

## DIVISION 21. OVERLAY DISTRICTS

**Sec. 59-440. General.**

The provisions of this division 21 apply to all lands, uses and structures in areas approved by city council as overlay districts. Such lands, uses and structures are also subject to the provisions of their underlying zoning designation; provided, however, that where the provisions of this division 21 are more restrictive than the provisions of the underlying zoning designation, the provisions of this division 21 shall apply.

(Ord. No. 03-361, § 3, eff. 5-23-03)

**Sec. 59-441. Intent and purpose of overlay districts.**

Overlay districts are intended to serve one (1) or more of the following purposes: to implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the city's comprehensive plan; to provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning; to provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses; to provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and to reinforce the desired character for newly developing areas.

(Ord. No. 03-361, § 3, eff. 5-23-03)

**Sec. 59-442. Effect of underlying zone district designation.**

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable overlay district; provided, however, an overlay district shall not be used to add to the specific permitted uses in the underlying district, nor shall it be used to prohibit specific permitted uses in the underlying district.

(Ord. No. 03-361, § 3, eff. 5-23-03)

**Sec. 59-443. Preapplication conference.**

Prior to filing an application for approval of an overlay district, the applicant shall make a request to the planning office for a preapplication conference. The planning office shall conduct the preapplication conference to discuss the overlay district guidelines with the applicant.

(Ord. No. 03-361, § 3, eff. 5-23-03)

**Sec. 59-444. Application.**

(a) *Amendment procedure:* All provisions of article X (amendment procedure) of this chapter shall apply except section 59-648(c) (application for amendment; contents).

(b) *Contents:* Each application for approval of an overlay district shall be filed in writing with the department of zoning administration and shall contain the applicant's name, address, and interest in the application; shall contain the names and addresses of all owners of land and structures within the proposed overlay district, keyed to the map required in subsection (b)(2)a. below; shall identify which owners are represented by the applicant; shall contain such information and representations required by this chapter or deemed necessary for proper review and evaluation of the application; and shall include at least the following details:

- (1) A legal description of the area proposed for designation as an overlay district.
- (2) A map, drawn to a scale of not less than one (1) inch per two hundred (200) feet, showing the following:
  - a. The proposed boundaries of the overlay district;
  - b. The present zone district classifications and uses within the proposed overlay district boundaries and within two hundred (200) feet of those boundaries;
  - c. All public rights-of-way within the proposed overlay district boundaries and within two hundred (200) feet of those boundaries; and
  - d. Other information as necessary to determine how the proposed overlay district affects the existing uses within the overlay district boundaries and within two hundred (200) feet of those boundaries.
- (3) A written description of the specific restrictions, standards or guidelines to be implemented by the overlay district and the effect of those restrictions, standards or guidelines on the development or redevelopment of properties within the overlay district. If the purpose of the overlay district is to implement a plan that has been developed for the specific area covered by the overlay district and has been adopted by the planning board, the city council, or both, a copy of such plan may be substituted for the written description.
- (4) A written statement generally describing how the proposed overlay district will promote or implement the goals and objectives of the comprehensive plan.
- (5) If the area proposed for designation as an overlay district includes a PUD district which, at the time of application for the overlay district, has vested property rights under section 59-29, such application must contain the written consent of the owners of land and structures within the PUD district. If such written consent cannot be obtained, the PUD district must be deleted from the boundaries of the proposed overlay district.
- (6) Evidence that all owners of land and structures within the proposed district who are not represented by the applicant have been notified by mail of: the applicant's intent to request overlay district zoning; the application, review and approval process for overlay district designation; and the specific effects of overlay district zoning on properties within the proposed overlay district. For purposes of notification, owners are to be determined from the tax roll for the preceding tax year in the office of the deputy county treasurer. In the case of a structure containing individual units owned

by different owners, a copy of the notification shall be sent by mail to the individual unit owner, or to the corporation, organization or association which either owns or controls the common areas.

- (7) Other information deemed necessary to evaluate the application as the department of zoning administration, the planning office, the planning board or a member of the city council may, within twenty-one (21) days after the submission of the application, request in writing of the applicant.

(c) *Review:*

- (1) Upon receipt of a completed application, the department of zoning administration shall transmit a copy of such application to the planning office, city council, public works and to such other agencies, either public or private, as may be deemed by the department to have an interest.
- (2) The planning board shall review the application at a meeting to be held within forty-five (45) days following the date on which the completed application was received by the department of zoning administration.
- (3) Within forty-five (45) days following the date on which such completed application was received by the department of zoning administration, the planning office and other agencies to which the application was submitted shall transmit to the department of zoning administration recommendations or comments, including planning board or planning office recommendations for approval, approval with stipulations, or denial, copies of which shall be forwarded by the zoning administration to the applicant. The failure of the planning office and other agencies to act within the time herein prescribed shall not be deemed a recommendation of the district as submitted.

(d) *Designation on official maps:* Once an overlay district is approved by the city council, the department of zoning administration shall amend the official maps so as to identify the overlay district boundaries and designation, together with the underlying zoning designation.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-445. Effect of overlay district designation.**

All applications to the department of zoning administration for permits within a specific overlay district shall generally conform to the applicable provisions of that overlay district and shall be reviewed by the department and by the planning office to assure such general conformity. Such review shall be completed within ten (10) days of the receipt of such application by the department, unless other review provisions are set forth in the applicable section for a specific overlay district. Review by the planning office shall result in a written recommendation to the department of approval, approval with conditions, or denial. Applications which are incomplete or receive recommendations of approval with conditions or denial may be revised and resubmitted for one (1) or more subsequent reviews, each not to exceed ten (10) days, unless otherwise provided for in the section regulating the applicable overlay

district. Once the department has received a recommendation of approval from the planning office, the department may process and approve the application subject to all other applicable requirements.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, § 48, eff. 12-2-03)

**Sec. 59-446. OD-1 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-1.

(b) *Housing requirement.* All new buildings with a gross floor area greater than three (3) times the gross floor area of the zone lot shall be required to have at least fifty (50) percent of the gross floor area of such building constructed for residential uses.

(c) *Parking restrictions.* Surface parking lots and structures shall be allowed only as conditional uses and shall only be approved provided that:

(1) Such lot or structure serves a specific, identified business or residential facility that is a use by right or conditional use then permitted and operating in the underlying zone district; and

(2) Any parking lot or structure that is not located on the same zone lot as the use it serves, and that provides amounts of parking beyond those required to meet the minimum off-street parking requirements for such use pursuant to chapter 59, article VI of the Revised Municipal Code:

a. Shall have some portion of such parking lot or structure located within two hundred (200) feet of the zone lot containing the use it serves; and

b. Shall not be separated from the use it serves by an intervening zone lot with a residential use; and

c. Shall not offer parking to the public in return for a fee; and

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

(3) Any parking lot or structure that is not located on the same zone lot as the use it serves, and that provides parking to nonresidential uses in amounts beyond those required to meet the minimum off-street parking requirements for such use pursuant to chapter 59, article VI of the Revised Municipal Code, shall not be located on any zone lot that contains a residential structure on January 1, 1994.

(d) *Open space required.* Notwithstanding the provisions of the underlying zone district, each zone lot shall provide at least twenty (20) percent of the area of the zone lot in unobstructed open space which shall not include space provided for off-street parking.

(e) *Setback areas.* Notwithstanding the provisions of the underlying zone district, open porches and stoops associated with building entries may project any distance into the front setback space.

(f) *Off-street parking requirements.* Notwithstanding the provisions of the underlying zone district, off-street parking requirements shall be those applicable to the R-4-X zone district.

(g) *Design standards.* All new structures and all structures renovated where (i) the renovation is valued at more than fifty (50) percent of the replacement cost of the existing building excluding land costs, and (ii) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to design standards and design review procedures set forth below, provided, however, that if property is subject to the design standards or design review procedures of the Civic Center overlay district, or is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below. Design review procedures, where applicable, shall be conducted by the planning office staff. The zoning administrator shall not issue permits for building use until the planning director certifies that any applicable requirements have been met.

(1) *Lower floor design standards.* All new structures and all renovated structures meeting the conditions set forth in the first paragraph of this section 59-446(g) shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building above street level, unless the applicant elects to participate in the design review process set forth in subsection b. below. The design standards are intended to promote consistent, continuous and active street frontages and to reflect Denver's history of primarily solid and masonry building materials. The planning office is authorized to develop design standards that address:

- a. The percentage of the building that must be built within a short distance of property lines along public streets and sidewalks;
- b. Building and building entry orientation;
- c. Appearance of parking garages;
- d. The percentage of glass to solid materials;
- e. The required use of scaling elements, insets, and projections to break up flat or monotonous facades, to emphasize entries, and to respond to older buildings nearby; and
- f. Building and glazing materials.

(2) *Optional lower floor design review.* As an alternative to compliance with specific design standards adopted pursuant to subsection a. above, any new structure or any renovated structure meeting all of the conditions set forth in the first paragraph of this section 59-446(g) may elect to have the lower eighty (80) feet of the building above street level reviewed by planning staff through a design review process guided by the following standards:

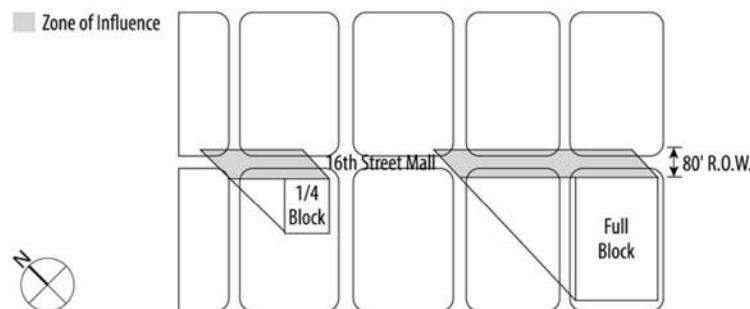
- a. To allow more variation and architectural creativity than the design standards described in subsection 59-446(g)(1);

- b. To provide human scale through change, contrast, and intricacy in facade form, color and/or material where lower levels of buildings face public streets and sidewalks;
  - c. To spatially define the street space in order to promote pedestrian activity; and
  - d. To require building facades to respond to existing building types in the area.
- (3) Design review shall be completed within thirty (30) days of the submission of a completed application to the zoning administration, or the facade design shall be considered approved. Such thirty-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.
- (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 625-05, § 22, eff. 9-2-05)

**Sec. 59-447. OD-2 overlay district.**

- (a) *Creation.* There is hereby created an overlay district designated as OD-2.
- (b) *Definitions.* For purposes of this section 59-446(b), the following definitions shall apply:
  - (1) "Zone of influence" shall mean that portion of the public right-of-way of the 16th Street pedestrian and transit mall lying between two (2) lines extended due north from the easternmost and westernmost points of a zone lot located between 15th and 16th Streets, regardless of whether or not such zone lot extends across a public alley. If a zone lot extends across a public street right-of-way, then a separate zone of influence shall be established for each part of the property separated by a public street right-of-way. The 16th Street pedestrian and transit mall is eighty (80) feet wide.
  - (2) "Project zone of influence" shall mean the zone of influence for the proposed structure or project.
  - (3) "Overlapping zone of influence" shall mean any zone of influence that overlaps all or a portion of the project zone of influence, regardless of whether or not such zone of influence is related to a zone lot that is (i) adjacent to the project zone lot or (ii) located within the OD-2 District.

**Illustration of Project Zone of Influence**



- (4) "Excluded zone of influence" shall mean a zone of influence for a zone lot where the maximum permitted gross floor area from all sources except sunlight bonuses could not at any point exceed the height of a plane originating at the southwest right-of-way of the 16th Street pedestrian and transit mall and rising over the property southwest-erly at an angle of sixty (60) degrees from the horizontal.
- (5) "Test time" shall mean 1:00 p.m., Mountain Daylight Time, on September 21.
- (6) "Minimum required amount" shall mean:
  - a. For a zone lot of more than fifteen thousand (15,000) square feet: three-tenths (.3).
  - b. For a zone lot of fifteen thousand (15,000) square feet or less: two-tenths (.2).

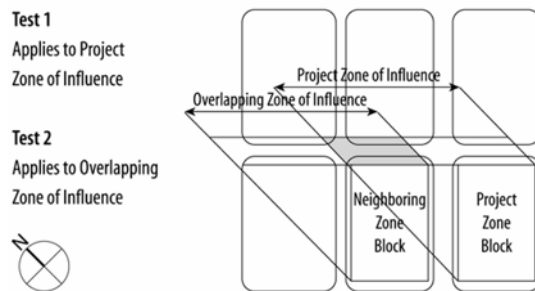
(c) *Sunlight preservation on the 16th Street pedestrian and transit mall.* No structure or multiple structure project shall be constructed unless it complies with subsection a. below or is otherwise permitted under subsection b. below or the project zone of influence is an excluded zone of influence.

(1) *Minimum sunlight preservation requirement.*

*Test 1.* All structures and projects shall be designed so that, after their construction, at least the minimum required amount of each project zone of influence shall remain in sunlight at the test time; and

*Test 2.* All structures and projects located on zone lots of more than fifteen thousand (15,000) square feet shall be designed so that at least the minimum required amount of each overlapping zone of influence that extends further west and/or further east than the project zone of influence shall remain in sunlight at the test time.

**Illustration of Test 1 and Test 2**



(2) *Inability to meet minimum requirements.*

- a. Inability to meet Test 1.
  - 1. If, prior to the proposed construction, less than the minimum required amount of each project zone of influence remains in sunlight at the test time,

then the requirements of Test 1 above shall not apply to such project zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such project zone of influence; or

2. If the proposed structure or project is located on a zone lot of fifty-three thousand (53,000) square feet or more and, prior to the proposed construction, less than forty-two (42) percent of each project zone of influence remains in sunlight at the test time, and the proposed structure or project does not cast any shadow at the test time that exceeds a length of two hundred twenty-five (225) feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, then the minimum required amount of sunlight under Test 1 shall be reduced as required to accommodate the proposed structure or project, but not below a minimum of eighteen (18) percent.

In such case, the basic sunlight premium set forth in subsection (4)a. below shall still apply, but additional sunlight premiums set forth in subsection (4)b. below shall not apply.

- b. Inability to meet Test 2 on one (1) side. If a proposed structure or project on a zone lot of more than fifteen thousand (15,000) square feet meets Test 1, but prior to the proposed construction less than the minimum required amount of any overlapping zone of influence remains in sunlight at the test time, then the requirements of Test 2 above shall not apply to such overlapping zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such overlapping zone of influence.
- c. Inability to meet Test 2 on both sides. If a proposed structure or project on a zone lot of more than fifteen thousand (15,000) square feet meets Test 1 and does not cast any shadow at the test time that exceeds a length of two hundred twenty-five (225) feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, but does not meet Test 2 for overlapping zones of influence extending both east and west of the project zone of influence, then the requirements of Test 2 shall be reduced within such overlapping zones of influence to the degree necessary to accommodate such proposed structure or project, provided, however, that under no circumstances shall such requirements be reduced to a point where:
  1. The resulting area of sunlight within any single overlapping zone of influence is less than fifteen (15) percent; or
  2. The resulting area of sunlight within that portion of the 16th Street pedestrian and transit mall lying between lines extended due north from the easternmost point of any overlapping zone of influence and from the westernmost point of any overlapping zone of influence is less than eighteen (18) percent.



(d) *Premium for sunlight preservation.* A structure or multiple structure project constructed after October 10, 1994, that complies with the requirements of section 59-446(c)(3) above shall receive floor area premiums as set forth below:

- (1) *Basic sunlight premium.* All such structures or multiple structure projects shall receive a floor area premium equal to one (1) times the size of the zone lot.
- (2) *Additional sunlight premium.* Such structures or multiple structure projects may receive additional floor area premiums based on the amount of sunlight preserved at the test time. The amount of the additional sunlight premium shall be calculated for each project zone of influence based on the following formula:

$$Y = 6 - (.06 \times X)$$

Y: is the amount of additional sunlight premium, measured as a fraction or multiple of the size of the project zone lot; and

$$X: = A/(B \times C - D)$$

where:

A: is the area of additional shadow to be cast by the proposed structure or project within the project zone of influence;

B: .70 where the project zone lot is more than 12,500 square feet; and  
.80 where the project zone lot is 12,500 square feet or less;

C: is the area of the project zone of influence; and

D: is the area of preexisting shadows in the project zone of influence.

- (3) *Exceptions.* Notwithstanding subsections a. and b. above, no such floor area premiums shall be available for any proposed structure or project whose project zone of influence is an excluded zone of influence.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-448. OD-3 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-3.

(b) *Height control.* The height of any structure in the OD-3 District shall not exceed four hundred (400) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the OC-3 district.

(Ord. No. 53-08, § 38, eff. 2-8-08)

(c) *Exception for rehabilitated structure designated for preservation.*

- (1) If the applicant or a predecessor in interest of the applicant has invested or contributed at least three million dollars (\$3,000,000.00) for the rehabilitation of a structure designated pursuant to chapter 30 of the Revised Municipal Code (the "rehabilitated structure") and the applicant or the owner of the rehabilitated structure has presented documentation that such investment or contribution has been spent for the rehabilitation of such structure on or before October 10, 1994; and

- (2) If such investment in or contribution to the rehabilitated structure was made as part of a documented master development plan made by the applicant or a predecessor in interest of the applicant that included property other than the zone lot containing such rehabilitated structure and anticipated the development of a structure or project with a maximum height of more than four hundred (400) feet; and
- (3) If the applicant has identified one (1) parcel of property that (i) is owned by the applicant, (ii) is no larger than one and one-half (1 ½) acre in size, (iii) is located entirely within four hundred (400) feet of the zone lot containing the rehabilitated structure, and (iv) is located entirely within five hundred (500) feet of an area where buildings of unlimited height are permitted (the "excluded property"); and
- (4) If the applicant is willing to design and locate development on the excluded property in order to preserve views of the primary facades of the rehabilitated structure from those portions of the public street which the entrance facade of the rehabilitated structure faces that are located within two hundred (200) feet of such structure;
- (5) Then such maximum height restriction shall not apply to any structure or project on the excluded property for which a permit for use and construction is issued on or before October 10, 2004.

(d) For purposes of this section 59-488, the term "primary facades" shall mean the facade containing the main entrance to the rehabilitated structure and the two (2) side facades generally contiguous with the entrance facade. For purposes of this section, the investment in or contribution to the rehabilitated structure may include the costs of rehabilitating such structure, the consideration paid for undeveloped floor area related to the zone lot containing the rehabilitated structure, the cost of any additions to the rehabilitated structure, and consultant's fees and expenses related to such rehabilitation and additions.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-449. OD-4 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-4.

(b) *Height control.* The height of any structure in the OD-4 District shall not exceed two hundred (200) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-4 district.

(Ord. No. 53-08, § 39, eff. 2-8-08)

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-450. OD-5 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-5.

(b) *Maximum height of structures.* The maximum height of structures shall not be greater than eighty (80) feet subject to the design review approval and procedures in section 59-212. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-5 district.

(Ord. No. 53-08, § 40, eff. 2-8-08)

(c) *Off-street parking requirements.*

- (1) The provisions of section 59-585 (use and maintenance of off-street parking space) shall be in full force and effect in this overlay district.
- (2) Any structure lawfully erected prior to January 1, 1930, or any additions to those structures erected thereafter in conformity with applicable municipal ordinances, shall comply with the provisions of article VI (off-street parking requirements) with the exception that the parking classes listed in section 59-586 (required off-street parking) shall not apply and shall be replaced by the following:
  - a. One (1) off-street parking space shall be provided for each one thousand (1,000) square feet of gross floor area contained in any structure or structures on a zone lot no greater than one hundred fifty (150) feet by one hundred twenty-five (125) feet, provided however that the gross floor area devoted to residential uses shall have off-street parking spaces provided at a ratio of one (1) off-street parking space per residential unit in addition to the off-street parking requirements for the gross floor area devoted to nonresidential uses, provided further that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), a twenty (20) percent reduction in the total number of required parking spaces shall be granted. This shall be calculated by first calculating the number of parking spaces otherwise required, multiplying that figure by eight-tenths (.8) and rounding up to the nearest whole number.
  - b. One (1) off-street parking space shall be provided for each seven hundred fifty (750) square feet of gross floor area contained in any structure or structures on a zone lot greater than one hundred fifty (150) feet by one hundred twenty-five (125) feet, provided however that the gross floor area devoted to residential uses shall have off-street parking spaces provided at a ratio of one (1) off-street parking space per residential unit in addition to the off-street parking requirements for the gross floor area devoted to nonresidential uses, provided further that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), a twenty (20) percent reduction in the total number of required parking spaces shall be granted. This shall be calculated by first calculating the number of parking spaces otherwise required, multiplying that figure by eight-tenths (.8) and rounding up to the nearest whole number.
  - c. All required off-street parking spaces shall be designed in accordance with chart no. 1 contained in article VI of this chapter 59;
  - d. Off-street parking requirements for renovated structures lawfully erected prior to January 1, 1930, or any additions to those structures erected thereafter, may be met off the zone lot upon approval by the zoning administrator.

(d) *Rules and regulations.* The planning office has authority to adopt rules and regulations further establishing criteria, standards, and procedures for design review as required by section 59-212.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-451. OD-6 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-6.

(b) *Applicability.*

(1) The provisions of the OD-6 district shall be in full force and effect for any structure erected after July 1, 1998.

(2) The provisions of this subsection shall not apply to:

- a. Any structure erected in conformity with applicable municipal ordinances prior to July 1, 1998; and
- b. Additions to structures existing on July 1, 1998, not exceeding twenty (20) percent of the gross floor area of the structure then existing on July 1, 1998.

(c) *Parking restrictions.* All aboveground off-street parking space shall be set back from any front line abutting the long dimension of any block oblong in shape, a distance equal to one-half ( $\frac{1}{2}$ ) the depth of the zone lot. The space resulting from the foregoing setback shall be landscaped in accordance with the standards set forth in section 59-585(10)b.2. for street frontage landscaped planting strips. Access ways and driveways to the off-street parking space shall not exceed twenty-five (25) percent of the zone lot width.

(d) *Height control.* The height of any structure in the OD-6 district shall not exceed thirty-five (35) feet except that a building containing residential uses may be erected to a height not exceeding forty-five (45) feet, if fifty (50) percent or more of the provided off-street parking is located in an underground parking facility or a completely enclosed structure. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-7 district.

(Ord. No. 53-08, § 41, eff. 2-8-08)

(e) *Bulk of structures.* Except for eaves, church spires, church towers, flagpoles, antennas, chimneys, flues, flush mounted solar panels or vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are described as follows and shown in figure 1:

(Ord. No. 53-08, § 42, eff. 2-8-08)

(1) *Ground-level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line, or alley center line adjoining the lot. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.

(2) *Aboveground horizontal line.* The starting line for bulk planes shall be as follows:

- a. For the side area of a zone lot: at a horizontal line which is located directly above the side lot line and passes through a point twenty (20) feet above the midpoint elevation of such side lot line;

- b. For the front area of the zone lot: at a horizontal line which is located directly above the front lot line and which passes through a point twenty (20) feet above the midpoint of such front lines; and
  - c. For the rear area of the zone lot:
    - 1. With no abutting alley: at a horizontal line which is located directly above the rear lot line and which passes through a point twenty (20) feet above the midpoint elevation of such rear lot line; or
    - 2. With an abutting alley: at a horizontal line which is located directly above the center line of the abutting alley or alleys and which passes through a point twenty (20) feet above the midpoint elevation of such center line between the boundary lines of the zone extended.
- (3) *Sloping plane.* The bulk planes start at the horizontal lines described above and extend upwards over the lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each additional foot of setback from the horizontal line) until such planes intersect the bulk plane from the opposite lot line.

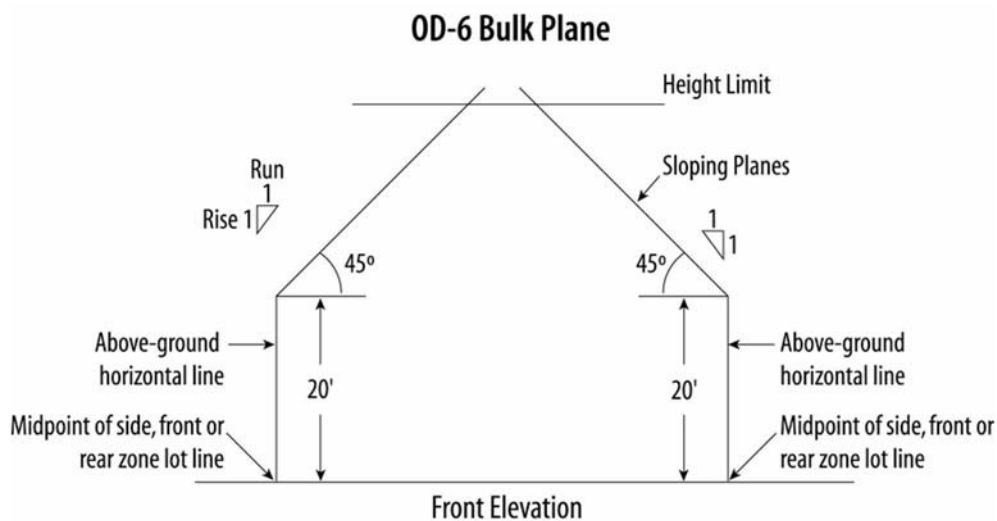


Figure 1: OD-6 Bulk Plane

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-452. OD-7 overlay district.**

- (a) *Creation.* There is hereby created an overlay district designated as OD-7.
- (b) *Applicability.*
  - (1) The provisions of the OD-7 district shall be in full force and effect for any structure erected after July 1, 1998.

- (2) The provisions of this subsection shall not apply to:
- a. Any structure erected in conformity with applicable municipal ordinances prior to July 1, 1998; and
  - b. Additions to structures existing on July 1, 1998, not exceeding twenty (20) percent of the gross floor area of the structure then existing on July 1, 1998.

(c) *Parking restrictions.* All aboveground off-street parking space shall be set back from any front line abutting the long dimension of any block oblong in shape, a distance of not less than twenty (20) feet. The space resulting from the foregoing setback shall be landscaped in accordance with the standards set forth in section 59-585(10)b.2. for street frontage landscaped planting strips. Access ways and driveways to the off-street parking space shall not exceed twenty-five (25) percent of the zone lot width.

(d) *Height control.* The height of any structure in the OD-7 District shall not exceed fifty-five (55) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-7 district.

(Ord. No. 53-08, § 43, eff. 2-8-08)

(e) *Bulk of structures.* Except for eaves, church spires, church towers, flagpoles, antennas, chimneys, flues, flush mounted solar panels or vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are described as follows and in figure 2:

(Ord. No. 53-08, § 44, eff. 2-8-08)

- (1) *Ground-level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line, or alley center line adjoining the lot. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.
- (2) *Aboveground horizontal line.* The starting line for bulk planes shall be as follows:
  - a. For the side area of a zone lot: at a horizontal line which is located directly above the side lot line and which passes through a point twenty (20) feet above the midpoint elevation of such side lot line;
  - b. For the front area of the zone lot: at a horizontal line which is located directly above the front lot line and which passes through a point twenty (20) feet above the midpoint of such front lines; and
  - c. For the rear area of the zone lot:
    1. With no abutting alley: at a horizontal line which is located directly above the rear lot line and which passes through a point twenty (20) feet above the midpoint elevation of such rear lot line; or

2. With an abutting alley: at a horizontal line which is located directly above the center line of the abutting alley or alleys and passes through a point twenty (20) feet above the midpoint elevation of such center line between the boundary lines of the zone extended.
- (3) *Sloping plane.* The bulk planes start at the horizontal lines described above and extend upwards over the lot at an angle of sixty-three (63) degrees, twenty-six (26) minutes with respect to the horizontal (a pitch of two (2) feet additional rise for each additional foot of setback from the horizontal line) until such planes intersect the bulk plane from the opposite lot line.

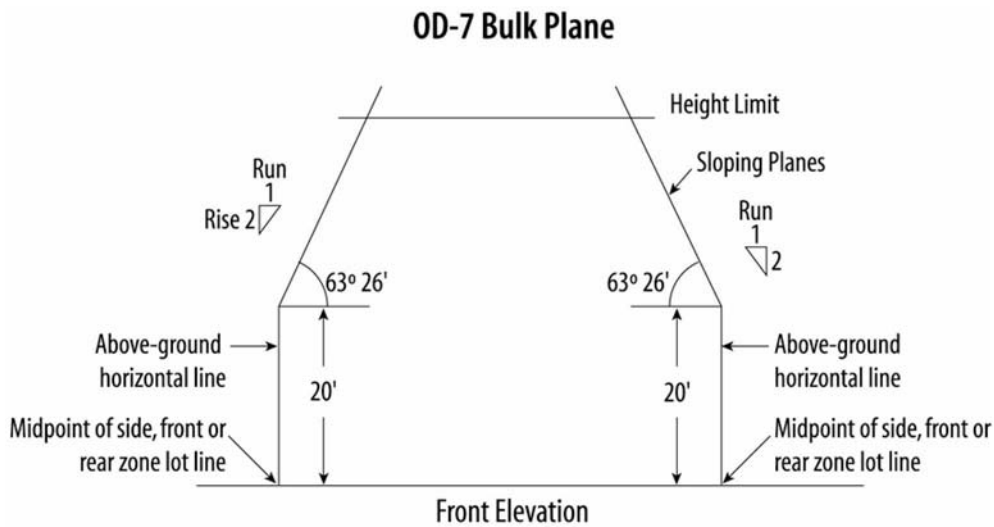


Figure 2: OD-7 Bulk Plane

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-453. OD-8 overlay district.**

- (a) *Creation.* There is hereby created an overlay district designated as OD-8.
- (b) *Applicability.*
  - (1) The provisions of the OD-8 district shall be in full force and effect for any structure erected after July 1, 1998.
  - (2) The provisions of this subsection shall not apply to:
    - a. Any structure erected in conformity with applicable municipal ordinances prior to July 1, 1998; and
    - b. Additions to structures existing on July 1, 1998, not exceeding twenty (20) percent of the gross floor area of the structure then existing on July 1, 1998.

(c) *Parking restrictions.* All aboveground off-street parking space shall be set back from any front line abutting the long dimension of any block oblong in shape, a distance of not less than twenty (20) feet. The space resulting from the foregoing setback shall be landscaped in accordance with the standards set forth in section 59-585(10)b.2. for street frontage landscaped planting strips. Access ways and driveways to the off-street parking space shall not exceed twenty-five (25) percent of the zone lot width.

(d) *Height control.* The height of any structure in the OD-8 District shall not exceed seventy-five (75) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-8 district.

(Ord. No. 53-08, § 45, eff. 2-8-08)

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-454. OD-9 overlay district.**

(a) *Creation.* There is hereby created an overlay district designated as OD-9.

(b) *Intent.* The OD-9 district is intended to preserve the general character of the neighborhood and promote development consistent with the vision, goals, and recommendations of the neighborhood plan.

(c) *Applicability.*

(1) The provisions of the OD-9 district shall be in full force and effect for any structure erected after September 1, 1999.

(2) The provisions of this subsection shall not apply to:

- a. Any structure erected in conformity with applicable municipal ordinances prior to September 1, 1999; and
- b. Additions to structures existing on September 1, 1999, not exceeding twenty (20) percent of the gross floor area of such existing structure.

(d) *Parking restrictions.* All abovegrade off-street parking spaces shall be set back from any front line abutting the long dimension of any block oblong in shape, a distance equal to one-half ( $\frac{1}{2}$ ) the depth of the zone lot, unless the exception below applies. The space resulting from the foregoing setback shall be landscaped in accordance with the standards set forth in section 59-585(10)b.2., landscape plan, for street frontage landscaped planting strips. All parking shall be adequately screened from adjacent properties and the public right-of-way. Access ways and driveways to all off-street parking spaces shall not exceed twenty-five (25) percent of the zone lot width.

*Exception.* Notwithstanding the above, structures containing above grade off-street parking spaces where the top of the parking structure projects no more than three (3) feet, six (6) inches above grade level, as measured from the midpoint elevation of a side lot line, may occur in the front one-half ( $\frac{1}{2}$ ) of the zone lot. Structures containing fully above grade off-street parking



space may occur in the front one-half ( $\frac{1}{2}$ ) of the zone lot if all frontages within ten (10) feet of the public street contain uses by right other than parking. All parking spaces shall be screened from the public right-of-way and adjacent properties as set forth above.

(e) *Open space required.* Notwithstanding the provisions of the underlying zone district, each zone lot shall provide at least twenty-five (25) percent of the area of the zone lot in unobstructed open space which shall not include space provided for off-street parking.

(f) *Front setback.* The zoning administrator shall establish the front setback requirement for any situation not otherwise described below. The zoning administrator shall establish the front setback requirement in historic districts designated for preservation according to chapter 30 of the Revised Municipal Code.

(1) *Long dimension of the block.* All structures shall be set in a distance of not less than fifteen (15) feet from each front line of the zone lot facing the long dimension of any block oblong in shape; provided, however, that if the front setbacks of existing structures abutting on either side of the proposed structure are greater than fifteen (15) feet, the minimum front setback of the proposed structure shall be the average of the front setbacks of those abutting structures. If a proposed structure is to be located on a corner lot and a structure abutting the proposed structure is greater than fifteen (15) feet, the minimum front setback of the proposed structure shall be the average of the setbacks of the abutting structure and the structure located on the zone lot next to the abutting structure on the same face block as the subject zone lot. In calculating the front setback, the following shall be disregarded: structures located in the rear one-half ( $\frac{1}{2}$ ) of the lot, structures with setbacks of ten (10) feet or less, structures with illegal front additions or porch enclosures, and structures for which front setback variances have been obtained.

(2) *Shorter dimension of the block.* On the two (2) shorter dimensions of any block oblong in shape, the front setback may be reduced to five (5) feet for structures which face on the longer dimension of the block and to ten (10) feet for structures which face on the shorter dimension of the block.

(g) *Height control.* The height of any structure in the OD-9 district shall not exceed thirty-five (35) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the OD-9 district.

(Ord. No. 53-08, § 46, eff. 2-8-08)

(h) *Bulk of structures.* Except for eaves, church spires, church towers, flagpoles, antennas, chimneys, flues, flush mounted solar panels or vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are described as follows and shown above in figure 1, OD-6 bulk plane:

(Ord. No. 53-08, § 47, eff. 2-8-08)

(1) *Ground level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line, or alley center line adjoining the lot. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case

a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.

- (2) *Aboveground horizontal line.* The starting line for bulk planes shall be as follows:
- a. *For the side area of the zone lot:* at a horizontal line which is located directly above the side lot line and passes through a point twenty (20) feet above the midpoint elevation of such side lot line;
  - b. *For the front area of the zone lot:* at a horizontal line which is located directly above the front zone lot line and which passes through a point twenty (20) feet above the midpoint of such front lines; and
  - c. *For the rear area of the zone lot:*
    1. With no abutting alley: at a horizontal line which is located directly above the rear lot line and which passes through a point twenty (20) feet above the midpoint elevation of such rear zone lot line; or
    2. With an abutting alley: at a horizontal line which is located directly above the center line of the abutting alley or alleys and which passes through a point twenty (20) feet above the midpoint elevation of such center line between the boundary lines of the zone lot extended.
- (3) *Sloping plane.* The bulk planes start at the horizontal lines described above and extend upwards over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each additional foot of setback from the horizontal line) until such planes intersect the bulk plane from the opposite zone lot line.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-455. OD-10 overlay district.**

- (a) *Creation.* There is hereby created an overlay district designated as OD-10.
- (b) *Limitation on the establishment of zone lots in the overlay district.* Any zone lots in this overlay district which exist on the date of passage of this paragraph may be amended or subdivided only if each of the zone lots which are created or result therefrom is not less than seventy-five (75) feet wide at the front setback line for structures and are not less than nine thousand three hundred (9,300) square feet in area. The requirements of this overlay district shall not apply to applications to amend the boundaries of a zone lot filed with the department of zoning administration prior to April 10, 2000.
- (c) *Exceptions inapplicable.* The exceptions from zone lot width and area requirements for zone lots in sections 59-120(a)(2)c. and 59-120(a)(2)d. of this Code shall not apply in this overlay district, provided however, zone lots containing at least twenty-seven thousand nine hundred (27,900) square feet existing on March 7, 2000 may be amended into zone lots in compliance with the zone lot width reduction for flag lots contained in sections 59-120(a)(2)c., if the resultant zone lots contain at least nine thousand three hundred (9,300) square feet.

(d) *Corner lots.* For corner lots, the shorter dimension of the lot shall be the width of the lot.

(e) *Planned building groups.* In a planned building group, the zone lot for structures designed or used as single unit dwellings shall contain not less than eighteen thousand six hundred (18,600) square feet, plus nine thousand three hundred (9,300) square feet for each single unit dwelling unit in excess of two (2) single unit dwellings.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Secs. 59-456—59-510. Reserved.**