5.10.G.3 below, the District Plan shall not allow the height of any sign or equipment constituting any Special Lighting Element to exceed the maximum height specified in the allowed building form with the highest maximum height in feet, not including height exceptions, in the applicable underlying zone district.
4. **District Specific Standards Within Overlay Zone District**

The district-specific standards of the Underlying Zone District are modified as set forth in the following table.

<table>
<thead>
<tr>
<th>Height in feet and stories, height adjacent to a Protected District and height exceptions</th>
<th>DO-7 Overlay District</th>
<th>See Underlying Zone District or Other Applicable Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQUIRED BUILD-TO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min build-to %)</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td>Primary Street (min/max build-to range)</td>
<td>0’/15’ Frontage Subject to a Residential Setback: 7’/20’</td>
<td></td>
</tr>
<tr>
<td>Build-to Exceptions and Alternatives</td>
<td>See Section 9.4.5.11.G.1</td>
<td></td>
</tr>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street, Side Street, Side Interior, Rear, Setback adjacent to Protected District and Setback exceptions/encroachments</td>
<td>See Underlying Zone District</td>
<td></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></td>
</tr>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking between building and Primary Street</td>
<td>Not Allowed See Section 7.3.5.1.C</td>
<td></td>
</tr>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Section 9.4.5.11.F.1</td>
<td></td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>See Underlying Zone District</td>
<td></td>
</tr>
<tr>
<td><strong>DESIGN ELEMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDING CONFIGURATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Level Height (min)</td>
<td>16’</td>
<td></td>
</tr>
<tr>
<td>Limitation on Visible Parking Above Street Level for Structures Over 5 stories or 70’ feet in height (min % of Primary and Side Street-facing Zone Lot Width)</td>
<td>70% See Section 9.4.5.11.F.2</td>
<td></td>
</tr>
<tr>
<td>Alternative to Limitation on Visible Parking Above Street Level</td>
<td>See Section 9.4.5.11.G.2</td>
<td></td>
</tr>
<tr>
<td>Upper Story Setback adjacent to Primary Street and Protected District</td>
<td>See Underlying Zone District</td>
<td></td>
</tr>
<tr>
<td><strong>INCREMENTAL MASS REDUCTION BY ZONE LOT SIZE/WIDTH</strong></td>
<td>≤18,750 Sq. Ft/ ≤150’</td>
<td>&gt;18,750 Sq. Ft/ &gt;150’</td>
</tr>
<tr>
<td>Incremental Mass Reduction for Stories 3-5</td>
<td>na</td>
<td>10%</td>
</tr>
<tr>
<td>Incremental Mass Reduction for Stories 6-8</td>
<td>na</td>
<td>15%</td>
</tr>
<tr>
<td>Incremental Mass Reduction for Stories 9-12</td>
<td>na</td>
<td>20%</td>
</tr>
<tr>
<td>Incremental Mass Reduction for Stories 13-16</td>
<td>na</td>
<td>30%</td>
</tr>
<tr>
<td>Alternative to Incremental Mass Reduction</td>
<td>na</td>
<td>See Section 9.4.5.11.G.3</td>
</tr>
<tr>
<td><strong>STREET LEVEL ACTIVATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transparency, Primary Street (min for all uses)</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Transparency, Side Street (min for all uses)</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>Transparency Alternatives</td>
<td>See Section 9.4.5.11.G.4</td>
<td></td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>See Underlying Zone District</td>
<td></td>
</tr>
<tr>
<td>Additional Pedestrian Access, Primary and Side Street</td>
<td>Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature</td>
<td></td>
</tr>
</tbody>
</table>

**USES**

(1) On all Zone Lot Sizes and Widths, 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 7.3.5.5.C; (2) Where Zone Lot Size is greater than 18,750 square feet, or Zone Lot Width is greater than 150 feet, 70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied only by Street Level non-residential active uses as described in Section 9.4.5.11.F.3 (note that the remaining 30% shall be occupied by Street Level active uses as described in Section 7.3.5.5.C); and (3) The exterior of the Structure shall not have individual entrances to storage units within a Mini-Storage Facility use.
F. Supplemental Design Standards for the DO-7 Overlay District

1. Perimeter Surface Parking Lot Landscaping Standards
   a. Applicability
      i. Whenever the area of an existing surface parking lot is expanded or when a new area is constructed, the entire Off-Street Parking Area shall be landscaped according to this Section 9.4.5.11.F.1 rather than Section 10.5.4.4 Perimeter Surface Parking Lot Landscaping Standards.
      ii. Section 10.5.4.1.B Exceptions, shall apply to the standards in this Section 9.4.5.11.F.1.
   b. Allowance for Perimeter Surface Parking Lots Abutting Street Right-of-Way
      Perimeter Surface Parking Lots Abutting Street the Right-of-Way shall be landscaped to the following standards:
      a) To the maximum extent feasible, on-site drainage required for a Zone Lot shall be integrated into the perimeter planting strip.
      b) Alternatives to required landscape and wall materials may be allowed to better match primary building materials used on the site according to Section 12.4.5 Administrative Adjustment.
      c) The following shall be provided within Zone Lot boundaries between the boundary of any surface parking lot and street rights-of-way. See Figure 9.4-15.

<table>
<thead>
<tr>
<th>PERIMETER PLANTING STRIP REQUIRED</th>
<th>PLANTINGS REQUIRED WITHIN THE PERIMETER PLANTING STRIP</th>
<th>GARDEN WALL REQUARED</th>
<th>GARDEN WALL HEIGHT</th>
<th>GARDEN WALL MATERIALS</th>
<th>PEDESTRIAN ACCESS REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, minimum width of 8'</td>
<td>1 deciduous canopy tree for every 25’ of linear frontage. Spacing of trees may vary; the maximum spacing is 40’</td>
<td>Yes</td>
<td>Min. 30 inches; Max. 42 inches</td>
<td>Masonry or Ornamental fence with masonry piers spaced not more than 25’</td>
<td>Yes; Min. 3’ wide access at max. of 80’ intervals along all public street and alley frontages of the parking lot</td>
</tr>
</tbody>
</table>

Figure 9.4-15

![Diagram of Perimeter Planting Strip, Canopy Tree, and Garden Wall]

2. Limitation on Visible Parking Above Street Level in the DO-7 District
   a. Intent
      To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.
2. Limitation on Visible Parking Above Street Level Alternative for Integrated Facade Design
   
   a. Intent
   To ensure structured parking designs that are compatible with the character and quality of the overall building facade where it is not possible to wrap or screen structured parking with other uses.
   
   b. Allowance
   Where 100% of a street-facing building facade containing structured parking meets the standards set forth in i-iii below, the resulting integrated facade design may be used as an alternative to the Limitation on Visible Parking Above Street Level in the DO-7 district. See Figure 9.4-16.
   
   i. Where the alternative is used, Street-facing facades containing structured parking shall be integrated into the overall facade design through use of:
      a) Similar building materials to those used on adjacent facade areas that do not contain structured parking
      b) Facade articulation and fenestration patterns that integrate with portions of the building facade that do not contain structured parking
   
   ii. Where the alternative is used, Street-facing facades containing structured parking shall minimize the visibility of parking areas through use of:
      a) Non-transparent facade materials for a minimum height of 4 feet from the finished floor of each story
      b) Fully-shielded LED or other lighting not exceeding 6,500 lumens in any parking aisle behind a street-facing facade
   
   iii. Where the alternative is used, Section 10.4.6.5 Parking Structure Design Standards shall apply in addition to the Standards set forth in this Section 9.4.5.11.G.2.

Figure 9.4-16
3. **Incremental Mass Reduction Alternative for Provision of Private Open Space in the DO-7 District**

   a. **Intent**
      To encourage provision of active, pedestrian-oriented courtyards and plazas while allowing maximum flexibility for creative building massing.

   b. **Allowance**
      Where the minimum percentage of the gross area of a Zone Lot set forth in i-ii below is provided as Private Open Space meeting the rules of measurement set forth in Section 13.1.6.1.B, all Structures on the Zone Lot are not required to meet Incremental Mass Reduction standards. See Figure 9.4-17.

      i. Structures that are up to 150 feet or 12 stories in height (excluding permitted height exceptions): 10% Private Open Space

      ii. Structures that are greater than 150 feet or 12 stories in height (excluding permitted height exceptions): 15% Private Open Space

4. **Street Level Transparency Alternatives in the DO-7 District**

   a. **Intent**
      To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.
E. Maximum Incentive Height
Structures that meet the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in this Section 9.4.6.6.E.

1. Maximum Incentive Height Map
   a. For properties in the IO-1 district, Incentive Height maximums are set forth on the map in Figure 9.4-18, except where height transitions are required by Section 9.4.6.6.E.2.
   b. Community Planning and Development shall maintain a detailed map for application of Incentive Height to specific Zone Lots.

Figure 9.4-18
2. **Incentive Height in Transition Areas**
   To promote compatibility with lower-scale districts, neighborhoods or street frontages, a reduced maximum Incentive Height shall apply in transitional areas as set forth in Sections a and b below. Where the provisions of both Sections a and b apply, the maximum Incentive Height shall be the lower of the applicable maximum heights.

   a. **Height Transition Adjacent to Specific Streets**
      The maximum Incentive Height shall be as follows within the specified distance of a Primary or Side Street Zone Lot line fronting the following streets:

      | STREET                        | DISTANCE FROM ZONE LOT LINE | MAXIMUM INCENTIVE HEIGHT |
      |-------------------------------|----------------------------|--------------------------|
      |                               |                            | STORIES | FEET    |
      | 39TH AVENUE                   |                            | 8      | 110'    |
      | West of Williams Street*      | 85'                        | 8      | 110'    |
      | LAFAYETTE STREET              |                            | 8      | 110'    |
      | West of Franklin Street*      | 210'                       | 8      | 110'    |
      | MARION STREET                 |                            | 3      | 45'     |
      | From 300' South of Walnut Street to 36th Avenue | 35' | 3      | 45'     |
      | LARIMER STREET                |                            | 12     | 150'    |
      | Northeast of 35th Street      | 135'                       | 12     | 150'    |
      | Southwest of 35th Street      | 135'                       | 5      | 70'     |
      | 33RD STREET                   |                            | 8      | 110'    |
      | Northwest of Walnut Street    | 175'                       | 8      | 110'    |

   *A portion of this area may be subject to a reduced maximum Incentive Height adjacent to a Protected District. See Section 9.4.6.6.E.2.b.

   b. **Height Transition Adjacent to a Protected District**
      The maximum Incentive Height shall be 75 feet within 175 feet of a Protected District unless further limited by Section 9.4.6.6.E.2.a.

   F. **Requirements for Structures Using Incentive Height**

      1. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.

      2. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height comprises 80% or more of the total gross square footage of all uses located above the maximum Base Height.
DIVISION 9.5 DENVER INTERNATIONAL AIRPORT ZONE DISTRICTS AND O-1 ZONE DISTRICT

SECTION 9.5.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established and are applied to property as set forth on the Official Map.

<table>
<thead>
<tr>
<th>DIA</th>
<th>Denver International Airport Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIO</td>
<td>DIA Influence Area Overlay Zone</td>
</tr>
<tr>
<td>O-1</td>
<td>O-1 Zone District</td>
</tr>
</tbody>
</table>

9.5.1.1 Purpose

The following paragraphs explain the general purpose and intent of the individual zone districts.

A. Denver International Airport Zone (DIA)

The Denver International Airport (DIA) encompasses 53 square miles of land. This large land area is designed to limit the impacts of airport activity on the airport’s neighbors and provides room for the airport to expand and grow. The enormous potential of DIA to serve a prominent role in the global aviation system is due primarily to the airport’s room to grow. With this ability to grow in a city that is otherwise landlocked, development within the DIA zone district provides a path to markets around the world and providing a stimulus for economic growth in the region. Accordingly, the intent of the DIA zone district is to:

1. Ensure public safety and security.
2. Reduce exposure of residential and other sensitive land uses to airport operations.
3. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area.
4. Maintain consistency with DIA’s vision, mission and goals.
5. Maintain consistent and coordinated development patterns that match City and regional development plans.
6. Minimize impacts to airport operations.
7. Optimize airport operational efficiency and flexibility.
8. Allow the airport to respond to the changing needs of a dynamic aviation industry.
9. Continue to support DIA’s role as the key economic engine for the region and the state.
10. Reserve and maintain land uses on and near the airport to permit logical, phased development that is both flexible and responsive to airport and public needs.

B. DIA Influence Area Overlay Zone (-AIO)

The Denver International Airport is the largest airport in North America. This large land area is designed to limit the impacts of airport activity on the airport’s neighbors and provides room for the airport to expand and grow. However, even at its extensive size, the influence of the airport extends beyond the property owned as part of the airport itself (see the Denver International Airport zone district). Accordingly, the intent of the DIA Influence Area Overlay Zone is to:

1. Reduce exposure of residential and other sensitive land uses to airport operations.
2. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area.
SECTION 9.5.2 DENVER INTERNATIONAL AIRPORT ZONE DISTRICT (DIA)

9.5.2.1 Building Forms
The Denver Manager of Aviation shall determine all applicable building form standards in the DIA zone district.

9.5.2.2 Design Standards
   A. Signage
       Design and development standards governing signage in the DIA zone district shall be determined by the Denver Manager of Aviation, except that in the Peña Station Next Design Overlay District (DO-6), Section 9.4.5.10 and Division 10.10 Signs shall apply.
   B. All Other Design Standards
       All other design and development standards governing uses and structures in the DIA zone district, including but not limited to landscaping and parking, shall be determined by the Denver Manager of Aviation.

9.5.2.3 Permitted Uses in the DIA Zone District
See Section 9.5.5, Uses and Required Minimum Parking.

SECTION 9.5.3 DIA INFLUENCE AREA OVERLAY ZONE (AIO-)

9.5.3.1 DIA Influence Area
The DIA Influence Area is defined as the land area located north of 56th Avenue in the City and County of Denver’s DIA statistical neighborhood, as shown in Figure 9.5-1, and on the Official Map.
### Accessory to Primary Nonresidential Uses Use Classification

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIA</td>
<td>O-1</td>
<td></td>
</tr>
<tr>
<td>Accessory to Primary Nonresidential Uses</td>
<td>Accessory to Primary Nonresidential Uses</td>
<td></td>
</tr>
<tr>
<td>Unlisted Accessory Uses</td>
<td>L</td>
<td>$11.7; $11.10.1</td>
</tr>
<tr>
<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
<td>L</td>
<td>$11.7</td>
</tr>
<tr>
<td>Car Wash Bay Accessory to Automobile Services</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>College accessory to a Place for Religious Assembly</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Conference Facilities Accessory to Hotel Use</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Emergency Vehicle Access Point</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Garden*</td>
<td>L</td>
<td>$11.7; $11.10.10</td>
</tr>
<tr>
<td>Keeping of Animals</td>
<td>L/L-ZP/ L-ZPIN</td>
<td>$11.7; $11.10.11</td>
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<tr>
<td>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Occasional Sales, Services Accessory to Places of Religious Assembly*</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
<td>NP</td>
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</tr>
<tr>
<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
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</tr>
<tr>
<td>Outdoor Retail Sale and Display*</td>
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<tr>
<td>Outdoor Storage, Limited*</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage, General*</td>
<td>NP</td>
<td></td>
</tr>
<tr>
<td>Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use</td>
<td>NP</td>
<td></td>
</tr>
</tbody>
</table>

---

**KEY:** * = Need Not be Enclosed  
**P** = Permitted Use without Limitations  
**L** = Permitted Use with Limitations  
**NP** = Not Permitted Use  
**ZP** = Zoning Permit Review  
**ZPIN** = Subject to Zoning Permit Review with Informational Notice  
**ZPSE** = Subject to Zoning Permit with Special Exception Review  
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

---

DIA  
O-1
### Article 9. Special Contexts and Districts

#### Division 9.5 Denver International Airport Zone District and O-1 Zone District

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>DIA</th>
<th>O-1</th>
<th>APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Uses</strong></td>
<td>Unlisted Temporary Uses</td>
<td>L</td>
<td>§11.11.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ambulance Service - Temporary</td>
<td>L-ZP</td>
<td>Not Applicable - See Permitted Primary Uses</td>
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### Article 9. Special Contexts and Districts

#### Division 9.7 Master Planned Context

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<tr>
<th>USE CATEGORY</th>
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<th>APPLICABLE USE LIMITATIONS</th>
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<tr>
<td><strong>ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION</strong></td>
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<tr>
<td>Unlisted Accessory Uses</td>
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<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
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<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
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**DENVER ZONING CODE**

June 25, 2010 | Republished May 24, 2018

| 9.7-73 |
## Article 9. Special Contexts and Districts
### Division 9.7 Master Planned Context

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### USE CATEGORY

<table>
<thead>
<tr>
<th>SPECIFIC USE TYPE</th>
<th>• Vehicle Parking Reqmt: # spaces per unit of measurement</th>
<th>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)</th>
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<td>Ambulance Service - Temporary</td>
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<tr>
<td>Amusement / Entertainment - Temporary*</td>
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B. Except in the O-1 and OS zone districts, a temporary surface Off-Street Parking Area shall be improved with an all-weather surfacing material comprised, at a minimum, of gravel or road base material with a thickness of at least 4 inches.

11.11.13.4 All Zone Districts - Posted Sign Required

A. At each legal vehicle entry from the public street, no more than one advertising or directional sign may be installed, which shall be limited in size to 12 square feet.

B. All signs related to the temporary surface Off-Street Parking Area shall be installed only during the time of the special event, shall not exceed a height of 6 feet, and need not be set back from any property line.

C. Each parking lot shall have one sign 6 square feet in area which is installed on the front property line and which contains the following information printed in letters 2 inches high:

1. Owner’s name
2. The temporary permit number
3. Number of cars permitted in the lot
4. The designated special event for which the parking is permitted

SECTION 11.11.14 RETAIL FOOD ESTABLISHMENT, MOBILE

11.11.14.1 All Mixed Use Commercial Zone Districts; I-A, I-B Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts; I-A, I-B zone districts; and OS-B zone district, where permitted with limitations, mobile retail food establishments are permitted subject to compliance with the following standards:

A. Permits shall be valid for 12 consecutive months and shall be renewed annually.

B. Permits shall be valid for 4 consecutive hours for each day at each zone lot.

C. No more than 1 retail food establishment, mobile shall be permitted to operate per day at each zone lot.

D. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.

E. Operations shall only occur on zone lots and shall not reduce the area required for parking for any other use on the zone lot.

F. Operations shall be at least 200 feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued, and at least 200 feet from any other retail food establishment, mobile.

G. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk.

H. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation.

I. Operations shall not occur outside of the retail food establishment, mobile.

J. Structures, canopies and outdoor tables and chairs are prohibited.

K. Signs must be permanently affixed to or painted on the retail food establishment, mobile.

L. Signs shall not project from the retail food establishment, mobile and shall not illuminate.

M. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.
N. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile.

O. Operations shall be located at least 50 feet from any Residential Zone District.

P. Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.

SECTION 11.11.15 TEMPORARY CONSTRUCTION OFFICE

11.11.15.1 All Zone Districts
In all zone districts, where permitted with limitations, temporary construction offices needed for a specific construction project are permitted provided each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.

SECTION 11.11.16 TEMPORARY OFFICE - REAL ESTATE SALES

11.11.16.1 All Residential and Mixed Use Commercial Zone Districts
In all Residential Zone Districts and Mixed Use Commercial Zone Districts, where permitted with limitations, temporary offices, for the sale or rental of dwelling units within one (1) specific project under construction, rehabilitation or recently completed, and both incidental and necessary for the sale or rental of real property in the zone district are permitted subject to compliance with the following standards:

A. Such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than four successive periods for the same project.

B. Each permit shall specify the location of the temporary office and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than 2 miles from the temporary office.

SECTION 11.11.17 TEMPORARY TINY HOME VILLAGE

11.11.17.1 Intent and Purpose
The intent of this temporary use is to grant flexibility from building form and site design requirements for providers of housing for people who are experiencing homelessness or are at risk of becoming homeless.

11.11.17.2 SU, TU, RH Zone Districts
In all SU, TU, RH Zone Districts, where permitted with limitations, a Temporary Tiny Home Village is permitted only in combination with and on the same Zone Lot as a primary Civic, Public or Institutional Primary Use, and shall be limited to a maximum of 30 sleeping units.

11.11.17.3 All Zone Districts
In all Zone Districts, where permitted with limitations, Temporary Tiny Home Village uses are permitted subject to compliance with the following standards:

A. Duration of Zoning Permit
1. Permits for Temporary Tiny Home Village uses shall be valid for a period not more than 4 years.
2. After a Temporary Tiny Home Village vacates a site, no additional zoning permits or renewals for Temporary Tiny Home Villages may be issued at the subject site until an additional 4 years has passed from the vacation date.
B. Owner and Operational Requirements

1. The applicant shall be the Zone Lot owner(s) or have written approval of the owner(s) of the subject Zone Lot.

2. An operational plan shall be submitted with the application for a zoning permit. The Manager shall establish minimum requirements for the operational plan.

C. Permit Requirements

1. A Pre-Application meeting is required according to Section 12.3.2.

2. A Community Information Meeting is required according to Section 12.3.4.6. before submitting the zoning application.

3. Upon application for a zoning permit, the applicant shall provide:
   a. The following information about the Community Information Meeting:
      i. Documentation of outreach efforts as required by Section 12.3.4.6.;
      ii. A written record of the meeting; and
      iii. A summary of any follow-up plans with the community.

   b. A site plan demonstrating compliance with siting and design standards of Section 11.11.17.3.D.

   c. Documentation of Owner and Operational Requirements set forth in Section 11.11.17.3.B.

4. Zoning permits to establish or renew a Temporary Tiny Home Village use shall run with the land for the duration of the permit.

5. A new operator of an established Temporary Tiny Home Village use shall:
   a. Provide evidence to the Manager that the operator meets all requirements of Section 11.11.17.3.B; and

   b. Hold a Community Information Meeting according to Section 12.3.4.6.

D. Site Design Requirements

The following building form standards shall apply to all temporary structures associated with the Temporary Tiny Home Village use:

1. A zoning permit for a Temporary Tiny Home Village allows construction or relocation of temporary structures on the zone lot. The use may be located wholly or partially within an existing permanent structure, but new permanent structures are not permitted to establish this use.

2. Side Interior, Side Street and Rear setbacks from zone lot lines (min) shall be 5 feet.

3. Primary Street setbacks in SU, TU and RH Zone Districts (min) shall be 20 feet.

4. Primary Street setbacks in all other applicable zone districts shall be the least setback required for any primary building form permitted on the subject zone lot, not including any permitted setback encroachments. For example, if the zone district for the subject site is U-MX-3, the minimum Primary Street setback shall be 0 feet, according to the General and Shopfront building form standards.

5. Required minimum setbacks shall be open and unobstructed. Setback encroachments are permitted only where allowed for “All Building Forms” in the applicable zone districts.

6. All structures intended for common use by the Temporary Tiny Home Village residents and located within 25 feet of a Primary Street zone lot line shall have an Entrance with
E. Residential Outdoor Storage
Residential Outdoor Storage is permitted with the Temporary Tiny Home Village use. See definition of Outdoor Storage, Residential in Section 11.12.7.5. Any Residential Outdoor Storage shall comply with the following standards:

1. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances), is prohibited.
2. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.
3. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.
4. No outdoor storage shall occur in required minimum zoning setback areas.
5. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

F. Fences and Walls
Fences and Walls shall be governed by applicable standards in the subject site Zone District and Article 10, with the following exception:

1. The maximum height when forward of any Primary Street facing Temporary Structure shall be 4 feet.
2. Where additional privacy or security is required, the Zoning Administrator may permit construction of a fence with a maximum height of 6 feet. Any 4-feet linear section of such over-height fence or wall shall be no more than 75 percent solid over its entire area.
3. All fences or walls taller than 4 feet shall require a zoning permit, and shall expire on the same date as the permit for the related Temporary Tiny Home Village.

G. Accessory Uses
Accessory Uses are prohibited, except that a sleeping unit in a Temporary Tiny Home Village may be treated as a dwelling unit for the allowance of the following Accessory Uses:

1. Garden, according to Section 11.8.4.
2. Keeping of Household Animals, according to Section 11.8.5.1.A.
3. Fresh Produce and Cottage Food Sales according to Section 11.9.4.11.
4. Rental of sleeping unit: For every 10 sleeping units, the Temporary Tiny Home Village operator may rent 1 sleeping unit to an employee or volunteer who works directly with residents of the Temporary Tiny Home Village. Rentals may be for any length of stay.

H. Use Permit Application and Review
Following the required Community Information Meeting and submittal of a complete zoning permit application, the Zoning Administrator shall review the application according to the procedures in Section 12.4.1. In making a final decision, the Zoning Administrator may consider relevant stakeholder comments and applicant commitments documented during the Community Information Meeting.
SECTION 11.11.18 TENT FOR RELIGIOUS SERVICES

11.11.18.1 All Industrial Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

In all Industrial Zone Districts and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations, tents for religious services shall comply with the following limitations:

A. Must be 500 feet from a Residential Zone District.

B. Applications shall be reviewed by the Denver Fire Department.

C. Each such permit shall be valid for a period of one month and may be renewed.
## Section 12.2.9 Summary Table of Authority and Notice

<table>
<thead>
<tr>
<th>Review and Decision-Making Authority</th>
<th>Type of Public Notice Required</th>
</tr>
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<tbody>
<tr>
<td><strong>D</strong> = Decision-Making Authority</td>
<td>Notice Required</td>
</tr>
<tr>
<td><strong>R</strong> = Review and Recommendation Authority</td>
<td>Notice Not Required</td>
</tr>
<tr>
<td>***= Public Hearing Required</td>
<td></td>
</tr>
</tbody>
</table>

### Zoning Permit Review
- **D**

### Zoning Permit Review with Informational Notice
- **D**

### Site Development Plan Review
- **R**
  - **D/R**
  - See Sec. 12.4.3 for site development plans where DRC has review and recommendation authority
  - **D**
  - See Sec. 12.4.3 for site development plans that require public notice

### Zone Lot Amendment
- **D**

### Administrative Adjustment
- **D**

### Code Interpretation, Determination of Unlisted Use
- **D**

### Comprehensive Sign Plan
- **D**
  - **R**

### Variance
- **R**
  - **D**

### Appeal of Administrative Decision
- **R**
  - **D**

### Special Exception
- **R**
  - **R**
  - **D**

### Official Map Amendment (Rezoning)
- **R**
  - **R**
  - **D**

### Text Amendment
- **R**
  - **R**
  - **D**

### Infrastructure Master Plan
- **R**
  - **D**

### Large Development Review
- **D**

### Repeal of an Approved General Development Plan
- **D**

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**NOTICE:** Public Hearing Required when specified.

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**Amendment:** 4

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**Denver Zoning Code**

June 25, 2010 | Republished May 24, 2018
### REVIEW AND DECISION-MAKING AUTHORITY

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<th>Board of Adjustment</th>
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<tbody>
<tr>
<td>Regulating Plan</td>
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<td>D</td>
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</tr>
<tr>
<td>Temporary Tiny Home Village</td>
<td>D</td>
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</tr>
</tbody>
</table>

### TYPE OF PUBLIC NOTICE REQUIRED

* = Notice Required  
Blank Cell = Notice Not Required

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<thead>
<tr>
<th>Informational Notice</th>
<th>Notice of Public Hearing</th>
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<tbody>
<tr>
<td>Written and Posted Notice of Community Information Meeting</td>
<td>Written and Posted Notice of Receipt of Application</td>
</tr>
<tr>
<td>Posted Notice of Final Administrative Decision</td>
<td>Written</td>
</tr>
</tbody>
</table>

# REVIEW AND DECISION-MAKING AUTHORITY

- **D**: Decision-Making Authority
- **R**: Review and Recommendation Authority
- *****: Public Hearing Required

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**DENVER ZONING CODE**  
June 25, 2010 | Republished May 24, 2018
12.3.3.6 False or Misleading Information
Any false or misleading information given by the applicant in an application, or in other statements to staff, or in a public hearing as applicable, may result in suspension or rescission of a permit, as permitted under Division 12.11, Enforcement, Violations and Penalties, of this Article.

12.3.3.7 Complete Applications Required for Processing
A. All applications shall be complete and sufficient for processing before any review of the application will begin.
B. An application is complete when the Manager finds that it is submitted in the required form, includes all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application meeting or concept plan review, and is accompanied by the applicable fee or fees.
C. An application shall be considered incomplete if the Manager determines that the submittal is inconsistent or contrary to a previous plan or permit approval that is regulatory and controlling.
D. An application for an official map amendment (rezoning) shall be considered incomplete if the Manager determines that the submittal does not meet the location and adjacency requirements or any other minimum requirements for rezoning to the proposed zone district. See Section 12.4.10, Official Map Amendments.

12.3.3.8 Determination of Complete Application
A. Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, the Manager shall review the application and make a determination of completeness by no later than 15 days from the date of receipt of the applicant’s submittal. Failure to make a determination of completeness within the requisite 15-day time period shall automatically deem the application "complete."
B. A "complete" application shall be processed according to this Article.
C. If the Manager determines that the application is incomplete, the Manager shall notify the applicant and specifically identify how the application is deficient and state that Community Planning and Development will not process incomplete applications. The application shall then be classified as "Incomplete."
D. Community Planning and Development shall not review an incomplete application, and shall not forward such application to any review or decision-making bodies, until the application is made complete. Wherever this Code refers to the forwarding or referral of an application to any review or decision-making body, the obligation to forward or refer the application shall not arise until the application is determined to be complete.

12.3.3.9 Concurrent Applications
A. Applications may be filed and reviewed concurrently, at the option of the applicant, and with the approval of the Manager. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
B. Applications submitted concurrently may be subject to approval of all other related applications. Disapproval of any concurrently submitted application may stop consideration of related applications until the disapproved application is resolved.
C. Notwithstanding Section 12.4.10.2, zone districts Not Available for Rezoning, creation of a new zone district by text amendment according to Section 12.4.11, Text Amendment, may, with the Manager’s approval, be filed and reviewed concurrent with a map amendment according to Section 12.4.10, Official Map Amendment (Rezoning). In no case, however, shall a map amendment
rezoning land into a new zone district be approved until the text amendment creating the new zone district is approved.

12.3.3.10  Modification of a Pending Application
With the Manager’s approval, a pending application may be modified at the applicant’s request at any time before public notice of a public hearing, as applicable, is given. After public notice for a public hearing has been given, the applicant may request modifications to the application at the public hearing, which the review- or decision-making body may accept as conditions of approval.

12.3.3.11  Withdrawal of Pending Applications
A. Except where otherwise expressly provided (e.g., see Section 12.3.3.12, Inactive Applications), only the applicant may withdraw an application. The applicant shall request the withdrawal in writing, and after such withdrawal, the Manager will not take further action on the application. To re-initiate review after withdrawal, the applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review, scheduling, and payment of fees.

B. Withdrawal from consideration of an application from a public meeting or hearing agenda is discretionary with the applicable review or decision-making body.

12.3.3.12  Inactive Applications
Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, the following provisions shall apply to inactive applications:

A. The Manager shall notify the applicant in writing that an application is considered inactive and will be automatically withdrawn unless the applicant takes action to revive the application according to the Manager’s direction within thirty (30) days, if at any point in a review process either:

1. The Manager has notified the applicant that additional or corrected materials are required, and the applicant has not submitted such materials or responded with a request for a reasonable extension within 45 days after the date of such notification; or

2. As applicable, the applicant has not responded to a staff report, or has not agreed to a date for a required meeting or hearing before the Planning Board, City Council, or Board of Adjustment, or has not given proper public notice as required by this Code, or has not taken other affirmative steps within a reasonable time frame that is within the applicant’s control and is necessary to advance the application for a final determination.

B. No further processing of an inactive application shall occur until the deficiencies are corrected and the application revived. If the applicant does not correct the deficiencies or take other substantial action to address the deficiency within the 30-day correction period, the inactive application shall be considered automatically withdrawn. Any re-submittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application processing fees.

SECTION 12.3.4  PUBLIC NOTICE REQUIREMENTS

12.3.4.1  General Provisions and Intent
All applications that require public hearings before the Planning Board, the Board of Adjustment, or the City Council shall be subject to this Section’s public notice of hearing requirements. In addition, certain applications require public notice of receipt of such application and/or notice of the final decision or appeal opportunities. Some types of applications require a public meeting prior to submission of an application, during which the community can learn more about the proposed development. Public notice is intended to provide an opportunity for public participation or public information regarding land use and development applications under this Code.
12.3.4.2 Types of Public Notice

There are three types of public notice addressed by this Section:

A. Notice of Public Hearings
When required by Section 12.2.9, Summary Table of Authority and Notice, “Notice of Public Hearings” provides the public with advance notice of a required hearing at which a review- or decision-making body will take action on an application under this Code. Such notice may be provided in writing (mailed), by posting (signs), or by publication.

B. Informational Notice
When required by Section 12.2.9, Summary Table of Authority and Notice, "Informational Notice" provides the public with notice of Community Planning and Development's receipt of an application for review (e.g., a zoning permit or site development plan), and/or the approving authority's final decision on such application and available avenues for appeal. Such notice may be provided in writing (mailed) and/or by posting (signs).

C. Notice of Community Information Meetings
When required by Section 12.2.9, Summary Table of Authority and Notice, a “community information meeting” provides the opportunity for the public to learn directly from the applicant about a potential application before it is submitted. Notice of the community information meeting shall be provided in writing (mailed) and by posting signs.

12.3.4.3 Public Notice – When Required
Required public notices are summarized in the table shown in Section 12.2.9, Summary Table of Authority and Notice. More detailed information may be included with each specific zoning procedure described in Division 4 of this Article 12.

12.3.4.4 Notice of Public Hearing

A. Written Notice of Public Hearings
When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of a public hearing shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning) - Written Notice of Planning Board Public Hearings
   a. No later than 15 days before a required Planning Board public hearing on a proposed official map amendment (rezoning), the Manager shall notify the following parties:
      i. The city council members in whose district the subject property is located.
      ii. The at-large city council members.
      iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).
      iv. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Written Notice of Planning Board Public Hearings
   a. Except for an official map amendment (rezoning) application, no later than 15 days before a required Planning Board public hearing on an application, the Manager shall notify the following parties:
      i. The city council members in whose district the subject property is located.
      ii. The at-large city council members.
iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed application.

3. **Written Notice of City Council Public Hearings**
   No later than 21 days before a required City Council public hearing on an application, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

4. **General Requirements**
   a. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
   b. Notification shall include, where applicable, the location and general description of the proposed action; the process to be followed, including the date, time and place of the scheduled public hearing and/or public meeting.

5. **Minor Defects in Notice Do Not Impair Hearing**
   Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review or decision-making body shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

B. **Posted Notice of Public Hearings**
   When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of a required public hearing shall be provided in compliance with the following standards:
   1. No later than 15 days prior to the required Planning Board public hearing, and no later than 21 days prior to the required City Council public hearing, the applicant shall be responsible for posting signs on the subject property providing public notice thereof.
   2. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the public meeting or hearing, and any other information prescribed by the Manager.
   3. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.
   4. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

C. **Published Notice of City Council Public Hearing**
   No later than 21 days prior to the required City Council public hearing, the Office of the City Council, together with the Denver City Clerk's Office, shall publish notice of the time and place of a required public hearing before the City Council in the official newspaper.
12.3.4.5 Informational Notice – General Provisions

A. Written Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of receipt of application shall be provided in compliance with the following standards:

1. Official Map Amendment (Rezoning) - Timing of Notice

For an official map amendment (rezoning) application, Community Planning and Development shall cause written informational notice to be provided no later than 10 days after the determination that a complete application has been received in accordance with Section 12.3.3.8, Determination of Complete Application. Community Planning and Development shall cause written informational notice to be sent to the following parties:

a. The city council members in whose district the subject property is located.

b. The at-large city council members.

c. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).

d. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

2. All Other Applications - Timing of Notice

Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.

3. Notice to Landmark Preservation Commission

If the subject property falls within an area designated as a structure or district for preservation according to the D.R.M.C., Chapter 30 (Landmark Preservation), Community Planning and Development shall notify the Denver Landmark Preservation Commission regarding the application within the same time periods specified in paragraphs 1 and 2 above.

4. General Rules

a. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

b. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled; and information concerning, as applicable, when and where written comments may be submitted.

c. The failure of any real property owner or a registered neighborhood organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the city.

B. Posted Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of receipt of an application shall be provided in compliance with the following standards:

1. No later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for 10 days with a sign or sign template provided by Community Planning and Development. The start of the 10-day period shall be the first day of the posting of the sign.
2. Such sign shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the beginning of the posting period, and state that any final decision to approve the application shall be posted at the same location for 15 days as soon as it is effective.

3. Posted notices shall be removed by the applicant from the subject property by no later than 15 days after the end of the posting period. Failure to do so shall constitute a violation of this Code.

C. Posted Notice of Final Administrative Action
When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of final administrative action on an application shall be provided in compliance with the following standards:

1. Within 7 days after reaching a final decision to approve an application subject to informational notice, Community Planning and Development shall cause the applicant to post the property with a copy of the approving decision for a period of 15 days.

2. The applicant shall post the property in a conspicuous location with a sign or sign template provided by Community Planning and Development.

3. The effective date of the final administrative action and the start of the 15-day period during which appeals may be made to the Board of Adjustment shall be the first day of the posting of the sign. Such sign shall describe how an appeal from the final administrative decision may be filed and state that any appeal must be filed within 15 days, and shall provide contact information for obtaining the standards and criteria that will govern the appeal.

12.3.4.6 Community Information Meeting

A. Timing of Community Information Meeting
When required prior to submitting an application, the applicant shall schedule a community information meeting and provide public notice of the community information meeting according to the following standards.

1. Large Development Review
The applicant shall schedule a community information meeting following the DRC’s preliminary determination of the LDR scope according to Section 12.4.12.6, and prior to application for Large Development Review according to Section 12.4.12.8.

2. Temporary Tiny Home Village
The applicant shall schedule a community information meeting following a pre-application meeting (see Section 11.11.17.2.C.1) and prior to application for a zoning permit.

B. Required Public Notice

1. Written Notice of Community Information Meeting
The applicant shall send written notice at least 21 days prior to the date of the community information meeting in compliance with the following standards:

   a. The written notice of the community information meeting shall be sent to:
      i. Owners and tenants (if the latter is different from owners) of the subject site and any real property located within 400 feet of the subject site;
      ii. The City Council members in whose districts the subject site is located, and the at-large City Council members;
      iii. Any neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 400 feet of the subject site;
iv. Other community organizations that are not registered neighborhood organizations and are either located within 400 feet of the subject site or operate within the statistical neighborhood or neighborhoods that contain the subject site or district boundary. Applicants shall use reasonable efforts to identify such organizations, examples of which may include schools, religious assemblies, and other community-based nonprofit organizations.

b. In addition to the written notice required by Section 12.3.4.6.A.1, above, written notice for a Large Development Review shall also be sent to:
   i. Any neighboring municipality or county that is contiguous to any boundary of the LDR area;
   ii. Denver Public Schools if the LDR area anticipates residential development; and
   iii. Any special district of which any part of the district’s boundaries is included in the LDR area.

c. The written notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

d. Notification shall include the location and general description of the proposed application, the location, time and date of the community information meeting, and, if applicable, the process to be followed, including date, time and place of any related public meeting or hearing, if such has been scheduled.

e. The failure of any real property owner, tenant, registered neighborhood organization, or non-RNO organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the city.

2. **Posted Notice of Community Information Meeting**

   Posted notice of the community information meeting shall be provided in compliance with the following standards:

   a. No later than 21 days prior to the date of the required community information meeting, the applicant shall be responsible for posting one or more signs on the subject property providing public notice thereof.

   b. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the community information meeting, and any other information prescribed by the Zoning Administrator.

   c. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.

   d. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the community information meeting has been held. Failure to do so shall constitute a violation of this Code.

3. **Conduct of Community Information Meeting, General**

   The Manager shall publish guidelines for the conduct of community information meetings specific to the application types for which such meetings are required.

**SECTION 12.3.5  EFFECT OF APPROVED APPLICATIONS, PLANS AND PERMITS**

All applications, plans and permits approved under this Article 12 and this Code shall be binding upon the applicants, their successors and assigns, shall limit and control the issuance and validity of all subsequent site development plans and zoning permits, and shall restrict and limit the construction, location, use, and operation of all land and structures in accordance with such plans or permits. See also Section 12.3.7, Modification and Amendment of Approved Applications, Plans and Permits, below.
SECTION 12.3.6 LAPSE OF APPROVAL PROVISIONS AND EXTENSION OF APPROVAL PERIOD

12.3.6.1 In General - Lapse of Approved Applications, Plans and Permits

An application, site development plan, or zoning permit approved under this Code may lapse if certain actions related to the approved application are not taken within a specified time period as set forth in Division 12.4, Zoning Application and Review Procedures. Specific actions that must be taken with regard to each application, plan or permit to avoid lapsing of the approval are set forth in Division 4 of this Article for each type of zoning application.

12.3.6.2 Beginning of Approval Period - General Rule

Unless otherwise specified in Division 4 of this Article, the approval period of an approved application, plan or permit, after which lapse will occur, shall begin on the date of the decision-making body’s final action, which shall be interpreted to mean:

A. Except as stated in Section 12.3.6.2.B regarding site development plans, for approved plans or permits that this Code requires to be recorded: the date of recordation.

B. For all other approved applications, plans or permits, including site development plans: the date of the decision-making body’s final action, which shall be affixed to all approved applications, plans or permits.

12.3.6.3 Extension of Approval Period

A. The Zoning Administrator may grant an extension of an approval period up to 12 months for good cause, including but not limited to a showing that development was delayed by economic or physical problems beyond the applicant’s or property owners’ control.

B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property’s zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.

C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:

1. Payment of any required fee for the extension review; and

2. A narrative stating the reasons for the applicant’s or owner’s inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.

D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.

E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS

12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits

This Section 12.3.7.1 shall not apply to modifications to LDFs, IMPs, or GDPs; instead see Sections 12.4.12 and 12.4.14.
The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications" rather than "amendments;" and may be approved administratively by the Zoning Administrator according to this Section.

A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits

1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly permitted as "administrative adjustments" under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.

2. The Zoning Administrator may allow minor changes to an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.

3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder’s Office, and shall register a modified zoning permit in the records of Community Planning and Development.

B. Other Modifications to Approved Applications, Plans, or Permits

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section 12.3.7.1.A above, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

12.3.7.2 Amendments to Approved Applications, Plans and Permits

This Section 12.3.7.2 shall not apply to amendments to LDFs, IMPs, or GDPs. See Sections 12.4.12 and 12.4.14.

A. Procedure for Amendments

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.

2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.

3. The Manager shall record all amendments to a site development plan approved according to this Section in the records of the Denver County Clerk and Recorder’s Office.

B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council
approval), which do not qualify as a "modification" under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.

2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:

   a. An increase in overall project density;
   b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
   c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
   d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretations and Determination of Unlisted Uses);
   e. A change to the location of permitted land uses that would substantially change the development's character or impacts on surrounding property, as determined by the Zoning Administrator;
   f. A reduction in required minimum setbacks from zone lot lines;
   g. An increase in required build-to location from zone lot lines;
   h. An increase in permitted building coverage, including coverage by surface parking;
   i. A reduction by more than 5 percent in the land area designated for landscaping;
   j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;
   k. A change in the permitted number, size or lighting of signs;
   l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
   m. Changing or negating a condition of approval; or
   n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS

12.3.8.1 This Section 12.3.8 shall not apply to a Large Development Framework. See Section 12.4.12.

12.3.8.2 Pursuant to the same procedure and subject to the same limitations and requirements by which such Site Development Plans, Infrastructure Master Plans (IMPs), or General Development Plans (GDPs) were approved and recorded, all Site Development Plans, IMPs, and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.
12.4.12.6 Preliminary Determination of LDR Scope

If the DRC has determined that the LDR process is required in accordance with Section 12.4.12.2 (Applicability) and 12.4.12.5 (Preapplication Meeting), no later than 60 days following the pre-application meeting, the Manager shall inform the applicant of the DRC’s preliminary findings addressing, at a minimum, the following items:

A. The boundaries of the LDR;

B. Whether a City Council adopted plan (or plans) provides clear and sufficient guidance for changes in land use, development, and infrastructure in the subject area;
   1. City Council adopted plans may include, but are not limited to, neighborhood plans, station area plans, master plans, and citywide plans (Blueprint Denver).
   2. The Manager shall evaluate all applicable adopted plan policies and may determine “clear and sufficient guidance” exists considering all relevant factors, including but not limited to whether (1) the City Council adopted plans provide a level of detail for the subject LDR area sufficient to establish a framework for interconnected land uses, streets, open space, public parks, and other infrastructure, as applicable; (2) the plan was adopted within the previous 20 years from the date of the LDR preapplication meeting; and (3) the plan adequately addresses current community conditions for the subject area.

C. The type and timing of necessary regulatory processes applicable to the proposed development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, amendments or repeals of previously approved General Development Plans, or approval of any urban design standards and guidelines;

D. When the Manager finds that an Official Map Amendment is necessary for the proposed large development and when the Manager has made a preliminary finding of no clear and sufficient City Council adopted plan guidance according to Section 12.4.12.6.B above, the type and timing of necessary planning processes applicable to the proposed development of the subject area;

E. Whether any land dedication will be required through a subsequent regulatory process in the LDR area for streets, trails, open space, public parks, schools and other public purposes;

F. Whether any additional actions will be required to ensure community benefits are achieved for the large development area identified in a City Council adopted plan, including but not limited to an affordable housing plan or a schools plan, as applicable.

12.4.12.7 Community Information Meeting

A community information meeting is required for LDRs according to Section 12.3.4.6.

12.4.12.8 Application and Fees

All applications for LDR review shall be filed in writing with Community Planning and Development within 180 days of the Community Information Meeting according to Section 12.4.12.7. If an application for LDR review is not submitted within 180 days after the community information meeting, the Manager may require a new pre-application meeting, revised determination of the LDR scope, and a new community information meeting. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.12.9 Review, Referral, and Final Determination of LDR Scope by the DRC

A. Review and Referral

The Manager shall refer the LDR application to the DRC and all affected or interested agencies for review and comment.
B. Final DRC Determination of LDR Scope
The DRC shall evaluate any relevant new information received since the Preliminary Determination of LDR Scope in Section 12.4.12.6 above, and establish the final scope for preparation and submittal of the Large Development Framework in Section 12.4.12.10 below.

12.4.12.10 Preparation and Submittal of the Large Development Framework
The applicant shall prepare and submit a Large Development Framework ("LDF") that addresses, at a minimum, the following:

A. The final LDR scope established by the DRC;
B. The type and timing of necessary regulatory or planning processes applicable to development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, Site Development Plans, amendments or repeals of previously approved General Development Plans, approval of any urban design standards and guidelines, or approval of any planning processes, as applicable;
C. The report summarizing the community information meeting;
D. Development phasing plans, as applicable; and
E. Additional information required by the DRC.

12.4.12.11 Final Decision on LDF by Development Review Committee
A. The DRC shall consider the review criteria stated in Section 12.4.12.12, and make a final decision to approve, approve with conditions, or deny a LDF.
B. The DRC may attach conditions to the final LDF approval reasonably necessary to protect the health, safety and welfare of the community, or to mitigate adverse impacts on surrounding properties.

12.4.12.12 Review Criteria
The DRC shall approve a Large Development Framework (LDF) only if the DRC finds:
A. The LDF implements City Council adopted plans through the type and sequencing of regulatory or planning tools, as applicable; and
B. The LDF establishes a coordinated development review process that ensures the future development of the subject area will address land use, development, infrastructure, open space, public parks, schools, and other related issues, as applicable, in accordance with City Council adopted plans.

12.4.12.13 Appeals
Section 12.4.8, Appeal of Administrative Decision, shall apply to final decisions of the DRC on a LDF in accordance with this section.

12.4.12.14 Recordation of Approved LDF
Community Planning and Development shall register a copy of the final LDF document among its records and shall record the final LDF document in the real property records of the Denver County Clerk and Recorder.

12.4.12.15 Effect of Approved LDFs and GDPs
In addition to Section 12.3.5, Effect of Approved Applications, Plans and Permits, the following applies:
A. A recorded Large Development Framework (LDF) or previously approved General Development Plan (GDP), including any subsequently recorded amendments, shall be in full force and effect until and unless such time as the LDF or GDP is either superseded or rescinded.

B. The City Council may approve an official map amendment (rezoning) application for property located within an approved LDF or GDP area, taking into consideration the approved LDF or GDP.

C. The City may issue subdivision approvals, site development plan approvals, infrastructure master plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved LDF or GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved LDF or GDP.

### 12.4.12.16 Amendments to an Approved Large Development Framework

**A. Intent**
In addition to Section 12.4.12.1, Intent, the LDF amendment process is specifically intended to allow for LDFs to change over time as needed and to establish appropriate procedures for amendments to LDFs.

**B. Applicability**
This Section 12.4.12.16 shall apply to any change to a previously approved LDF.

**C. Initiation**
Amendments to an approved LDF may be initiated by any one or combination of the following parties:

1. One or more owner(s) or agent of the owner(s) of the properties to which the amendment applies;
2. The Manager;
3. The manager of Parks and Recreation; or
4. The manager of Public Works.

**D. Procedure for LDF Amendments**

1. DRC shall review an amendment to an approved LDF according to the same procedures and subject to the same limitations and requirements as the original LDF approval, and according to the additional review criteria in Section 12.4.12.16.E.
2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.
3. The Manager shall record all amendments to a LDF approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

**E. Additional Review Criteria for LDF Amendments**
In addition to the review criteria in Section 12.4.12.12, the DRC shall approve the LDF amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved LDF area, where such impacts are not otherwise substantially mitigated.

### 12.4.12.17 Withdrawal of Recorded Large Development Frameworks
Pursuant to the same procedure and subject to the same limitations and requirements by which such LDFs were approved and recorded, all LDFs recorded under this Code may be withdrawn, either partially or completely. LDFs may be withdrawn if the DRC determines that since the date of the approval of the existing LDF, conditions in the LDF area have changed to a degree that
withdrawal of the LDF is in the public interest or 10 or more years have lapsed. Upon approval of an application to withdraw by the DRC, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

12.4.12.18 Amendments and Minor Deviations to an Approved General Development Plan

A. Amendments to an Approved GDP

1. Intent
   The GDP amendment process is intended to allow for GDPs to change over time and to establish appropriate procedures for different types of amendments to GDPs.

2. Applicability
   Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.4.12.18.A. The DRC shall decide if the proposed change falls within any of the following:
   a. Significantly modifying or reallocating the permitted height, mix of uses, or density of development;
   b. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;
   c. Substantially moving or altering the vehicle access and circulation to or within the development;
   d. Changing or negating a condition of approval; or
   e. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager; or
   f. A repeal of a GDP not eligible for the process set forth in Section 12.4.12.19, Repeal of an Approved General Development Plan

3. Procedure for Amendments
   An amendment to an approved GDP may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications. An amendment to an approved GDP under this Section 12.4.12.18.A shall be reviewed for applicability to the Large Development Review (LDR) process in Section 12.4.12.2.

B. Minor Deviations to an Approved GDP
   The DRC may authorize minor deviations from a previously approved General Development Plan (GDP). Minor deviations are allowed provided such deviation does not constitute an “amendment” to a GDP under Section 12.4.12.18.A, Amendments to an Approved GDP. All minor deviations to a GDP approved by the DRC shall be submitted as “redline” edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder’s Office.

12.4.12.19 Repeal of an Approved General Development Plan

A. Intent
   The GDP repeal process set forth in this section is intended to provide a flexible process for repeal of certain types of GDPs. This section is intended for those GDPs that may be repealed without a substantial reduction of any community benefits conferred through the GDP, and with no adverse impacts on infrastructure systems or property owners in the GDP area that cannot otherwise be substantially mitigated.

B. Applicability
   Any General Development Plan approved under this Code or Former Chapter 59 is eligible for the GDP repeal process in this Section 12.4.12.19, provided the request meets all of the applicable standards and notice requirements in this section. Any requests for GDP repeals not eligible
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for this process shall be subject to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.

C. Procedure for Review of GDP Repeals

1. Initiation
   A GDP repeal may be initiated by any one or combination of the following parties:
   a. One or more property owners or their authorized agent(s) within the area subject to the repeal request;
   b. The Manager;
   c. The Manager of Parks and Recreation; or
   d. The Manager of Public Works.

2. Pre-Application Meeting
   A pre-application meeting is mandatory before submittal of an application for a GDP repeal in accordance with this section. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review

3. Public Notice Requirements
   a. Written Notice of Receipt of Application
      Written notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.A, except as follows:
      i. No later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the following parties:
         a) Owners and tenants (if the latter is different from owners) of any real property located within 400 feet of the GDP proposed for a repeal;
         b) The City Council members in whose districts the GDP proposed for a repeal is located, and the at-large City Council members;
         c) Any neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 400 feet of the GDP proposed for a repeal; and
         d) Other community organizations that are not registered neighborhood organizations and are either located within 400 feet of the subject site or operate within the statistical neighborhood or neighborhoods that contain the subject site or district boundary. Applicants shall use reasonable efforts to identify such organizations, examples of which may include schools, religious assemblies, and other community-based nonprofit organizations.
      v. Such written notice shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the date of the written notice, and state that any final decision to approve the application shall be posted in accordance with DZC Section 12.3.4.5.C.
   b. Posted Notice of Receipt of Application
      Posted notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.B.
   c. Posted Notice of Final Administrative Action
      Posted notice of the final decision on the GDP repeal application shall be required in accordance with Section 12.3.4.5.C.
4. **Review, Referral, and Decision by Development Review Committee**
   a. The DRC shall refer the GDP repeal application to all affected or interested agencies for review and comment.
   b. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the proposed repeal of a general development plan, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying repeal of a general development plan in accordance with this section. Relevant comments shall include but are not limited to comments that the GDP repeal will negatively impact community benefits conferred through the GDP or adverse impacts that will not be substantially mitigated to property within or surrounding the proposed GDP repeal area.
   c. If the DRC deems any comments received during the public notice period as relevant, the GDP repeal process shall proceed according to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.
   d. The DRC may attach conditions to the General Development Plan repeal approval that are reasonably necessary to protect the health, safety and welfare of the community and to substantially mitigate adverse impacts on adjacent properties, as authorized by this Code.

5. **Review Criteria**
   The DRC may approve the repeal of a GDP only upon finding that:
   a. The repeal will not result in adverse impacts that have not been substantially mitigated; and
   b. The repeal will not create a substantial reduction of any community benefits conferred through the GDP and not conferred through other regulatory tools, including but not limited to:
      i. Vehicle, pedestrian, or bicycle connections; or
      ii. Coordinated stormwater, wastewater, or water infrastructure systems; or
      iii. Open space or parks systems serving the GDP area; or
      iv. A phasing plan that sets forth the timing of and responsibility for development in the GDP area; or
      v. Other community benefits that the DRC determines would be negatively impacted with the GDP repeal.

12.4.12.20 **Large Development Review Rules and Regulations**
   The Manager has the authority to adopt rules and regulations relevant to the Large Development Review process that supplements the procedures and requirements set forth in this Section 12.4.12. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.12 for approval of a LDF.

**SECTION 12.4.13 REGULATING PLAN**

12.4.13.1 **Intent**
   A. **General Intent of a Regulating Plan**
      A Regulating Plan is used to apply permitted building forms, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a zone district. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all zone districts except in the M-GMX zone district. An approved Regulating Plan provides a binding plan that narrows the
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12.4.13.2 When Required & General Allowances

A. When Required

1. Mandatory in the M-GMX Zone District
   Preparation of a Regulating Plan is mandatory in the M-GMX zone district, except when the subject property is included in a General Development Plan, which includes the same level of detail and information as required by this Section 12.4.13, including but not limited to the designation of Primary Streets.

2. Mandatory for Development within Certain General Development Plan Areas
   Preparation of a Regulating Plan is mandatory prior to site development subject to a General Development Plan where the GDP does not include designation of Primary Streets.

3. Optional in All Other Cases
   In all zone districts other than in the M-GMX zone district, and when a Regulating Plan is not otherwise mandatory under this Section, preparation of a Regulating Plan is optional.

B. General Allowances

1. A Regulating Plan may encompass all or a portion of the area within a General Development Plan, as applicable; in addition, there may be multiple Regulating Plans within the same GDP area.

2. There is no minimum area required for submittal of a Regulating Plan.

12.4.13.3 Review Process

A. Intent of the Regulating Plan Review Process
   The review process established in this Section 12.4.13 for a Regulating Plan is intended to:

   1. Narrow the application of the permitted building forms, land uses, and building heights within a zone district to specific geographic sites; and

   2. Ensure that the implementation of the zone district standards are consistent with the approved General Development Plan.

B. Timing of Regulating Plan Review
   When preparation of a Regulating Plan is required according to this Section, the Regulating Plan shall be approved before approval of any of the following zoning applications, as applicable, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications. A Regulating Plan may also be incorporated into or a part of a Site Development Plan if applicable.

   1. Special Exception Review
2. Variances  
3. Site Development Plan Review  
4. Zoning Permit  

C. Initiation  
A Regulating Plan may be initiated by any one or combination of the following parties:  
1. All of the owners of the entire land area subject to the application for a regulating plan, or their representatives authorized in writing to do; or  
2. The Manager.  

D. Pre-Application Meeting  
A pre-application meeting is mandatory. See 12.3.2, Pre-Application Meeting/Concept Plan Review.  

E. Application and Fees  
1. Submittal in Writing  
   All applications for Regulating Plan review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.  

F. Regulating Plan Contents  
1. Regulating Plan  
a. The regulating plan shall be provided in a digital format acceptable to the Manager.  
b. A regulating plan shall be produced at a scale appropriate for review, but at no less than 1”=200’ scale.  
c. The regulating plan shall show:  
   i. The land area that is the subject of the Regulating Plan, including 250 additional feet beyond the plan area to establish context, and shall also show the immediately adjoining land uses, roads, water bodies, and other rights-of-way or easements.  
   ii. The boundaries of the area within the M-GMX zone district, as applicable.  
   iii. Proposed size and layout of blocks.  
   iv. The location of all streets, alleys and drives with the street type specification and width of each.  
   v. Designation of Primary Streets and Side Streets.  
   vi. The location of all publicly accessible open spaces, including public parks or open space, common open space, and schools.  
   vii. The assignment of one or more permitted building form standards (e.g., urban house building form, general building form), including the maximum or range of heights permitted for such building forms, to each face block or zone lot. Building forms to apply within the Regulating Plan may be chosen from any of the building forms permitted in the applicable zone district.  
   viii. The land use or land uses permitted on each face block or zone lot.  
   ix. Where applicable, the location of dwelling units meeting the developer’s affordable housing obligations under the Denver Revised Municipal Code.  
   x. The applicant may also assign supplemental building form standards to specific face blocks or zone lots to achieve urban design objectives for the
proposed development, provided such supplemental standards shall be no less restrictive than otherwise applicable building form standards.

For example, while the applicable building form standards may limit a building’s height to a maximum of 5 stories, a Regulating Plan may require a building located at a critical focal point within the development to have a minimum height of 2 stories. On the other hand, a Regulating Plan in the same instance cannot allow a maximum building height of 8 stories.

2. Project Report
   a. The project report shall not be part of the recorded approval, but shall serve as background for the Manager in making a final decision on the Regulating Plan.
   b. The project report shall include the following components.
      i. Description of how the Regulating Plan is consistent with and implements any precedent approved plan for the area, such as a Neighborhood or Small Area Plan approved by the city, and the approved General Development Plan.
      ii. Development program for the proposed Plan area, including:
         a) Description of land use concepts and general geographic distribution for each land use concept;
         b) Tabulation of acreages, as applicable, of each building form; and
         c) Estimated sequence and timing (where known) of project construction
      iii. Description of proposed transitions at the edge of the Regulating Plan area to promote compatibility between the Regulating Plan area and adjacent land uses, where applicable. For example, a Regulating Plan might illustrate the use of building height, the location of open space, landscaping and buffers, or streets and streetscape as transition tools along Regulating Plan area edges adjacent to more or less intensive building forms and land uses.

G. Review, Referral and Final Decision by Manager

1. Review and Referral
   The Manager may refer the Regulating Plan application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application.

2. Final Decision
   a. The Manager shall make a final decision to approve, approve with conditions, or deny the Regulating Plan application, taking into consideration relevant agency or other party comments.
   b. The Manager may attach conditions to the Regulating Plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

12.4.13.4 Review Criteria

The Manager shall approve a Regulating Plan application only if the Manager finds:

A. That the proposed allocation and geographic location of building forms, building heights, and land uses are consistent with applicable City plans, including but not limited to any approved General Development Plan, the Comprehensive Plan, Blueprint Denver, the Strategic Transportation Plan, small area plans, and all amendments and supplements to such plans;

B. The Regulating Plan provides a plan that will enable the predictable development of building forms and heights, and the predictable establishment of land uses within the plan’s area; and
C. Design of the mix of building forms, heights, and land uses will respect existing adjacent neighborhood context, where applicable, and creates an appropriate transition at the edges of the Regulating Plan.

12.4.13.5 Appeals
The final decision of the Manager may be appealed to the Board of Adjustment according to Section 12.4.8, Appeal of Administrative Decision.

12.4.13.6 Requirements and Limitations After Regulating Plan Approval
A. Execution and Recording
1. The applicant shall submit an electronic file of the final approved Regulating Plan for recording, which shall include an electronic copy of the original Regulating Plan cover sheet signed by all owners of the subject property and by the Zoning Administrator.
2. Following execution of the final regulating plan, the Zoning Administrator shall record the electronic Regulating Plan in the records of the Denver County Clerk and Recorder’s Office.

B. Effect of Approved Regulating Plans
1. All approved Regulating Plans and any Regulating Plan amendments shall be binding upon the applicants and their successors and assigns, shall control the issuance of all subdivision approvals, site development plan approvals, zoning permits, and the construction, location, use, and operation of all land and structures included within the Regulating Plan area.
2. A recorded Regulating Plan shall be in full force and effect until and unless such time as the Regulating Plan is amended or replaced by a new Regulating Plan for the same location according to this Section’s procedures.

C. Modifications and Amendments to an Approved Regulating Plan
1. Modifications and amendments to an approved Regulating Plan are allowed according to Section 12.3.7 of this Code.
2. Except in cases where Section 12.4.13.2 mandates the use of a Regulating Plan, withdrawal of an approved and recorded Regulating Plan is allowed provided all land and structures remaining under such Regulating Plan can be made to comply with all regulations established by the applicable zone district and this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

SECTION 12.4.14 INFRASTRUCTURE MASTER PLAN

12.4.14.1 Intent
The intent of the Infrastructure Master Plan (IMP) process is to:

A. Implement City Council adopted plans by establishing conceptual, horizontal land use, development, and infrastructure systems for large development areas prior to final, site-specific planning and engineering design;

B. Implement regulatory processes and actions established through a Large Development Framework (LDF), as applicable, including but not limited to official map amendments (rezonings) and subdivisions; and
C. Use existing development review processes established in DZC Article 12 to coordinate infrastructure, open space, and public parks systems, both in and surrounding an LDR area, as applicable.

12.4.14.2 Applicability
The Manager of Community Planning and Development shall determine if Infrastructure Master Plan (IMP) review is required based on consideration of the following factors, as applicable to the proposed development:

A. An approved LDF in accordance with Denver Zoning Code (DZC) Section 12.4.12 requires an IMP for the proposed development area;
B. A City Council adopted plan recommends preparation of an IMP for the proposed development area;
C. The proposed development is in a previously approved General Development Plan area;
D. The Manager of Community Planning and Development determines that the gross area of the proposed development is more than 5 acres, or 3 Blocks, or will result in 3 or more Blocks; or
E. The Manager of Community Planning and Development determines that the proposed development is of a scale and complexity where a coordinated process addressing horizontal development systems is necessary to implement City Council adopted plans or a General Development Plan, as applicable.

12.4.14.3 Review Process

A. Initiation
An IMP may be initiated by any one or combination of the following parties:
1. The owner or owners of the entire subject property;
2. The owner(s)'s authorized agent(s);
3. The Manager of Community Planning and Development;
4. The Manager of Parks and Recreation; or
5. The Manager of Public Works.

B. Development Review Committee – Final Approval Authority
The Development Review Committee ("DRC") shall have the authority to approve, approve with conditions, or deny an Infrastructure Master Plan.

C. Pre-Application Concept IMP Review
A pre-application Concept IMP review is mandatory before submittal of a formal IMP application. During the Concept IMP review, the DRC will confirm the applicability of IMP review to the proposed development activity and the specific procedural steps and submittal requirements the applicant will follow. See also Denver Zoning Code (DZC) Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

D. Final IMP Submittal and Review
After completion of the pre-application Concept IMP review, submission of applications shall comply with DZC Section 12.3.3, Submission of Applications, DZC Section 12.3.3.4, Application Fees, and with additional requirements set forth below and in the IMP Rules and Regulations:

1. Submittal and Timing After Concept IMP
The applicant shall submit a Final IMP for review within 180 days after completion of the Concept IMP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180-day filing period
expires, and is not otherwise extended, the applicant shall be required to submit a new application for Concept IMP review and pay all required fees.

2. Concurrent Applications
   a. Concurrent applications with IMPs may be allowed according to Denver Zoning Code (DZC) Section 12.3.3.9, Concurrent Applications, and shall be in accordance with any approved Large Development Framework (LDF), as applicable.
   b. No Site Development Plan shall be approved in the proposed development area until the IMP is approved, unless the DRC finds that no IMP is necessary for the proposed development in accordance with DZC Section 12.4.14.2, or allows an exception in writing.
   c. No IMP shall be approved before a LDF is approved, unless the DRC finds that no LDF is necessary for the proposed development in accordance with DZC Section 12.4.12.2.B, or allows an exception in writing.

3. Submittal Requirements
   At a minimum, the final IMP application shall include the items set forth in the IMP Rules and Regulations.

E. Final IMP Review, Referral, and Decision by Development Review Committee
   1. The DRC shall refer the IMP application to all affected or interested agencies for review and comment related to the IMP’s consistency with adopted plans and rules and regulations.
   2. The DRC shall consider the relevant comments of all interested parties, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying an IMP application.
   3. The DRC may attach conditions to the IMP approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

12.4.14.4 IMP Review Criteria
   The DRC shall approve an IMP only upon finding that the following review criteria have been met, as applicable:
   A. The IMP is consistent with City Council adopted plans;
   B. The IMP meets the standards set forth in the IMP Rules and Regulations;
   C. The IMP is consistent with all prior approvals that are regulatory and controlling for the subject property. For example, the IMP shall be consistent with a previously approved Large Development Framework, General Development Plan, Regulating Plan, and any applicable Urban Design Standards and Guidelines;
   D. The pedestrian, transit, and street pattern is appropriate and adequate to serve the IMP area and provide connectivity to surrounding properties, and promotes and accommodates multi-modal transportation;
   E. The IMP contains an adequate master plan for provision of drainage, wastewater, and water systems through the IMP or a separate regulatory process;
   F. Unique natural resource features and sensitive areas, including but not limited to the regulatory floodplain, can be adequately protected and accommodated through the IMP or a separate regulatory process;
   G. The IMP contains an adequate master plan for the provision of publicly accessible and usable open space and/or public parks; and
H. The IMP provides an adequate master plan to ensure all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development, as may be further ensured through subsequent or separate regulatory processes.

12.4.14.5 IMP Appeals
Denver Zoning Code Section 12.4.8, Appeal of Administrative Decision, shall apply.

12.4.14.6 Requirements and Limitations After IMP Approval
A. Recordation of Approved Infrastructure Master Plans
Community Planning and Development shall register a copy of the approved IMP among its records and shall record the approved IMP in the real property records of the Denver County Clerk and Recorder.

B. Effect of Approval
Denver Zoning Code Section 12.3.5, Effect of Approved Applications, Plans, and Permits, applies with the addition of the following.

1. An IMP approved according to these rules and regulations shall regulate the future use and development of the subject property.

2. After approval of an IMP, the City may issue site development plans, zoning permits, and building permits to an applicant, provided such approvals are consistent with the approved IMP and comply with all other City standards and regulations, including those set forth in an approved Large Development Framework.

3. After approval of the IMP and all requisite zoning permits, if the Development Review Committee (DRC) finds that development is not proceeding in accordance with the approved IMP, the Manager, through all enforcement authority available, may immediately issue an order stopping any or all work on the property that does not comply with the approved IMP, until such time as the noncompliance is remedied.

12.4.14.7 IMP Expiration
An approved IMP shall expire if no site development plans, zoning permits, or building permits have been approved or issued within any 10 year time period after approval of the IMP, or as otherwise specified by the DRC in writing.

12.4.14.8 Vested Rights in Infrastructure Master Plans
A. Certain Infrastructure Master Plans Eligible for Vested Rights

1. An IMP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the IMP, may result in vested rights concurrently with the approved IMP.

2. An IMP approved prior to or concurrent with the City Council’s approval of one or more official map amendment (rezonings) to implement the IMP may be amended after approval of the official map amendment(s) to obtain vested rights. All IMP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria stated in Section 12.4.14.9, IMP Amendments, Repeals, and Minor Deviations below.

3. An IMP eligible for vested rights according to this subsection may be afforded vested rights only for the following items. In no case may the DRC confer vested rights that conflict with any standards set forth in the Denver Zoning Code or the Denver Revised Municipal Code at the time of approval of the IMP.
a. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the IMP area and to adjacent development or public amenities/facilities such as schools, parks, and open space;
b. The location and functional classification of the future street network within the IMP area, as applicable;
c. The designation of Primary Streets to guide future development in compliance with the Denver Zoning Code;
d. The location of future publicly accessible open space and parks; and
e. The location of future public facilities, as applicable.

4. The vested rights in an approved IMP are directly proportional to the level of detail and specificity approved in the plan.

B. Vesting Period in IMPs
Rights vested through approval of an IMP shall remain vested for three years or until such time as the IMP is either superseded or rescinded, whichever occurs first, unless otherwise approved by City Council. Amendments to IMPs shall not affect vested rights unless expressly stated otherwise in the amendment.

12.4.14.9 IMP Amendments

A. Intent
In addition to Section 12.4.14.1, Intent, the amendment process is intended to allow for IMPs to change over time as needed and to establish appropriate procedures for different types of amendments to IMPs.

B. Applicability
This Section 12.4.14.9 shall apply to any change to a previously approved IMP.

C. Initiation
Amendments to an approved IMP may be initiated by any one or combination of the following parties:
1. One or more property owners or their authorized agent(s) within the area being amended;
2. The Manager of Community Planning and Development;
3. The Manager of Parks and Recreation; or
4. The Manager of Public Works.

D. Procedure for IMP Amendments
1. DRC shall review an amendment to an approved IMP according to the same procedures and subject to the same limitations and requirements as the original IMP approval, and according to the additional review criteria in Section 12.4.14.9.E.
2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.
3. The Manager shall record all amendments to a LDF approved according to this Section in the real property records of the Denver County Clerk and Recorder’s Office.

E. Additional Review Criteria for LDF Amendments
In addition to the review criteria in Section 12.4.14.4, the DRC shall approve the IMP amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved IMP area, where such impacts are not otherwise substantially mitigated.
12.4.14.10 **Infrastructure Master Plan Rules and Regulations**

The Manager has the authority to adopt rules and regulations relevant to the Infrastructure Master Plan (IMP) process that supplements the processes set forth for IMP review and generally this Article 12, including common decision making authority and requirements common to all zoning procedures.
DIVISION 13.1 RULES OF MEASUREMENT

SECTION 13.1.1 INTRODUCTION
This Division provides explanations of how to make determinations and measurements for standards contained within this Code.

SECTION 13.1.2 HEIGHT FOR ALL SU, TU, RH, E-MU-2.5, MU-3, AND RO-3 ZONE DISTRICTS

13.1.2.1 Applicability
This Section 13.1.2 applies to all SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3 and RO-3 zone districts.

13.1.2.2 Base Plane
A. Intent
The purpose of a dual base plane associated with a front and rear percentage of lot depth is to accommodate changes in slope from the front to rear across a zone lot.

B. Rule
Two base planes or a building specific base plane are used for measuring overall height for all primary and accessory structures:

1. Two Base Planes
   a. A Front Base Plane shall be the area described below:
      i. The front 65% of the Zone Lot Depth for all S-SU, S-RH, S-MU-3, E-SU, E-TU, E-RH, E-MU, U-SU, U-TU and U-RH zone districts
      ii. The front 80% of the Zone Lot Depth in the G-RH, G-MU-3 and G-RO-3 zone districts
   b. The Front Base Plane is a horizontal plane established at the average elevation of original grade of two Side Interior Zone Lot Lines, or the elevation of original grade of one Side Interior Zone Lot Line when two are not present, measured at the minimum primary street setback line. See Figure 13.1-1. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

Figure 13.1-1
c. A Rear Base Plane will be the base for measuring overall building height in the rear 35% (or the rear 20% in the General Urban (G-) Residential Zone Districts).

d. The Rear Base Plane is a horizontal plane established at the average elevation of the original grade of the two Side Interior Zone Lot Lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the Rear Zone Lot Line. See Figure 13.1-2.

2. Building Specific Base Plane

a. **Applicability:**
   For development of multiple primary buildings on a single zone lot that is 18,000 square feet or more, a building specific base plane may be used.

b. **Base Plane:**
   A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-3
C. Measurements for purposes of establishing a primary base plane shall be rounded to the closest whole number.

13.1.2.3 Height in Stories

A. Intent
To provide an easy reference for visualizing building height, to provide an appropriate consistency of building scale and to shape and/or maintain neighborhood character.

B. Stories (max) Rule of Measurement

1. Overall height in stories shall be measured as the total number of stories. See Figure 13.1-4.

2. A Story shall count towards the total number of stories when:
   a. The Story has its finished floor surface entirely above the Front Base Plane or the Building Specific Base Plane, where applicable; or
   b. The Story is located below a story which has its finished floor surface more than 6 feet above the Front base plane or the Building Specific Base Plane, where applicable; or
   c. The Story is located below a story which has its finished floor surface more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
   d. The Story is located below a story which has its finished floor surface more than 12 feet above finished grade at any point.
3. **Half Story**
   
   **a. Intent**
   
   To allow for additional floor area while minimizing additional bulk.

   **b. Rule of Measurement**
   
   Where a half story is permitted, it shall meet the following:
   
   i. The space meets the definition of Story, Habitable stated in this Article 13.

   ii. The total Gross Floor Area of the half story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 75 percent of the floor below.

   iii. All half stories, except for the Accessory Dwelling Unit building form, are calculated based on the Gross Floor Area of the floor below contained within the same Dwelling Unit.

   iv. For the Accessory Dwelling Unit building form, a half story is calculated based on the Gross Floor Area of the floor below.

   See Figure 13.1-5
4. **Overall Height in Stories for Sloping Lots**
   For Primary Structures only, where a lot slopes downward from the Primary Street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the rear base plane on the lower, rear portion of the lot. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street zone lot line. See Figure 13.1-6.

C. **Exceptions From Stories (Max)**
   Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

13.1.2.4 **Height in Feet**

A. **Feet (max) Rule of Measurement**
   Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure, including parapet walls or safety railings. See Figure 13.1-7 and 13.1-8.

B. **Exceptions From Feet (max)**
   Exceptions from overall building height in feet are found in each of Articles 3-9 of this Code.
13.1.2.5 Feet, Permitted height increase

A. Feet, Front Percentage of Zone Lot Depth, permitted height increase
The overall height of a structure may increase in feet in the front percentage of the zone lot depth, as specified in the building form tables, when the overall zone lot width increases. See Zone Lot Width for how to measure. See Figure 13.1-9.

B. Feet, Rear Percentage of Zone Lot Depth, permitted height increase
The overall height of a structure may increase in feet in the rear percentage of the zone lot depth, as specified in the building form tables, when one side interior setback is increased in the rear percentage of the zone lot depth, in excess of the required minimum side interior setback. See Figure 13.1-10.
SECTION 13.1.3  HEIGHT FOR ALL OTHER ZONE DISTRICTS

13.1.3.1 Applicability
This Section 13.1.3 shall apply to all zone districts except SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3, and RO-3 zone districts.

13.1.3.2 Base Plane
Overall height for all buildings and structures on the zone lot shall be measured from a base plane. The applicant shall apply either a single base plane for the entire zone lot or a building-specific base plane:

A. Single Base Plane
A single base plane shall be a horizontal plane established at the average elevation of the original grade of the two side interior zone lot lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the minimum primary street setback line. See Figure 13.1-11. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

Figure 13.1-11
B. **Building-Specific Base Plane**

A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-12

C. Measurements for purposes of establishing a base plane shall be rounded to the closest whole number.

![Figure 13.1-12](image)

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**13.1.3.3 Height in Stories**

A. **Intent**

To provide an easy reference for visualizing building height and to provide an appropriate consistency of building scale.

B. **Stories (max) Rule of Measurement**

1. Overall height in stories shall be measured as the total number of stories.

2. A Story shall count towards the total number of stories when:
   a. The Story has its finished floor surface entirely above the Base Plane; or
   b. The Story is located below a story which has its finished floor surface more than 6 feet above the base plane (See Figure 13.1-13); or
   c. The Story is located below a story which has its finished floor surface more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
   d. The Story is located below a story which has its finished floor surface more than 12 feet above finished grade at any point. (See Figure 13.1-14)
3. **Overall Height in Stories for Sloping Lots**

   Where a lot slopes downward from the primary street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the rear base plane on the lower, rear portion of the zone lot. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street or Side Street Zone Lot Line.

*Graphic is illustrative of a 5-Story Zone District.*
4. **Mezzanine**  
   a. **Intent**  
      Interior building mezzanines are accommodated only when the mezzanine reads as a single story as viewed from the primary street building elevation, and when the mezzanine space physically protrudes over the space below.
   
   b. A mezzanine is floor space within a building that has all of the following features:
      i. The space meets the definition of Story, Habitable stated in this Article 13; and
      ii. The total gross floor area of the mezzanine story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 33% of the floor area of the room below to which the mezzanine opens.
      iii. The mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for walls not more than 42 inches high, columns, or posts.
      iv. Such floor space shall not count as a story or towards F.A.R. See Figure 13.1-16.

![Figure 13.1-16](image)

5. **Parking Structure Stories**  
   a. **Intent**  
      To promote a high-quality pedestrian experience along the Street Level of a structure containing vehicle parking by providing an exception to the allowed height in stories, but not to height in feet.
   
   b. **Applicability**  
      This section 13.1.3.3.B.5 shall apply to multi-story structures that contain both vehicle parking and at least one primary Street Level active use other than Garage Parking.
   
   c. **Standards**  
      i. If no design standard alternatives are used to meet any of the required Building Form Standards, and a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts, then the structure may exceed the maximum height in stories allowed by the applicable Building Form by one additional story at such locations as:
         a) The structure contains vehicle parking and at least one other use, or
         b) The structure contains vehicle parking.
For example, in a 5-story zone district, a structure meeting the Street Level active use requirements may have 6 stories of vehicle parking, or 6 stories of a combination of vehicle parking and office uses. However, a structure may only have 5 stories at such locations as all of the stories contain office uses with no vehicle parking. Stories containing vehicle parking may be sandwiched between stories containing other uses.

Figure 13.1-17

If a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts and such Street Level active uses are provided on all stories along each street-facing building façade, then the structure shall have no maximum height in stories at such locations as:

a) The structure contains vehicle parking and at least one other use, or
b) The structure contains vehicle parking.

A building façade is “street-facing” if it faces a named or numbered street, which shall be determined by extending a line the width of the façade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a named or numbered street at the zone lot boundary, then said façade is “street-facing.” See Figure 13.1-101

For example, in a 5-story district, a structure meeting the Street Level active use requirements on all stories along all street-facing building facades may have an unlimited number of stories containing vehicle parking, or the structure may have an unlimited number of stories containing both vehicle parking and office uses. However, the structure may have only 5 stories at such locations as all of the stories contain office uses with no vehicle parking.
iii. In addition to the standards in Sections 13.1.2.3.B.5.c.i and ii, the following additional standards any shall apply:
   a) An additional story in height is allowed only at such locations within the structure where vehicle parking and another non-parking use both occur and are vertically aligned; and
   b) Except as detailed in the building form standard tables in each of Articles 3-9, a structure shall not be exempt from the maximum height in feet allowed by the applicable Building Form.

C. Exceptions From Stories (Max)
   Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

13.1.3.4 Height in Feet

A. Feet (max)

  1. Rule of Measurement
     a. Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure. See Figures 13.1-19 and -20.
     b. Exceptions From Feet (max)
        Exceptions from overall height in feet are found in each of Articles 3-9 of this Code.
B. Feet, within 175 feet of Protected District (max)

1. **Rule of Measurement**
   Height of a building on the subject property shall not exceed the standard contained within the building form table if the subject building is within a certain distance from any Protected District zone district boundary line.

C. Feet (min)

1. **Intent**
   To provide a minimum street wall.

2. **Rule of Measurement**
   Minimum building height shall be measured as the vertical distance in feet from a base plane to the highest point of a roof or to the top of a parapet wall which runs along the street facing sides of the building. See Figure 13.1-21.
SECTION 13.1.4 OTHER HEIGHT RULES

13.1.4.1 Percentage of Zone Lot Depth, Front and Rear

A. Intent
To reduce height and bulk in the rear yard to provide a privacy, access to sunlight, and sense of openness.

B. Rule of Measurement
See Figure 13.1-22.

1. Determine the rear percentage of zone lot depth:
   a. Multiply the required rear percentage found in the building form table (e.g. 35%) by the total length of one of the side zone lot lines intersecting the rear zone lot line (e.g. 100 feet).
   b. Starting from the rear zone lot line, measure a distance equal to the product calculated in Paragraph 1.a. above along each of the intersecting side zone lot lines.
   c. The area between the rear zone lot line and a straight line connecting the two points defined in Paragraph 1.b. above shall be the rear percentage of the zone lot depth.

2. The remaining area of the zone lot shall be the front percentage of the zone lot depth.

3. For irregularly shaped zone lots, the Zoning Administrator may establish the front and rear for purposes of applying the percentage required by the building form.
13.1.4.2 Bulk Plane

A. Intent
To shape building forms to reduce effect of massing on adjoining properties.

B. Rule of Measurement
The bulk plane is measured starting from the Base Plane(s) established in Section 13.1.2.2, then rising vertically to a point (A) above the Base Plane(s) at the side zone lot lines for a distance established by the applicable building form standards. From this point above the Primary Base Plane, the bulk plane slopes (B) inward toward the center of the zone lot at an angle with respect to the horizontal established by the applicable building form standards. See Figure 13.1-23.

C. Rule of Measurement
Side wall height is measured from the Base Plane, as established in Section 13.1.2.2, to the top framing member of the side wall, as described below:

1. For any portion of a structure with a Pitched Roof, the top framing member of the wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. See Figure 13.1-24.

2. For any portion of a structure with a Low-Slope Roof, the top framing member of the side wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. No part of a building with a Low-Slope Roof, including a parapet, railing, or similar structural element, shall exceed the maximum side wall height. See Figure 13.1-25.
13.1.4.3 3rd Avenue CCN Bulk Plane

A. Intent
To shape building form to reduce the effect of massing and shadow on the pedestrian environment along 3rd Avenue in the Cherry Creek North mixed use shopping district. The bulk plane is intended to allow sunlight on the sidewalk on the north side of 3rd Avenue.

B. Applicability
This Section 13.1.4.4 shall apply to zone lots located south of 3rd Avenue in a C-CCN zone district. This includes zone lots south of 3rd Avenue that do not abut the 3rd Avenue right-of-way.

C. Rule of Measurement
No part of any structure shall project through the 3rd Avenue CCN Bulk Plane where established by the applicable building form standards, measured as follows:

1. For each zone lot, a 3rd Avenue CCN Base Line is established and starts at the average elevation of the original grade at the two points where the nearest right-of-way boundaries of the two nearest named streets intersect the southernmost right-of-way line of 3rd Avenue. See Figure 13.1-26

2. The 3rd Avenue CCN Bulk Plane is measured from the applicable 3rd Avenue CCN Base Line, rising vertically for a distance of 28.5 feet above the 3rd Avenue CCN Bulk Plane Base Line to a horizontal line that is co-directional to the southern right-of-way line of 3rd Avenue, shown as “A” in Figure 13.1-27.
3. From the horizontal line described in Subsection 13.1.4.4.C.2 above, the 3rd Avenue CCN Bulk Plane slopes toward the south at an angle of 26 degrees 34 minutes with respect to the horizontal (a pitch of 2:1, or one foot additional rise for each two additional feet of setback from the south right-of-way line of 3rd Avenue), as shown in Figure 13.1-28.

### 13.1.4.4 3rd Avenue CCN Bulk Plane Exception

**A. Intent**

To encourage small lot reinvestment by enabling certain small zone lots on the south side of 3rd Avenue in the Cherry Creek North mixed use shopping district to be partially exempt from the 3rd Avenue CCN Bulk Plane.

**B. Applicability**

This section 13.1.4.5 shall apply to zone lots with a total gross area of 6,250 SF or less, as of October 27, 2014, and located to the south of 3rd Avenue in a C-CCN zone district, where this exemption is permitted in the applicable building form standards.

**C. Rule of Measurement**

The 3rd Avenue CCN Bulk Plane Exception defines a non-fixed portion or portions of a zone lot that are exempt from the 3rd Avenue CCN Bulk Plane. It is measured along the zone lot line abutting the south side of the 3rd Avenue right-of-way and extends for the full depth of the zone.
lot measured perpendicular to 3rd Avenue. The exempt area extends from the finished grade to the sky. See Figure 13.1-29. One or more portions of the zone lot may be included in the 3rd Avenue CCN Bulk Plane Exception provided the total width of the zone lot area exempted shall not exceed the maximum established in the building form standards. See Figure 13.1-30.

**SECTION 13.1.5 SITING FORM STANDARDS**

**13.1.5.1 Zone Lot Size and Width**

A. **Zone Lot Size (Min)**

1. **Rule of Measurement**
   
   Zone lot size is the total area within a property's zone lot lines, excluding adjacent or abutting right-of-way. See Figure 13.1-31.

   ![Figure 13.1-31](image)

B. **Zone Lot Width**

1. **Rule of Measurement**
   
   Zone lot width is the distance between the zone lot lines intersecting the Primary Street zone lot line, measured along the required minimum primary street setback line. See Figures 13.1-32 and -33.
C. **Zone Lot Width in the DO-7 Overlay District**

1. **Rule of Measurement**
   In lieu of the rule of measurement set forth in Section 13.1.5.1.B, Zone Lot Width in the DO-7 district shall be the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line measured along the Primary Street Zone Lot Line. For Zone Lots with multiple Primary Street Zone Lot Lines, the Primary Street Zone Lot Line with the greatest length will used to determine Zone Lot Width.

D. **Basis of Zone Lot Size and Width**

1. **Intent**
   To recognize historic development patterns by allowing Zone Lot size and width to be measured based on recorded documents.

2. **Rule of Measurement**
   a. For Building Form standards that are based on Zone Lot size or width, such as setbacks, the Zoning Administrator shall make a final determination of the applicable Zone Lot size or width based on the Record Document, where available. For the purposes of this provision, a "Record Document" shall mean a recorded Plat or Subdivision that specifies historic platted lot measurements applicable to the subject property.
   
   b. Where a Record Document is not available, an applicant shall submit a certified survey to determine all Zone Lot measurements. When a Zone Lot measurement is within one-tenth of a foot per 25 feet of the applicable standard, it shall be determined to meet that standard.

   i. For example: The required minimum side interior setback for an Urban House building form in an U-SU zone district varies depending on the Zone lot width. According to this rule of measurement, for example, as long as the certified survey shows a Zone Lot width of between 74.7' and 75.3', the setback standard applicable to a 75-foot wide Zone Lot will apply. The formula applied in this example is broken down below:

   a) The zone lot dimensional threshold at issue for determining the applicable setback is 75 feet (of width). Using the results of a certified survey, an applicant needs to know whether to apply the setback standard for a less-than-75-feet wide zone lot (5 feet) or the setback standard for a 75 feet or more wide zone lot (7.5 feet).
One-tenth of 1 foot = 0.10

For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times (75 divided by 25 = 3)

0.10*3 = 0.30

75 feet minus 0.30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.

75 feet plus 0.30 feet = 75.3 feet, which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. General Provisions

1. Intent
   To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

2. General Requirements
   a. A primary street zone lot line or a side street zone lot line may abut a zone lot line abutting a private street if approved by the Zoning Administrator.
   b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

3. Criteria for Zoning Administrator Determinations
   a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:
      i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
      ii. Block and lot shape;
      iii. The functional street classification of all abutting streets as adopted by the Public Works Department;
      iv. The functional street classification of all abutting streets as adopted in Blueprint Denver;
      v. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
      vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.
   b. The Zoning Administrator shall have authority to designate a Zone Lot’s Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:
      i. The Zone Lot contains a Historic Structure, and
      ii. The Zone Lot is located within a Residential Zone District, and
iii. The strict application of Section 13.1.5.2 will result in adverse impacts on the established development pattern within the subject property’s Existing Neighborhood (as defined in Section 12.4.7.5.D), and

iv. The resulting Primary Street Zone Lot Line(s) will be more compatible with an established pattern of setbacks for buildings on the same face block(s) containing the subject property.

B. Determination of Zone Lot Lines

1. **Interior Zone Lots: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines**

   On an interior zone lot, the following figures shall be used to determine the Primary Street or Block Sensitive Primary Street ("P"), Side Street ("SS"), Side Interior zone lot line ("SI"), and Rear zone lot line ("R") . See Figure 13.1-34.

   a. The Primary Street shall be the zone lot line abutting the name or numbered street.
   b. The Rear shall be the zone lot line opposite the Primary Street.
   c. The remaining zone lot lines shall be Side Interior.
   d. There shall be no Side Street designation.
   e. For zone lots which have unique conditions such as, but not limited to, more than four zone lot lines, two or more abutting alleys, or irregular shaped lots, the Zoning Administrator may designate the zone lot lines, following criteria listed above. See Figure 13.1-35.

![Figure 13.1-34](image1)

![Figure 13.1-35](image2)
2. Corner Lots: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines

   a. Corner Zone Lots of Oblong Blocks

      i. The zone lot line abutting the "long side of an oblong block" shall be the Primary Street and the zone lot line abutting the "short side of an oblong block" shall be the Side Street, with the following exceptions:

         a) The zone lot line abutting the "short side of the oblong block" may be the Primary Street if:

              a. Three or more existing zone lots, including the subject property, are present along the short side of the oblong block; and

              b. The zone lot line abutting the short side of the oblong block is 50% or less of the length of the other zone lot line abutting the long side of the block

         b) The applicant may request an Administrative Adjustment to designate the zone lot line abutting the "long side of the block" as the Side Street. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

         c) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.A.3.b.

      ii. The Rear shall be the zone lot line opposite the shorter of the two zone lot lines parallel and abutting a street.

         a) If they are of equal length, the Zoning Administrator shall designate the rear zone lot line.

         b) The applicant may request the Zoning Administrator designate a different zone lot line as the Rear, following criteria in Section 13.1.5.2.A.3.a.

         c) In no case shall a zone lot line parallel and abutting a street be determined as the Rear.

      iii. The remaining zone lot lines shall be designated Side Interior.

   See Figure 13.1-36
b. Corner Zone Lots of Square Blocks
   i. The Primary Street shall be the zone lot line abutting the street frontage, between any intervening rights-of-way (including alleys), on which a greater number of primary buildings face. If they have equal number of primary structures, the Zoning Administrator shall designate the Primary Street. The Side Street shall be the zone lot line abutting the other street.
      a) The applicant may request an Administrative Adjustment to designate a different zone lot line as the Primary Street zone lot line. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.
      b) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.b.
   ii. The Rear shall be the zone lot line opposite the shorter of the two zone lot lines parallel and abutting a street.
      a) If they are of equal length, the Zoning Administrator shall designate the rear zone lot line.
      b) The applicant may request the Zoning Administrator designate a different zone lot line as the Rear, following criteria in Section 13.1.5.2.C
      c) In no case shall a zone lot line parallel and abutting a street be determined as the Rear.
   iii. The remaining zone lot lines shall be designated as Side Interior. See Figure 13.1-37.
c. **Corner Zone Lots of Curvilinear Blocks**

The following Figure 13.1-38 shall be used to determine the Block Sensitive Primary Street(s) ("P"), Side Street ("SS"), Side Interior ("SI"), and Rear ("R") of a corner lot on a curvilinear block. "ZA" means the Zoning Administrator shall make the determination of which frontage on the corner lot is the Primary Street in accordance with Sec. 13.1.5.2.A.3 For purposes of this provision, a "corner lot" is a zone lot that abuts only two intersecting streets. See Figure 13.1-38.

![Figure 13.1-38](image)

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3. **Double Frontage: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines**

For zone lots with double frontage, the Zoning Administrator shall determine which frontage is the Primary Street ("P") and Side Street ("SS"), and which is a Side Interior ("SI")/Rear ("R") Zone Lot Line, or if both frontages qualify as Primary Streets. See Figure 13.1-39.

![Figure 13.1-39](image)
4. **Zone Lots with Frontage on 3 or More Streets/Full Blocks: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines**

For corner lots with frontage on 3 or more streets, including zone lots with full block frontage, the Zoning Administrator shall determine which frontage is the Primary Street, if one or more frontages qualify as Primary Streets, and the classification of the remaining frontages, as applicable, as either Side Interior Zone Lot Lines and/or Rear Zone Lot Lines. See Figure 13.1-40.

**Figure 13.1-40**

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13.1.5.3 **Primary Street, Block Sensitive Setback**

**A. Intent**

To provide a contextual setback appropriate to existing conditions.

**B. Applicability of Primary Street, Block Sensitive Setback**

Where required by this Code’s building form standards, a Block Sensitive Setback standard shall apply to development on a zone lot in the following circumstances only:

1. There are at least 3 zone lots, including the subject zone lot, (a) containing primary residential structures, (b) located on the same Face Block as the subject zone lot and (c) abutting the same Primary Street as the subject zone lot. All such primary residential structures shall be completely constructed, which means the City has issued a Temporary Certificate of Occupancy or Certificate of Occupancy for residential occupancy. See Figure 13.1-41 (Note: The Primary Street is determined according to Section 13.1.5.2)

2. If the rule in paragraph 1 does not apply, the applicant may request to be subject to a Primary Street, Block Sensitive Setback and shall follow the Administrative Adjustment process to determine the Primary Street, Block Sensitive Setback, rather than this Section 13.1.5.3. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

3. Where the rules in paragraphs 1 or 2 do not apply, the “Primary street setback, where block sensitive setback does not apply” standard stated in the applicable building form table shall apply.
C. Determining the Primary Street, Block Sensitive Setback

1. Identify the Reference Zone Lots

Identify the two closest zone lots to the subject property. For the purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot, which:

a. Contain primary residential structures that have been completely constructed, which means the City has issued either a Temporary Certificate of Occupancy or Certificate of Occupancy for residential occupancy; and
b. Are located along the same Face Block as the subject zone lot; and

c. Are not corner zone lots; and

d. Are zoned in a zone district that has a Block Sensitive Setback.

e. Where two reference zone lots cannot be identified using a-d, the Zoning Administrator shall identify one or more reference zone lots based on the criteria in Section 13.1.5.2.A.3 and considering the intent of the block sensitive setback stated in Section 13.1.5.3.A. (See Figure 13.1-42)
2. **Determine the Minimum Setback**

   a. The reference zone lots identified in subsection 13.1.5.3.C.1 above shall be evaluated to establish the minimum setback for the subject property, unless either of the following conditions exist:

   b. **One (not both) Reference Zone Lot Setback Less Than 20 Feet**

   If the Façade of the Primary Structure on only one of the reference zone lots is less than 20 feet from the Primary Street zone lot line, then the next two closest zone lots to the subject property shall be added into the evaluation. For the purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot.

   In addition, the subject property shall be added to the evaluation to determine the minimum setback, but only if the subject property contains a Primary Structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determining the reference zone lots follow, and only one rule from the three possible rules below shall apply:

   i. If none of the other zone lots in the evaluation have a Primary Street setback less than 20 feet, the original reference zone lot with the less than 20 feet setback shall be considered an outlier and removed from consideration of establishing the minimum setback. The next two closest reference zone lots (not including the subject property or the outlier zone lot) shall be evaluated to establish the minimum setback. See Figure 13.1-43

   ii. If a majority of the zone lots in the evaluation have a Primary Street setback of less than 20 feet, the two closest reference zone lots (not including the subject property) shall be evaluated to establish the minimum setback. See Figure 13.1-44
iii. If there is not a majority of zone lots in the evaluation with a Primary Street setback of less than 20 feet, the Zoning Administrator shall establish the minimum setback based on an analysis of the predominant pattern of the reference zone lots (not including the subject property). See Figure 13.1-45

![Figure 13.1-43](image1)

![Figure 13.1-44](image2)

![Figure 13.1-45](image3)

**SP** = Subject Property  
**RZL** = Reference Zone Lot  
**ZA** = Zoning Administrator

### c. Reference Zone Lot Front Facade Setback 50% of the Zone Lot Depth or Greater

If the facade of only one of the structures on a reference zone lot, identified in subsection 13.1.5.3.C.1. above, is setback 50% of the Zone Lot Depth or more from the Primary Street zone lot line, then the next two closest reference zone lots shall be added into the evaluation. For purposes of this subsection, “closest” is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot.

The subject property shall be added to the evaluation if it contains a structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determining the reference zone lots follow, and only one rule from the possible rules below shall apply:

i. If none of the other zone lots in the evaluation has a Primary Street setback of 50% of the Zone Lot Depth or more, the next two closest reference zone lots (not including the subject property) shall be evaluated to establish the minimum setback. See Figure 13.1-46

ii. If there are other zone lots in the evaluation which have a 50% or deeper setbacks, the Zoning Administrator shall establish the minimum setback based on an analysis of the predominant pattern of the reference zone lots (not including the subject property). See Figure 13.1-47
iii. Block Sensitive Setback in a MU or RO zone district
   a) Where the Primary Street Setback is required in a MU or RO zone district and the Block Sensitive
      Setback is determined to be greater than 20 feet, the minimum Primary Street Setback shall be 20 feet
      instead.

3. Administrative Adjustment to Consider Entire Block Face
   An Applicant may request an administrative adjustment to consider the entire block face in the
determination of the block sensitive primary street setback. See Article 12, Section 12.4.5.3, Permitted Types of
 Administrative Adjustments.

4. Rule of Measurement
   a. The Block Sensitive Setback is a minimum setback based on the location of the front
      Facades of the Primary Structures on the reference zone lots identified in subsections C.1. and C.2.
      above.
   b. The Façade of a Primary Structure on the subject zone lot shall be located no closer to
      its primary street zone lot line than the shortest distance between a Primary Structure
      Façade located on an identified reference zone lot(s) and its respective primary street zone
      lot line.

13.1.5.4 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines for all CC, MX, and MS Zone Districts

A. Intent
   To provide a reference of measurement for standards related to form and building placement
   (e.g. Build-to, Setbacks)

B. General Requirements
   1. Each zone lot line shall have a designation of Primary Street, Side Street, Side Interior or Rear.
   2. Each zone lot shall have at least one Primary Street.
   3. A primary street zone lot line or a side street zone lot line may abut a private street if
      approved by the Zoning Administrator.
4. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

C. Criteria for Zoning Administrator Determinations

The Zoning Administrator shall designate a zone lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable Site Development Plan, Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. If criteria 1 does not apply or does not provide guidance for all zone lot lines, then the following criteria shall be used:

   a. The Zoning Administrator may designate no more than:
      i. One Primary Street in the S-CC, S-MX, E-CC, and E-MX zone districts.
      ii. Two Primary Streets in the U-MX and G-MX zone districts.
      iii. Two Primary Streets in the C-MX zone districts, and any additional Primary Streets being designated Primary Street B.

   b. The Blueprint Denver Street Classification of all abutting streets, per the following table:

<table>
<thead>
<tr>
<th>Blueprint Denver Street Classifications Map</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main (all types)</td>
<td>Primary Street</td>
</tr>
<tr>
<td>Mixed Use (all types)</td>
<td>Primary Street</td>
</tr>
<tr>
<td>Commercial (all types)</td>
<td>Primary Street</td>
</tr>
<tr>
<td>Industrial (all types)</td>
<td>Primary Street</td>
</tr>
<tr>
<td>Residential Arterial</td>
<td>*May be Primary or Side Street</td>
</tr>
<tr>
<td>Residential Collector and Local and Undesignated</td>
<td>**Side Street</td>
</tr>
</tbody>
</table>

   *The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s) Zone Lot Lines

   **If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c

   c. Existing Conditions
      i. The same or similar use, building form and/or zone district occurring on the same and opposing face block frontage;
      ii. Frontage facing a public park;
      iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49; and
      iv. The functional street classification of all abutting streets as adopted by the Public Works Department.

D. Interior Zone Lots

1. The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear zone lot lines for all zone lots in the MS zone districts; See Figure 13.1-48.
2. For CC and MX zone districts:
   a. The Primary Street shall be the zone lot line abutting the name or numbered street.
   b. The Rear shall be the zone lot line opposite the Primary Street.
   c. The Side Interior shall be the remaining two zone lot lines.
   d. There shall be no Side Street designation.
      See Figure 13.1-49

E. Corner Zone Lots

1. In the CC and MX zone districts
   a. The applicant shall designate a Primary Street and Side Street
   b. The Zoning Administrator shall designate the Side Interior and/or Rear Zone Lot Lines. See Figure 13.1-50

2. In the MS zone districts:
   The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear Zone Lot Lines. See Figure 13.1-51
F. **Double Frontage Zone Lots**
The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear for all double frontage zone lots. See Figure 13.1-52.

G. **Zone Lots with Frontage on 3 or More Streets/Full Block**
The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear for all zone lots with frontage on three or more streets/full blocks. See Figure 13.1-53
13.1.5.5 Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent
To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency) in Cherry Creek North (C-CCN), Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+(D-AS-20+), Downtown Central Platte Valley - Auraria Transition (D-CPV-T), Downtown Central Platte Valley - Auraria River (D-CPV-R), and Downtown Central Platte Valley - Auraria Center (D-CPV-C) zone districts.

B. General Requirements
1. Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

C. Criteria for Zoning Administrator Determinations
The Zoning Administrator shall designate a zone lot’s Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:
1. Guidance provided in any applicable Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines.
2. If criterion C.1 does not apply, then the following criteria shall be used:
   a. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and
   b. Block and lot shape.
D. Determining Zone Lot Lines

1. All Zone Lots - Primary Street Zone Lot Lines
   a. The Zoning Administrator shall designate all Zone Lot Lines abutting a street to be Primary Street zone lot lines.
   b. In D-CPV-R zone districts only, any Zone Lot Line that abuts, and is roughly parallel to, the South Platte River, or a Street that is adjacent to the South Platte River shall be designated as a Primary Street Zone Lot Line.
   c. In D-CPV-T, D-CPV-R, and D-CPV-C zone districts only, any Zone Lot Line that abuts a Public Park shall be designated as a Primary Street Zone Lot Line.

2. Interior Zone Lots
   For interior zone lots in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:
   a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
   b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.
   c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines. See Figure 13.1-54.

Figure 13.1-54
3. **Corner Zone Lots, Double Frontage Zone Lots, and Zone Lots with Frontage on 3 or More Streets/Full Block**

For all corner zone lots, double frontage zone lots, and zone lots with frontage on 3 or more streets or a full block in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:

a. All Zone Lot Lines abutting a named or numbered street shall be Primary Street Zone Lot Lines.

b. The Zoning Administrator shall determine the Side Interior and Rear Zone Lot Lines, as applicable. See Figure 13.1-55

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Figure 13.1-55

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Streets:

- P - Primary Street
- SI - Side Interior
- R - Rear
- ZA - Zoning Administrator
13.1.5.6 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District

A. Intent
To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

B. General Requirements
The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B General Requirements shall apply in addition to the requirements set forth in this Section 13.1.5.6.

C. Criteria for Zoning Administrator Determinations
For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
   a. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Streets.
   b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street designation for more than one Abutting street.

2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
   a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
   b. Where a corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.

3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-56.

4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets
In lieu of the provisions set forth in Sections 13.1.5.4.E-G, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-56.
13.1.5.7 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

A. Intent

To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety (e.g. Build-to, Setbacks).

B. General Requirements

1. Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

2. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.
C. Criteria for Zoning Administrator Determinations
Where Section 13.1.5.7.D does not apply, the Zoning Administrator shall designate a zone lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. If criterion C.1 does not apply, then the following criteria shall be used:
   a. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and
   b. Block and lot shape.

D. Determining Zone Lot Lines

1. All Zone Lots - Primary Street Zone Lot Lines
   a. In CMP-NWC-C, CMP-NWC-F, and CMP-NWC-R zone districts only, any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River; or a Street that is Adjacent to the South Platte River; shall be designated as a Primary Street Zone Lot Line.
   b. In the CMP-NWC-C zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting Bettie Cram Drive.
   c. In the CMP-NWC-G zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.
   d. In the CMP-NWC-F zone district only, the Primary Street Zone Lot Lines shall be Zone Lot Lines abutting National Western Drive and Race Court.
   e. In the CMP-NWC-R zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.
   f. Where a Zone Lot does not Abut any of the streets identified as a Primary Street in this Section 13.1.5.7.D, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.7.C.

2. Interior Zone Lots - Primary Street Zone Lot Lines
   For interior zone lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:
   a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
   b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.
   c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

3. Corner Zone Lot, Double Frontage Zone Lot or Zone Lot with Frontage on 3 or More Streets
   For all corner zone lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:
   a. The Primary Street Zone Lot Line shall be as specified in Section 13.1.5.7.D.1.
   b. The Side Street Zone Lot Line shall be the remaining Zone Lot Line abutting a named or numbered street.
   c. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.
   d. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.
13.1.5.8 Required Build-To

A. Intent
To clearly define the public realm through consistent building placement, massing and orientation.

B. Applicability
The Primary Building Form Standards in Articles 3 through 9 specify required build-to standards for many Primary Building Forms. Rules of measurement, general requirements, and build-to alternative requirements are provided in this Section 13.1.5.8.

C. Rule of Measurement
See Figure 13.1-57

Figure 13.1-57

1. Min/Max Range:
   a. Required build-to standards are measured from and perpendicular to the zone lot line abutting a named or numbered street.
   b. Where a zone lot includes an easement for public access or for the benefit of a public utility, and such easement abuts the public street right-of-way, a required build-to shall be measured from the easement rather than from the zone lot line. See Figure 13.1-58
   c. Where a Zone Lot includes open space meeting the requirements of 12.4.12.5 abutting the public street right-of-way, a required Build-to shall be measured from the open space rather than the zone lot line.

Figure 13.1-58
2. **Minimum Percentage:**
   a. Required build-to is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative such as a garden wall, located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right-of-way.
   
   b. For a Zone Lot including an easement for public access or the benefit of a public utility, the required Build-To is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right-of-way less the dimension of the easement.

   ![Figure 13.1-59](image)

   c. The width in linear feet of recessed pedestrian entries, used to meet a required entrance standard and recessed no deeper than 15 feet from the maximum build-to line, may be added to the length of the applicable wall for purposes of meeting a minimum percentage build-to requirement, not to exceed the width of the doors and typical sidelights, as applicable.
   
   d. For recessed vehicle garage doors that provide direct entrance to an integrated parking structure, but which are setback farther than the max of the build-to range due to city standards, rules or regulations, the width in linear feet may be added to the length of the applicable building wall for purposes of meeting the minimum percentage build-to requirement.

D. **General Requirements**

1. Required build-to standards shall apply only to the Street Level of the primary structure(s) on a zone lot.

2. Buildings, or a permitted alternative, shall be built at or within the Build-To requirement for at least the minimum percentage (%) required along the Primary and/or Side Street frontage.

3. Build-to requirements are calculated separately for each separately owned zone lot frontage comprising a development site.
E. Build-to Alternative Requirements
Where permitted, the following alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard:

1. Permanent Outdoor Patio Seating
Permanent outdoor patio seating shall be placed between the building and the Primary Street zone lot line. Street Level activation standards shall still apply for portions of the facade behind permanent outdoor patio seating.

2. Private Open Space
Private Open Space shall comply with the following standards:
   a. Private Open Space used as a build-to alternative in any zone district:
      i. Shall be open to the sky
      ii. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies
      iii. May include tables, chairs, benches, sculptures and similar elements
      iv. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district
      v. Shall be fully visible from a primary street
      vi. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.
   b. Private Open Space used as a build-to alternative in a C-CCN zone district shall contain at least one Minimum Contiguous Area meeting the requirements of Section 13.1.6.1.B.3.b.vi

3. Garden Wall
A garden wall shall comply with all of the following standards:
   a. Garden Walls must be between 30 inches and 42 inches in height with the following exceptions:
i. Decorative and/or structural piers may exceed 42 inches in height.

ii. Seating incorporated into the wall may be a minimum of 18 inches in height and may be accessed from both sides of the wall without an intervening division.

iii. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42 inches and 84 inches.

b. Allowed materials are limited to masonry or an ornamental metal fence with masonry piers spaced at not more than 25 feet with landscaping.

i. An Administrative Adjustment to the allowed material is permitted to better match the primary building. See Article 12.

c. Garden walls used as a Required Build-To Alternative may also be counted toward Perimeter Landscaping Requirements in Article 10.

Figure 13.1-61

Not to Scale. Illustrative Only.

4. **Pergola**
   A pergola shall comply with all of the following standards:
   
a. Pergola structure shall consist of an arbor or passageway of columns that is at least 50% open to the sky.

b. Pergola structure shall be no less than 5 feet deep as measured perpendicular to the Primary or Side Street zone lot line.

c. Pergola structure shall not be erected over a Drive or Driveway, or over any part of an Off-Street Parking Area.

d. Pergola structure shall maintain at least 8 feet clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.

e. Pergola structure shall be made of metal, masonry, treated wood, or other materials that are durable in an exterior urban environment.

f. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15 feet on center, which means the center of each column, post, or pier is a minimum of 15 feet from the center of the next column, post, or pier, and then the next, and so on.

g. Garden walls, seating and/or landscaping may be incorporated between the pergola’s vertical supports, provided that the pergola maintains at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42 inches and 84 inches above grade.
5. **Arcade**
An arcade shall comply with all of the following standards:

a. An arcade shall be located below an occupied building area,
b. The arcade column line shall generally align with, and run parallel to, the wall plane of the building above,
c. An arcade shall extend no more than 2 stories in height,
d. The exterior face of the arcade column line shall be within the required build-to range,
e. The average depth of the arcade shall be no less than 6 feet clear, as measured from the interior face of the columns (benches, trash receptacles and other non-permanent features may be located in the clear area),
f. The average depth of the arcade shall be no more than 2/3 of the average height of unobstructed arcade openings, as measured from the front face of the columns,
g. The interior wall of the arcade shall meet the required Street Level activation standards or alternatives,
h. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. **Courtyard**

A courtyard shall comply with all of the following standards:

a. **Minimum Courtyard Design:**
   i. Shall face the Primary Street;
   ii. Shall have a width of at least 15 feet, measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard; and
   iii. Shall have a depth of at least 30 feet measured as the horizontal distance between the primary street-facing exterior building wall nearest to the primary street zone lot line and the closest facade of the exterior building wall facing the primary street behind the courtyard, measured perpendicular to the zone lot line.

b. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:
   i. Shall be no more than one-half story above or below grade at the zone lot line adjoining the primary street;
   ii. Shall be physically accessible from the primary street, but may be secured for private use;
   iii. Shall be visible from the primary street zone lot line;
   iv. Shall be open to the sky; and
   v. Shall be bounded on not less than 3 sides with connected building facades.

c. The Courtyard area may be used for any of the following:
   i. Single or multiple entries to uses within the building;
   ii. Public or private landscaped area;
   iii. Outdoor seating area; or
   iv. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. Driveways, Internal Drives, and Off-street Parking Areas are not permitted in the Motor Court. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, porous pavers, or integrally colored concrete with a module of not more than 4 feet.
7. **Drive Way Access**
   
a. The build-to alternative Drive Way Access may only be used when vehicular access is required from the street.

b. **Rule of Measurement**
   
i. The Build-To Alternative shall be calculated by subtracting the alternative from the Build-To requirement. For example, on a 100 foot wide Zone Lot where the Build-To percentage is 70 percent, 70 feet of the building must be within the build-to range. When using the Drive Way Access Build-To Alternative, a maximum of 12 feet is subtracted from 70 foot required build-to, resulting in a required build-to of 58 feet.
13.1.5.9 Setbacks

A. Intent
To provide adequate separation for privacy and access to sunlight.

B. Rules of Measurement
Setbacks provide a minimum horizontal distance between a zone lot line and the location of uses and structures on a zone lot, measured as follows: See Figure 13.1-67

1. Primary and Side Street setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a name or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.

2. Side Interior and Rear setbacks are measured perpendicular to the side interior or rear zone lot line abutting another zone lot, a public alley, or an easement for public access Abutting an Alley.

3. Where a Side Interior setback standard is stated as “min one side/min combined:”
   a. One side interior setback shall meet the standard meeting the “min one side” and the total of both side interior setbacks shall be equal to or greater than the standard of the “min combined.”
   b. If zone lot has only one Side Interior Zone Lot Line, the “min one side” standard shall apply.

4. Primary street and rear setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.
   a. Where a minimum percentage of Zone Lot Width is specified for a Primary Street Setback, the minimum percentage of Zone Lot Width at the Primary Street Zone Lot Line specified in the building form table shall be required to meet the minimum Primary Street Setback.

5. Side interior and side street setbacks extend the full length of the side zone lot lines, overlapping with both the primary street and rear setbacks.

6. Side interior setbacks in the Town House building form for Dwelling Units Oriented to the Street shall apply only to the length of the side interior Zone Lot lines where a line extended perpendicular from the side interior Zone Lot line intersects any exterior building facade of a Side-by-Side Dwelling Unit Oriented to the Primary Street. See Figure 13.1-66

Figure 13.1-66
13.1.5.10 Residential Setbacks

A. Intent
To provide transitional space between the edge of a public sidewalk and dwelling units located at the Street Level

B. Applicability
Residential setback standards apply to the portion of a Structure that contains street-facing dwelling units at the Street Level.

C. Rules of Measurement

1. Residential Setbacks are measured perpendicular to the Zone Lot Line at the edge of the right-of-way Abutting a named or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.

2. Residential Setbacks are measured from the Primary or Side Street Zone Lot Line to the outside wall of any street-facing dwelling unit. See Figure 13.1-68.

3. Portions of a Structure containing residential lobbies, rental offices, amenity areas or nonresidential uses shall not be subject to a Residential Setback.

4. Residential Setbacks shall be considered to be a Primary Street setback for purposes of allowed encroachments.
13.1.5.11 Primary Street Parking Setbacks

A. Intent
   To promote a pedestrian-oriented, active streetscape by prohibiting parking near the street.

B. Rules of Measurement
   Primary Street Parking Setbacks provide a minimum horizontal distance between a Primary Street zone lot line and the location of an Off-Street Parking Area, measured as follows:

   1. Primary Street Parking Setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a named or numbered street.

   2. Primary Street Parking Setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.
13.1.5.12 Setback Encroachments

A. Rule of Measurement

1. Each setback encroachment shall be measured from the required minimum setback line.
2. Setback encroachments are not cumulative in that they are always measured from the same point.
3. The entirety of the element permitted as an encroachment shall be within the permitted encroachment distance. See Figure 13.1-69

Figure 13.1-69
### 13.1.5.13 Building Coverage

A. **Intent**
   To provide openness on a lot by limiting the amount of area buildings can cover.

B. **Rule of Measurement**
   Building coverage shall be measured as the “gross area of a footprint” on the zone lot according to C below, divided by the total gross square foot area of the Zone Lot and multiplied times 100, as building coverage is expressed as a percentage.

C. **Gross Area of Footprint**
   For purposes of building coverage, “gross area of a footprint” shall include: See Figure 13.1-70
   1. The gross area of the actual footprint measured to the exterior faces of the structure and any enclosed projections beyond the footprint of all Primary and/or Accessory:
      a. Structure, Completely Enclosed;
      b. Structure, Partially Enclosed;
      c. Deck, Raised; and
      d. Balcony, Exterior.

D. **Building Coverage Exceptions**
   Exceptions to building coverage are permitted by Neighborhood Context. See Articles 3-9, Design Standard Exceptions section.

![Figure 13.1-70](image)

### 13.1.5.14 Building Separation

A. **Intent**
   To provide openness between buildings located on the same Zone Lot.

B. **Rule of Measurement**
   1. For purposes of determining a building coverage exception contained within Articles 3-9, Design Standard Exceptions, and separation in the Tandem House building form, the following rule of measurement applies (See Figure 13.1-71):
      a. Building separation shall be measured as the horizontal distance between the two closest above-grade portions of each subject structure (for example, between a detached garage building form and the primary residential building form), provided each subject structure meets one of the following definitions (see Article 13 for definitions):
Article 13. Rules of Measurement & Definitions
Division 13.1 Rules of Measurement

i. Structures, Completely Enclosed
ii. Structures, Partially Enclosed
iii. Raised Decks
iv. Balconies

b. Where another structure interrupts the separation between the two subject structures, building separation shall still be considered met.

2. For all other purposes, building separation shall be measured as the horizontal distance between the two closest portions of each building’s exterior walls.

Figure 13.1-71

13.1.5.15 Parking and Drive Lot Coverage in Primary Street Setback

A. Rule of Measurement
Parking and drive lot coverage in the primary street setback is measured as the total amount of material used for vehicle access or vehicle storage within the primary street setback area of a zone lot. See Figure 13.1-72

Figure 13.1-72
13.1.5.16 **Surface Parking Between Building and Primary Street/Side Street**

**A. Rule of Measurement**

For the purposes of determining if an area is between a Building and a Primary Street/Side Street, extend a line perpendicular from the Primary or Side Street Zone Lot Line. If any portion of said line touches the Building Facade, then said line is between the Building and such Street. See Figure 13.1-73.

![Figure 13.1-73](image)

*Not to Scale. Illustrative Only.*

13.1.5.17 **Floor Area Ratio (FAR)**

**A. Rule of Measurement - FAR**

Floor area ratio (FAR) is the ratio of gross floor area of a building to the area of the zone lot on which the building is located. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio. See Figure 13.1-74

**B. Calculation of Gross Floor Area**

For purposes of calculating FAR, "gross floor area" means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area the following exclusions shall apply:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located.

2. Any floor area in a story in which the floor above is less than 6 feet above the finished grade for more than 50% of the total building perimeter.
3. Any floor area used exclusively as parking space for vehicles and/or bicycles. This exclusion shall not apply in the D-CPV-C zone district where any floor area used exclusively as parking space for vehicles and/or bicycles shall be included in the calculation of gross floor area.

4. Any floor area that serves as a pedestrian mall or public access way to shops and stores.

5. For purposes of calculating parking amounts, see rule provided in Article 10, Division 10.4 Parking and Loading.

SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

The design element form standards of this Code are defined and measured as set forth below.

13.1.6.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length or Width

1. The length of the front or side wall of a structure, or the overall structure length, shall be measured parallel to the primary street, side street, or side interior zone lot line and includes the length of a Completely Enclosed structure plus the length of any portion of any attached Partially Enclosed structure(s), as shown in Figure 13.1-75 below.

2. The overall structure width includes the length of a Completely Enclosed structure plus the length of any portion of any attached Partially Enclosed structure(s) and shall be measured parallel to the primary street zone lot line or the side street/side interior zone lot line, whichever zone lot line is shorter.

3. The Zoning Administrator shall determine the zone lot line corresponding with the overall structure width in cases where the length of the primary street zone lot line and side street/side interior zone lot line are equal.
B. Private Open Space

1. **Intent**
   To create quality privately owned open spaces that are adjacent and physically open to the street. Private open space should provide visual interest and activate the pedestrian realm.

2. **Applicability**
   This section applies where Primary Building Form Standards or Overlay District Standards specify a minimum percentage of Private Open Space.

3. **Rules of Measurement**
   a. Private Open Space shall be calculated as a percentage (%) using the total area open to the sky, subject to the below requirements, divided by the total gross square footage of the Zone Lot and multiplied by 100.
   b. For purposes of Private Open Space measurement, the total area open to the sky:
      i. Shall not be covered by Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. Private Open Space may also include tables, chairs, benches, sculptures and similar elements.
      ii. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district.
      iii. Shall Abut a Primary Street or Side Street Zone Lot Line.
      iv. Shall be fully visible from a Primary Street or Side Street.
      v. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.
      vi. Shall contain at least one Minimum Contiguous Area, subject to the minimum dimensions below. The width of the Minimum Contiguous Area shall be measured parallel to the Primary Street or Side Street Zone Lot Line, shown as ‘A’ in Figure 13.1-76. The depth of the Minimum Contiguous Area shall be measured as the horizontal distance between the Primary Street or Side Street Zone Lot Line and the closest facade of the exterior building wall facing the Primary Street or Side Street, measured perpendicular to the Zone Lot Line, shown as “B” in Figure 13.1-76.
a) For Zone Lots 9,375 square feet or less, as of October 27, 2014, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep.

b) For Zone Lots 9,375 square feet or less as of October 27, 2014, in the C-CCN zone districts, where the Zone Lots Abuts the southern boundary of the 3rd Avenue right-of-way, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep and shall Abut, be fully visible from, and fully accessible from the 3rd Avenue right-of-way.

c) For all other Zone Lots the Minimum Contiguous Area shall be at least 15 feet wide and 30 feet deep.

C. Mass Reduction

1. Intent
To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

2. Rule of Measurement
a. The Mass Reduction is calculated as a percentage (%) using the “gross area without building coverage” at a height of 31 feet or the highest point of the second story, whichever is less, divided by the total gross square foot area of the zone lot and multiplied times 100. For purposes of Mass Reduction, “gross area without building coverage” shall be calculated as the gross area from all zone lot lines to the exterior faces of the following structures: see Figure 13.1-77
   i. Structure, Completely Enclosed;
   ii. Structure, Partially Enclosed; and
   iii. Balcony, Exterior.
b. For purposes of measuring the Mass Reduction:
   i. The Mass Reduction shall be open to the sky from above a height of 31 feet or
      the highest point of the second story, whichever is less, except the following
      shall be permitted:
         a. Safety Railings and Parapet Walls no taller than 4 feet; and
         b. Open Structures, excluding Exterior Balconies. See Figure 13.1-78

   ii. All portions of the Mass Reduction shall have an uninterrupted perpendicular
       connection to the public right-of-way. See Figure 13.1-79
iii. Off Street Parking Area is not permitted in the Mass Reduction.

iv. A Zone Lot may have one or more Mass Reductions which may not be contiguous. The areas of multiple Mass Reductions may be summed to meet the minimum Mass Reduction requirement, provided that each Mass Reduction shall comply with all other standards in this Section 13.1.6.1.C Mass Reduction rule of measurement. See Figure 13.1-80.

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D. Incremental Mass Reduction

1. **Intent**
   To reduce the perceived mass and scale of buildings and promote creative building designs.

2. **Applicability**
   Where specified in a building form table or applicable Overlay District, Incremental Mass Reduction standards apply to all Structures on a Zone Lot.
3. **Rules of Measurement for Incremental Mass Reduction**

Incremental Mass Reduction creates a reduction in the gross floor area of Structures on a Zone Lot by requiring a minimum "gross area of mass reduction" within a specified range of Stories based on the percentage of Zone Lot Size specified in a building form table or applicable Overlay Zone District. See Figure 13.1-81.

Figure 13.1-81

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**a. Calculation of Incremental Mass Reduction**

**i. Method of Calculation**

For each specified range of Stories, Incremental Mass Reduction is calculated using a percentage (%) of the Zone Lot Size multiplied by the number of Stories in the specified range, which yields the minimum "gross area of mass reduction" that must occur within the specified range of Stories.

**ii. Measurement of Stories**

For purposes of Incremental Mass Reduction, specified ranges of Stories shall be measured according the method set forth in Section 13.1.2.3 Height in Stories.

**iii. Measurement of "Gross Area of Mass Reduction"**

- a) For purposes of Incremental Mass Reduction, "gross area of mass reduction" is any unbuilt area that would not be measured as gross floor area using the method set forth in Section 13.1.5.16.B Calculation of Gross Floor Area except as set forth in b) below.

- b) In lieu of the exception set forth in Section 13.1.5.16.B.3, any enclosed floor area used exclusively as parking space for motor vehicles shall be included when calculating gross floor area for purposes of this Section 13.1.6.1.D.3 and shall not count toward "gross area of mass reduction".

**iv. Calculation Example: Incremental Mass Reduction in One Range of Stories**

- a) Minimum "Gross Area of Mass Reduction" Example: On a 25,000 square foot Zone Lot, where the specified Incremental Mass Reduction is 10% for Stories 3-5 (a 3 Story range), application of the method of calculation specified in Section 13.1.6.1.D.3.a.i would yield a minimum 7,500 square foot "gross area of mass reduction" \((25,000 \times 3 \times 0.10) = 7,500\).
b) Remaining Gross Floor Area Example: The 7,500 square foot minimum "gross area of mass reduction" calculated in a) above would leave a remaining maximum gross floor area of 67,500 square feet for Stories 3-5 (25,000 x 3 - 7,500 = 67,500) absent other standards, such as minimum Setbacks, which could reduce gross floor area.

v. Illustrated Examples: Incremental Mass Reduction in Four Ranges of Stories
See Figure 13.1-82 for examples of combined mass reduction on a 16-Story Structure with four specified ranges of Stories requiring increased Incremental Mass Reduction as the Structure increases in height.

b. Location of Incremental Mass Reduction
The "gross area of mass reduction" that meets a specified percentage of Incremental Mass Reduction shall have an uninterrupted perpendicular connection with one or more of the following frontages. See Figure 13.1-83.

i. Primary Street(s), including the South Platte River
ii. Side Street(s)
iii. Public Park(s)

c. Minimum Dimensions of Areas Counting Towards Incremental Mass Reduction
i. Incremental Mass Reduction may be provided in one or more areas that are not contiguous with each other.
ii. Any single area of Incremental Mass Reduction shall be a minimum of 15 feet wide as measured along a frontage specified in Section 13.1.6.1.D.3.b Location of Incremental Mass Reduction, and a minimum of 7 feet deep as measured perpendicular to the Zone Lot Line parallel to that frontage. See Figure 13.1-84.
Figure 13.1-82

Not to Scale. Illustrative Only.
E. Tower Floor Plate

1. Intent
To preserve sky exposure and encourage architectural variety by reducing the horizontal scale and ensuring appropriate spacing of the tower portion(s) of Standard Tower and Point Tower building forms.

2. Applicability
Tower Floor Plate standards required by the building form table shall apply to all Structures built under the Standard Tower and Point Tower building forms.

3. Rules of Measurement
   a. Tower Floor Plate Area
      Tower Floor Plate Area shall be measured as the area of the Floor Plate of the largest Story located above the specified height in the building form table. See Figure 13.1-85
   
   b. Tower Floor Plate Linear Dimension
      Tower Floor Plate Linear Dimension shall be measured as the longest horizontal linear distance between two points on the exterior faces of exterior walls of any Story located above the specified height in the building form table. See Figure 13.1-85.

   c. Tower Floor Plate Separation
      Tower Floor Plate Separation shall be measured as the shortest horizontal linear distance between two or more separate Structures, including Exterior Balconies, regardless of Zone Lot, located above the specified height in the building form table. See Figure 13.1-85.

Figure 13.1-85

Not to Scale. Illustrative Only.
F. Upper Story Side or Rear Setback, adjacent to Protected District

1. Intent
   To provide appropriate height and massing transitions to less intensive adjoining zone districts.

2. Rule of Measurement
   An upper-story side or rear setback is measured from the side or rear zone lot line, extending to the specified height from the Base Plane and then horizontally to the specified setback distance. See Figure 13.1-86

G. Primary Street Upper Story Setback

1. Intent
   To provide appropriate pedestrian scale, height and massing along a Primary Street.

2. Rules of Measurement
   a. Upper Story Setback
      A minimum Primary Street Upper Story setback shall be measured from the Primary Street zone lot line, extending to the maximum specified height in feet and stories from the Base Plane and then horizontally to the specified setback distance, see Figure 13.1-86.
   
   b. Percentage of Zone Lot Width for an Upper Story Setback
      Where a minimum percentage of Zone Lot Width is specified for a Primary Street Upper Story Setback, the minimum percentage of Zone Lot Width at the Primary Street Zone Lot Line specified in the building form table shall be required to meet the minimum Upper Story Setback. See Figure 13.1-87

   c. Upper Story Stepback for Low-Slope Roof
      Where a stepback is required for a structure with a Low-Slope Roof, the stepback shall be required for any portion of the building that has a Low-Slope Roof. See Figure 13.1-88.
d. **Primary Street Wall Length Within the Upper Story Setback**

i. Where a maximum Primary Street Wall Length within the Upper Story Setback is specified, it shall be measured as the total length of walls along the Primary Street zone lot line within the specified depth of the Upper Story Setback. For example, if the minimum Primary Street Upper Story Setback is 10 feet, and the maximum Wall Length within the Upper Story Setback is 80 feet, the combined length of all walls above the Upper Story Setback height and within 10 feet of the Primary Street property line may be no more than 80 feet. See Figure 13.1-89.
H. Upper Story Stepback

1. Intent
   To shape building forms to reduce effect of massing on adjoining properties or along a street.

2. Rule of Measurement
   Upper Story Stepback is measured as the specified vertical distance starting at the Base Plane, and then extending the specified horizontal distance from the face of the building’s lower portion, as shown in Figure 13.1-90.

![Figure 13.1-90](image)

I. Limitation on Visible Parking Above Street Level

1. Intent
   To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

2. Rules of Measurement
   a. Depth of Limitation on Visible Parking Above Street Level
      i. The depth of a Limitation on Visible Parking above Street Level shall be measured from the exterior of the street-facing building wall. See Figure 13.1-90. Uses that meet the Limitation on Visible Parking above Street Level shall be located within the specified depth, except as provided below.
      ii. Recessed balcony/terrace areas or insets for building articulation up to 10 feet in depth shall be excluded from the Limitation on Visible Parking above Street Level. The remaining depth after recessed balcony/terrace areas and insets for building articulation are excluded shall be subject to the uses that meet the Limitation on Visible Parking above Street Level. See Figure 13.1-91.
b. **Percentage of Zone Lot Width for a Limitation on Visible Parking Above Street Level**
   At every Story above the Street Level, exterior street-facing building walls within the minimum percentage of Zone Lot Width specified in a building form table shall be required to meet the Limitation on Visible Parking above Street Level. See Figure 13.1-92.

J. **Street-facing Courtyard Width and Depth**

1. The street-facing courtyard width shall be measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard, shown as "A" in Figure 13.1-93.

2. The street-facing courtyard depth shall be measured as the horizontal distance between the primary street zone lot line and the closest facade of the exterior building wall facing the primary street, measured perpendicular to the zone lot line, shown as "B" in Figure 13.1-92.
K. Attached Garage Design Standard

1. Rule of Measurement
   a. Identify the portions of the Primary Street facing facade that shall constitute at least 65% of the total width of the primary structure enclosing the primary use.
   b. Draw a line parallel to the primary street setback line that is not forward at any point of the 65% identified in a. above, thereby determining the maximum permitted attached garage projection. See Figure 13.1-94

L. Street-facing Attached Garage Door Width

1. Rule of Measurement
   a. “Street-facing attached garage door width” is measured as the total width of all street-facing garage doors attached to the primary building form, divided by the total width of the front facade of the primary building, or of the front facade of an individual dwelling unit, as applicable.
   b. For purposes of this rule, the total width of a street-facing garage door(s) shall be measured as the linear distance between the outer edges of the door(s).

2. Determination of “Street-facing”
   A garage door is “street facing” if it faces a named or numbered street, which shall be determined by extending a line the width of the garage door and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a named or numbered street at the zone lot boundary then said garage door faces a named or numbered street. See Figure 13.1-95.
13.1.6.2 Dwelling Unit Oriented to the Street

A. Intent
To ensure that buildings contribute to vibrant pedestrian-oriented street frontages by requiring Dwelling Units near the street to orient to and engage the street while still allowing for design flexibility in Dwelling Unit shape and location.

B. Applicability
The Primary Building Form Standards in Articles 3 through 9 specify required Dwelling Units Oriented to the Street for the Primary Building Forms of Row House and Town House.

C. General Requirements
For purposes of this standard, a “Dwelling Unit Oriented to the Street” shall meet the following requirements:

1. A Dwelling Unit that is Street-Facing and the width of the Dwelling Unit does not exceed the length of the Dwelling Unit as measured below;

2. A Dwelling Unit where the Street-Facing Dwelling Unit Facade width must be at least 75% of the total width of the same Dwelling Unit as measured below; and
3. The Dwelling Unit required to be oriented to the street must share a wall with at least one additional Dwelling Unit also oriented to the same street.

D. Rules of Measurement

Dwelling Unit Proportions

1. **Dwelling Unit Width**
   
   Dwelling Unit Width shall be the linear distance of the Dwelling Unit at its widest point at any height. The width is measured parallel to the front Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-97

2. **Dwelling Unit Length**
   
   Dwelling Unit Length shall be the linear distance of the Dwelling Unit at its longest point at any height. The length is measured perpendicular to the front Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-97
3. **Street-Facing Dwelling Unit Façade(s)**

   a. For the purposes of this rule, a Dwelling Unit façade shall be associated with a Dwelling Unit if the same Dwelling Unit is located directly behind the façade.

   b. A Dwelling Unit façade is "street-facing" if it faces a named or numbered street, which shall be determined by extending a line the width of the façade and perpendicular to it to the Zone Lot boundary. If the said line touches the right-of-way of a named or numbered street at the Zone Lot boundary, then said Dwelling Unit façade is "street-facing." See Figure 13.1-99

   c. The Street-facing Dwelling Unit Facade(s) width(s) are measured at the highest point horizontally where the Facade meets the Finished Grade. See Figure 13.1-98
d. The Street-facing Dwelling Unit Façade(s) is the total linear width of the Façade(s) that are associated with a Dwelling Unit and that face the corresponding Primary Street or Side Street to which the same Dwelling Unit is oriented. See Figure 13.1-99

e. Where more than one street-facing Dwelling Unit Façade faces the corresponding Primary Street and/or Side Street, the linear width of each Façade is measured separately and combined to determine the total linear distance.

13.1.6.3 Street Level Activation

A. Transparency, Primary Street and Side Street

1. **Intent**
   To provide visual interest to building facades, to activate the street and sidewalk, and to provide a safe pedestrian realm.

2. **Applicability**
   The Primary Building Form Standards in Articles 3 through 9 specify transparency standards for many Primary Building Forms. Rules of measurement, window requirements, and transparency alternative requirements are provided in this Section 13.1.6.3.A.
3. **Rules of Measurement**
   
a. **Zone of Transparency**
   
   The Zone of Transparency is the area between 2 feet and 9 feet above the finished upper surface of the floor of the Street Level across the entire street-facing Street Level building facade. See Figure 13.1-100.
   
i. A building facade is “street-facing” if it faces a name or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary, then said facade is “street-facing.” See Figure 13.1-101.
   
   ii. The required amount of transparency shall be provided within the zone of transparency for the subject building, unless an exception or alternative is permitted by this Code.
   
b. **Street Level Transparency**
   
   Street Level transparency, primary or side street, is measured as the total amount of linear feet of windows or permitted alternatives provided within the Zone of Transparency divided by the total length of that same street-facing building facade (including any open parking structure entrances).
Zone of Transparency applies to the Street Level as defined in Sec. 13.3, where the ceiling is 4 feet or more above grade at the nearest building line.
4. **Window Requirements**

Windows shall be provided to satisfy the transparency requirement, except where a transparency alternative is permitted. All windows used to satisfy the transparency requirement shall comply with the following:

a. All windows shall be a minimum of 5 feet in vertical dimension within the zone of transparency; and.

b. Window glazing shall be clear and shall transmit at least 65 percent of the visible daylight (visible transmittance shall be 0.65 or greater); and

c. No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be permitted to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.
5. **Transparency Alternative Requirements**
Where permitted, the following alternatives may be used singularly or in combination as alternatives to a transparency requirement:

a. **Display Cases**
   i. Display cases shall be permanently recessed, integrated into, or installed on the building wall. They shall be a minimum of 5 feet in height within the Zone of Transparency.
   ii. Display cases are measured as the total linear width (in feet) of display cases provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-103

b. **Automated Teller Machines**
   i. Automated teller machines shall be permanently recessed, integrated into, or installed on the building wall.
   ii. Automated teller machines are measured as the total linear width (in feet) of automated teller machines provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-104
c. Wall Design Elements
   i. Wall design elements shall be combined into a unified wall design that provides visual interest, pedestrian scale, and integrates into the architecture of the building.
   
   ii. The unified wall design shall incorporate a minimum of 3 of the following elements, which shall occur at intervals no greater than 25 feet horizontally:
       a) An offset or other horizontal change in wall plane not less than 3 inches in depth.
       b) A vertical scaling element, such as a pilaster, not less than 4 feet in height and 1 inch in width/depth.
       c) A horizontal scaling element, such as a belt course, string course, or cornice, occurring at an interval no greater than 10 feet vertically.
       d) A green screen or planter wall.
       e) A variation in material, pattern, and/or color (shall not also count as translucent, fritted, patterned or colored windows per f. below).
       f) Translucent, fritted, patterned or colored windows (shall not also count as a variation in material, pattern, and/or color per e. above).
       g) Windows outside the zone of transparency when located at the Street Level and compliant with Sections 13.1.6.3.A.4.b and c.
   
   iii. Wall design elements are measured as the linear width (in feet, measured to the outside design elements) of the unified wall design, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-105

*Horizontal Scaling Elements, Vertical Scaling Elements, Change of Material, and Windows Outside of Zone of Transparency create a system of wall design elements.
d. **Permanent Outdoor Eating/Serving Areas**
   
i. Permanent accessory outdoor eating/serving areas shall be located between the building and the Primary Street or Side Street zone lot line depending on which transparency standard (Primary or Side Street) the alternative is applied toward.
   
ii. Outdoor eating/serving areas are measured as the linear width (in feet, measured to the outside posts or railings of an outdoor eating/serving area), divided by the total length of the same street-facing building façade (including any open parking structure entrances).
e. **Permanent Art**

   i. Permanent art shall comply with all of the following standards:
      
      a) Shall be a “work of public art” as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator, with input from Denver Arts and Venues,
      
      b) Shall be a minimum of 5 feet in vertical dimension within the Zone of Transparency (permanent art may extend outside the Zone of Transparency),
      
      c) Shall not be a Sign, unless permitted according to Section 10.10.3.2.J as a Sign which is a work of public art.
      
      d) Shall be rendered in materials or media that are durable in an exterior, urban environment; and
      
      e) Shall be permanently integrated into, or installed on, the building wall.

   ii. Permanent art is measured as the total linear width (in feet) of rectangles enclosing distinct artworks provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances). Where more than one piece of art is used, the linear width (in feet) of each piece of art is measured separately and combined to determine the total linear width of permanent art.

   

   **Figure 13.1-108**

6. **Changes to Existing Buildings**

   No existing building shall be altered in such a way that the total linear feet of windows and permitted alternatives in the zone of transparency is reduced below the required amount. If the total linear feet of windows and permitted alternatives in the zone of transparency is already below the required amount, it shall not be further reduced.
B. Pedestrian Access

1. Intent
To provide clear, obvious connections for pedestrians between Primary Streets and primary uses within buildings.

2. Applicability
The Primary Building Form Standards in Articles 3 through 9 specify which type of Pedestrian Access is required for each Primary Building Form, or Dwelling Unit. Pedestrian access requirements are provided in this Section 13.1.6.3.B.

3. Pedestrian Access Requirements
The following are required supplemental standards for each type of Pedestrian Access:

a. Entrance
i. Where required by the Primary Building Form Standards, an Entrance shall provide a clear, obvious, publicly accessible connection between the Street defined by the building form (Primary and/or Side) and the primary uses within the building.

ii. For the Garden Court and Row House building forms, an entrance shall be street-facing according to the standards specific to such building forms in Articles 3 through 9.

iii. For all other building forms, an entrance shall be located:
   a) On the Primary Street facing facade; or
   b) Located on a Side Street facing facade but entirely within 15 feet of the zone lot line abutting the Primary Street and provided the entrance is clearly visible from the public right-of-way. See Figure 13.1-109.

iv. An entrance shall be one of the following three types:
   a) Door - An entrance on the same plane as the building facade.
   b) Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
   c) Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

Figure 13.1-109

Not to Scale. Illustrative Only.
b. **Entry Feature**
   
i. Where required by the Primary Building Form Standards, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building.
   
   ii. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. See Figure 13.1-110.
   
   iii. An entry feature shall be a Door, Gate, Front Porch, Front Stoop, Front Terrace, Canopy, and/or Arcade

Figure 13.1-110

![Diagram](Not to Scale. Illustrative Only.)

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c. **Dwelling Unit Entrance with Entry Feature**
   
i. Where required by Primary Building Form Standards or Overlay District Standards, a Dwelling Unit Entrance with Entry Feature shall provide a clear and obvious publicly accessible connection between the Street and the primary use within the Dwelling Unit.
   
   ii. Each Dwelling Unit Entrance with Entry Feature shall have an Entrance with a minimum of one of the following Entry Features:

   a) A Front Porch with a minimum depth of 5 feet between the street-facing building facade and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line; or

   b) A Canopy with a minimum depth of 3 feet between the street-facing building facade and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line.

   iii. A building facade is "street-facing" if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is "street-facing." See Figure 13.1-101.
d. Pedestrian Connection

i. Where required by the Primary Building Form Standards, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. See Figure 13.1-112. The Pedestrian Connection shall comply with the following:

a) Fully paved and maintained surface not less than 5 feet in width.

b) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

c) Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

d) The portions of pedestrian connection that cross driveways or drive aisles shall not exceed 25 feet in length.

4. Pedestrian Access (Entrance) Alternative Requirements

Where permitted, the following design elements may be used as an alternative to a required entrance on all building forms except Row House and Town House:

a. Courtyard or Plaza
This alternative may be used only if the courtyard or plaza complies with all of the following standards:

i. Shall be accessible to public during business hours.

ii. Shall be within 2 feet of grade at edge of public right-of-way.

iii. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.

iv. Maximum dimension shall not exceed 3 times the minimum dimension.

v. Required public Entrance shall be visible from the public right-of-way.

vi. Perimeter walls of court or plaza shall meet primary facade transparency standards.

Figure 13.1-113

Not to Scale. Illustrative Only.
b. **Covered Walkway**

This alternative may be used only if the covered walkway complies with all of the following standards:

i. Shall take the form of an Arcade, Canopy, or Pergola.

ii. Shall be accessible to the general public during business hours.

iii. Shall provide continuous covered access to a required Entrance from the public right-of-way.

iv. A required public Entrance shall be visible from the Primary Street zone lot line.

![Figure 13.1-114](Not to Scale. Illustrative Only.)

C. **Street Level Height**

1. **Intent**

   Promote Street Level designs that can be adapted to future uses and ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.

2. **Applicability**

   Street Level Height shall apply to any street-facing story meeting the definition of Street Level in Section 13.3.

3. **Rules of Measurement**

   a. Street Level Height is measured from the upper surface of the floor of the Street Level, to the upper surface of the floor or roof next above across the entire street-facing Street Level building facade for a minimum depth of 15 feet from the street-facing building facade. See Figure 13.1-115.

   b. A building facade is “street-facing” if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is “street-facing.” See Figure 13.1-101.
13.1.6.4 Open Space in Large Developments

A. Net Development Area

The required amount of Open Space in Large Developments shall be calculated as the percentage of the gross development area. The Net Development Area shall be the gross land area
within the boundaries of the proposed large development area less the gross area of existing and proposed public rights-of-way and City park land, or land required to be dedicated to the City by the Department of Parks and Recreation.

B. Contiguous Open Space Area

1. The width of the minimum contiguous open space requirement for large developments shall be measured parallel to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as “A” in Figure 13.1-116.

2. The depth of the minimum contiguous open space requirement for large developments shall be measured perpendicular to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as “B” in Figure 13.1-116.

Figure 13.1-116
SECTION 13.1.7  FENCE AND WALL HEIGHT MEASUREMENT

Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, or from the top-most point of the Retaining Wall on which it is placed, to the topmost point of the fence or wall.

SECTION 13.1.8  RETAINING WALL HEIGHT MEASUREMENT

The height of a Retaining Wall shall be measured as the vertical distance from the lowest grade at the base of the Retaining Wall to the top-most point where the wall no longer retains earth. Any vertical distance of wall more than 6 inches above the top-most point is no longer a Retaining Wall but is a Fence and Wall as defined in Article 13, and shall be measured according to the rule in Section 13.1.7.

Figure 13.1-117
Not to Scale. Illustrative Only.

SECTION 13.1.9  ROOFTOP MECHANICAL EQUIPMENT SCREENING MEASUREMENT

Rooftop mechanical equipment screening shall be measured from the opposite side of the abutting Primary Street’s public right of way at the edge of the right of way, measured 5’-6” above grade, as measured perpendicular to the midpoint of each building. The midpoint is measured at the widest point of the building parallel to the Primary Street Zone Lot Line.
Figure 13.1-118

Figure 13.1-119
SECTION 13.1.10  MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

When measuring the permitted length of a motor vehicle, including but not limited to recreational vehicles, trailers, buses, or trucks, the following rule of measurement shall apply: The distance measured from the front-most to the rear-most portion of the vehicle (e.g., to the front and rear bumper), except, however, when extensions or projections are added beyond the front-most or rear-most portion of the vehicle, then the measurement shall include such extensions or projections.

SECTION 13.1.11  MEASUREMENT OF SEPARATION OR DISTANCE

13.1.11.1  Measurement of Separation or Distance Between Uses

A. When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

B. Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

13.1.11.2  Measurement of Separation or Distance Between a Use and Zone District

A. When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.

B. Only when a significant part of the primary use requiring separation is operated outside of a completely enclosed structure shall the separation be measured from the nearest point of the zone lot occupied by the primary use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.

C. In the case of an outdoor accessory use requiring separation from a zone district (for example, an accessory outdoor eating or serving area), distance shall be measured from the nearest point of the outdoor accessory use to the nearest point of the zone district boundary from which the separation is to be effected or established.

13.1.11.3  Measurement of Separation or Distance Between a Rail Transit Station Platform and a Zone Lot

When measuring distance between a Rail Transit Station Platform and uses for which Section 10.4 applies, distance shall be determined from the nearest point of the Rail Transit Station Platform to the nearest point of the Zone Lot.

13.1.11.4  Measurement of Distance from a High Frequency Transit Corridor and a Zone Lot

A. When measuring distance between a High Frequency Transit Corridor and a Zone Lot for which Section 10.4 applies, distance shall be determined from the centerline of the right of way of the High Frequency Transit Corridor to the nearest point of the Zone Lot.
**Dormer:** A framed window unit projecting through the sloping plane of a roof.

**Drive Aisle:** An improved and maintained way providing vehicular access within an Off-Street Parking Area.

**Drive or Driveway:** An improved and maintained way providing vehicular access from the public right-of-way to an Off-Street Parking Area, to a Garage structure, to dwellings, or to other uses. Does not include areas providing direct access to parking stalls or attached Garages for more than one dwelling unit - See Off-Street Parking Area.

**Downtown Ground Floor Active Use:** Shall include retail sale; banking facility open to the public with at least one employee on site; eating place; personal and business service; hotel lobby; indoor and outdoor entertainment or recreation facility; dedicated public park or open space; arts and cultural facility; and the frontage of entry ways or stairways through which such uses are principally accessed, provided, however, that the following types of retail sales shall not be considered Downtown Ground Floor Active Use: amusement center; sale of automobiles; sale of auto trailers; sale of house trailers; sale of trucks; sale of auto and truck parts, accessories, tires and tubes; automobile gasoline filling station; boat sales; home building materials store; koshering of poultry sold at retail on the premises; motorcycle store; monument and tombstone sales; pawnshop; retail sale of medical and hospital equipment and supplies; and retail sale of packaged coal and wood for household use; and provided, further, that no adult use shall be considered a Downtown Ground Floor Active Use.

**Dwarf Goat:** See Denver Revised Municipal Code section 8-4(4.5).

**Dwelling:** Any building or portion of building that is used as the residence of one or more households, but not including hotels and other lodging accommodation uses, hospitals, tents, or similar uses or structures providing transient or temporary accommodation with the exception of an accessory Short-term Rental.

**Dwelling Units, Side-by-Side:** Two or more Dwelling Units that are attached along common walls and where each Dwelling Unit occupies space from the Structure’s Street Level to the Structure’s Roof. This does not include Dwelling Units that are stacked vertically.
**Eave**: The underpart of a sloping roof overhanging a wall.

**Enclosed Bicycle Parking Facility**: A stand-alone, secure enclosure or a device or delineated space located within a building or parking garage, and used to park and/or store bicycles. Examples include, but are not limited to, bicycle lockers or bicycle storage rooms located inside a building.

**Entrance, Required**: An operable opening to a building that provides direct public access from the Primary Street to the primary uses within the building.

**Entry Feature**: An entrance to a building, a structure, or an architectural building feature, which signals to a person how to travel from the Primary Street to the primary uses within a building.

**Established Tree**: (1) Any live, self-supporting woody perennial plant which has a trunk diameter of 6 inches or more measured at a point four and one half (4 1/2) feet above ground level and which normally obtains a height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches.

**Existing Use**: The use of a zone lot or structure at the time of the enactment of this Code.

**Exterior Balcony**: See “Balcony, Exterior.”

**Exterior Wall Surface**: The most exterior part of a wall, sun screen or any screening or material covering a building.

**Extraction, Food-Based**: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats. Food-based extraction does not include the use of any type of alcohol.

**Extraction, Solvent-Based**: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of a solvent approved by the State of Colorado Marijuana Enforcement Division regulations for medical marijuana and retail marijuana, as may be modified from time to time, and which shall include the use of any type of alcohol.

**Extraction, Water-Based**: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.
FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Facade: Any exterior wall surface located at the ground level of a building that encloses the interior of the building.

Face Block: A zone lot or lots Abutting one side of the block. The “same” block face indicates only those zone lots Abutting the same side of the block as the subject property. The “opposite face block” includes those zone lots located on a different block than the subject property, but located directly across the street from and Abutting the same street as the subject property, and bounded by the same intersecting streets as the subject property’s block. See Figure 13.3-1.

Figure 13.3-1

Fence and Wall: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. For a retaining wall, see definition of “Retaining Wall.”

Fine Arts: Individual art pieces not mass produced.

Finished Grade: See definition of Grade, finished.

Fixed Rack Bicycle Parking Facility: An unenclosed device used for the parking of bicycles that is affixed permanently to the ground. Examples include, but are not limited to, an inverted “U”-style bicycle rack.

Fixture: A small structure or part of a structure used by the occupants of the premises for the purpose of containing or holding containers of garbage, trash recycling and similar waste products, or for landscaping such as bird baths, ornamental statuary, arbors, rock gardens, monuments, flagpoles, ornamental lampposts and similar decorative features but not including enclosed buildings.

Flag Lot: See “Zone Lot, Flag.”

Flatwork: Improved areas constructed of Impervious Material providing pedestrian access to entrances and buildings, including walkways, stairs, and ramps. Shall be located at original grade. Shall not include areas meeting the definition of Patio.
**Floor Area, Habitable:** The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom(s), but not including hallways, stairways, cellars, service rooms, utility rooms, bathrooms, closets, unheated areas such as enclosed porches.

**Floor Area Ratio (FAR):** See the Rule of Measurement within this Article 13.

**Floor Plate:** The sum of the gross horizontal area of a single floor of a building structure, including interior balconies, but excluding exterior balconies; all horizontal floor dimensions are measured from the exterior faces of the exterior walls.


**Food:** Any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. For purposes of this Code, “Food” shall not include “Marijuana Concentrate” as defined in this Division 13.3.

**Footcandle (F.C.):** A unit of illuminance equivalent to one lumen per square foot.

**Former Chapter 59:** Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk at City Clerk Filing No. 10-512-A on May 20, 2010. Former Chapter 59 remains in full force and effect for any land not re-zoned to zone districts in the Denver Zoning Code.

**Freeways:** Those streets designed to carry large volumes of through traffic at high speeds by restriction of abutting private property from rights of direct access by vehicles and pedestrians.

**Front Porch:** See “Porch, Front”.

**Frontage:** All of the zone lot fronting on one side of an intersecting or intercepting street, or between a street and right-of-way, end of dead-end street, waterway, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

**Full Cutoff Lighting Fixture:** A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

**Fully Shielded Lighting Fixture:** A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.
**High-Rise Building:** Any building or structure having any portion of a story used for human occupancy more than 75 feet above the lowest level of fire department vehicle access.

**Historic Structure:** Designated structures for preservation or contributing structures in districts designated for preservation under the provisions of D.R.M.C., Chapter 30 (Landmark Preservation).
**Impervious Material:** A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

**Incentive Height:** Additional Building Height permitted above the Base Height for development meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

**Industrial Zone District:** The Industrial A (“I-A”) and the Industrial B (“I-B”) Zone Districts, but not including the Industrial Mixed Use (“I-X” or “M-IMX”) Zone Districts established by this Code.

**Involuntary Demolition or Involuntarily Destruction:** The destruction or demolition of a structure caused by natural forces (e.g., accidental fire; flood; tornado) and not by man-made forces.
Sign, Wind: Any sign in the nature of a series of two or more banners, flags, pennants or other objects or material which shall call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Sign, Window: A sign which is applied or attached to, or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

Sign Projection Distance: The distance from the exterior wall surface of the building to the display face of a wall sign.

Sign With Backing: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign Without Backing: Any word, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

Site Development Plan: A specific development plan for a zone lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs.

Siting Form Standards or Building Siting Standards: Standards in this Code that regulate the size and dimension of a required zone lot, and the placement, orientation, and coverage of a building on a zone lot. Siting standards include, but are not limited to, standards addressing zone lot size and dimensions, setbacks, build-to requirements, and building coverage.

Solar Panel, Flush Mounted: A solar energy collection device mounted to the roof of a structure in such a manner that the device is not more than one foot above the roof surface to which it is attached, and mounted so that the device plane is in a plane which is parallel to the surface of the roof to which it is attached.

Standard: A mandatory regulation. Noncompliance with a standard may be grounds for denial of a proposal for development, and may subject an applicant or a development to the enforcement and penalty provisions of this Code. Mandatory standards are indicated by use of the terms “shall” and “must.”

Start of Construction: Includes substantial improvement, and means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stoop: An uncovered set of steps and a landing providing access to the primary uses within the building.
**Storage:** The act of depositing goods, wares and merchandise in any structure, part of a structure or warehouse, gratuitous or otherwise, shall be called storage.

**Store:** A use devoted exclusively to the retail sale of a commodity or commodities.

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story, Habitable:** A story which:

1. Has at least four feet between the ground level and the ceiling joists;
2. Has enough area to provide a habitable room with net floor-to-ceiling distance of 7 feet-6 inches over half the area of the room; and
3. Constitutes a habitable room as defined in the building code.

**Story, Half:** See Rule of Measurement.

**Street:** A public thoroughfare, avenue, road, highway, boulevard, parkway, driveway, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

**Street Level:** Any point on the first story or level in a building or structure in which the ceiling is 4 feet or more above grade at the nearest building line. The "building line" shall be where the street-facing building facade meets finished grade.

**Street Level Dwelling Unit:** A Dwelling Unit located at the Street Level, where any portion of the Dwelling Unit is within 10 feet of a required Primary or Side Street Setback or Residential Setback. See Figure 13.3-3.

Figure 13.3-3