

DIVISION 6. HOSPITAL DISTRICTS

Sec. 59-161. H-1-A, H-1-B, and H-2 districts—Generally.

The provisions of these districts shall apply to all lands, uses and structures in the H-1-A, H-1-B and H-2 districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-162. Description of districts.

(a) The H-1-A and H-1-B districts are intended to promote and encourage the maintenance and concentration of existing and proposed healthcare facilities and their related uses. The districts are intended to include primarily the principal structures and related facilities of each healthcare institution.

(b) The H-2 district is intended to promote and encourage the maintenance of existing and proposed healthcare facilities and their related uses in a manner that will establish and maintain reasonable balance between the need for orderly growth of healthcare facilities and the preservation and buffering of nearby residential areas. The district is intended to include generally the peripheral area of each healthcare facility where there is abutment or close proximity to nonhealthcare uses.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-163. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in any of these districts. Permitted uses are uses by right.

<p><i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>SR = uses permitted with special review</i> <i>* = Need not be enclosed</i></p>	<p><i>H-1-A, H-1-B,</i> <i>H-2</i></p>
<i>Use</i>	
Residential	
Assisted living facility	P
Dwelling, multiple unit	P
Dwelling, single unit	P
Nursing home, hospice	P
Residence for older adults	P
Residential, institutional/special	L13
Rooming and/or boarding house	L14
Retail, service, office	
Bed and breakfast	P

<i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>SR = uses permitted with special review</i> <i>* = Need not be enclosed</i>	<i>H-1-A, H-1-B,</i> <i>H-2</i>
<i>Use</i>	
Hotel	P
Motel	P
Office: nondental, nonmedical	L63
Retail, service, repair, consumer, small scale	L74
Industrial, wholesale, transportation, utilities	
Helipad, helistop, heliport*	SR/L96
Parking of vehicles*	L105
Arts, entertainment, recreation, institutions	
Ambulance service	P
Child care center	P
Church, religious institution	P
Clinic, office, laboratory, dental or medical	P
Hospital	P
School, elementary or secondary	P
School, vocational or professional	L154
University or college	L154
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)	
Residential care uses (See § 59-82)	
Parking lot designated for special event (See § 59-85 except H-2)	
Uses allowed by temporary permit (See § 59-86 except H-2)	
Accessory uses (See § 59-87)	
Home occupations (See § 59-89 as for R-4 district)	

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 340-06, § 10, eff. 6-9-06; Ord. No. 57-09, § 9, eff. 1-30-09)

Sec. 59-164. Limitations.

The following define the limitations enumerated in the use chart in section 59-163:

L13 Limited to parish house, monastery, convent or similar institution of religious training.

L14 Fraternity, sorority house not permitted.

L63 Any office in which chattels or goods, wares or merchandise are not commercially created, displayed, exchanged or sold.

L74 Use by right limited to apothecary (limited to sale of pharmaceuticals and medical supplies); hearing aid store; optical goods store/optician; orthopedic and prosthetic devices and appliances fabrication, repair and sale, limited to prescription work only.

L96 Landing take-off area for police and/or emergency rotorcraft, not including maintenance, repair, fueling or hangar facilities; need not be enclosed; subject to special review under section 59-173.

L105 Limited to parking of vehicles to serve any other use by right permitted in the district, need not be enclosed.

L154 Any school not permitting the use of machinery, other than office machines, machines used in the practice of medicine, and mechanical or machinery parts of household appliances used for practice by the student. Repair as a service or the sale of repaired appliances is prohibited. Classes or other school activities not permitted after 11:00 p.m. (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 340-06, § 11, eff. 6-9-06)

Sec. 59-165. Limitations on external effects of uses.

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

Sec. 59-166. H-1-A district—Permitted structures.

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use or uses by right and a subordinate structure or structures containing only accessory uses; provided, however, one (1) subordinate structure containing more than one (1) habitable story and which structure was erected prior to November 8, 1956, as a carriage house, may be used in its entirety as a single unit dwelling. The zone lot for each structure designed or used either wholly or partly for residential occupancy shall be not less than fifty (50) feet wide at the front setback line for structures and shall contain not less than six thousand (6,000) square feet; provided, however, that on a zone lot for a structure used as a single unit dwelling, the minimum width may be reduced to thirty-seven (37) feet and/or the requirement as to minimum size may be waived altogether on a zone lot adjoined on both sides by zone lots with structures thereon or on a zone lot adjoined on one (1) side by a street and on the other side by a zone lot with a structure or structures thereon. The zone lot for the following structures shall provide at least the following amounts of unobstructed open space which shall not include space provided for off-street parking:

- (1) Each residential structure of one (1) to three (3) habitable stories, twenty (20) percent of the area of the zone lot;
- (2) Each residential structure of four (4) or more habitable stories, thirty (30) percent of the area of the zone lot.

Unobstructed open space may be located on the ground and on roof decks having an average height of not more than six (6) feet above grade and shall be utilized only for landscaping

and/or recreational facilities. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

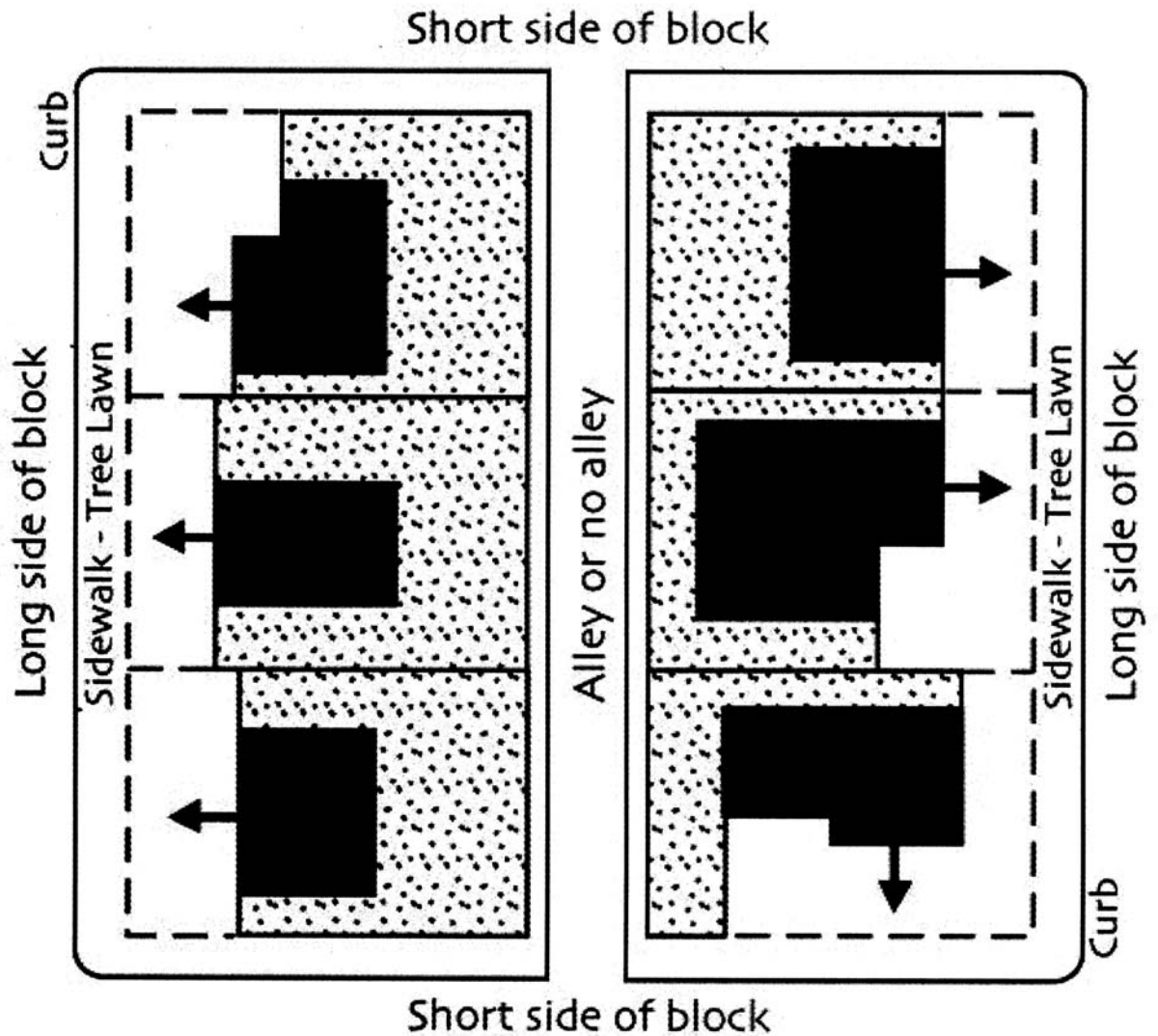
(b) *Location of structures.* Except as otherwise hereinafter provided, the space resulting from the following setbacks shall be open and unobstructed:




- (1) *Front setback.* All structures shall be set in a distance of not less than ten (10) feet from each front line of the zone lot; provided, however, that 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 either longer dimension; and provided further, that detached accessory structures, except those detached accessory structures used as garages or for recreational or outdoor cooking and eating purposes or gas-fired incinerators, shall be set in a sufficient distance from each front line of the zone lot so that such structures are located only on the rear one-fourth of interior zone lots and on corner zone lots are located only on the rear part of the zone lot which is adjacent to and corresponding with the rear one-fourth of abutting interior zone lots and no closer to the side street right-of-way than thirty (30) feet or one-half the dimensions of the corner zone lot, measured perpendicularly from the side street right-of-way, whichever distance is greater. The space resulting from the foregoing setbacks shall be used for landscaping and access ways to the use by right but shall not be used for the parking of vehicles.
- (2) *Rear setback.* If no alley abuts the rear line of the zone lot, all detached accessory structures and fixtures shall be set in a distance of not less than five (5) feet and all other structures shall be set in a distance of not less than twenty (20) feet from each rear line of the zone lot. If an alley abuts the rear line of the zone lot, detached garages and carports opening directly on the alley shall be set in a distance of not less than five (5) feet from the alley line; detached accessory structures (including garages and carports which do not open directly on the alley) and fixtures for the disposal of trash and garbage may be located on the alley line and all other structures shall be set in a distance of not less than twenty (20) feet from the center line of the abutting alley; provided, however, that if a zone lot has more than one (1) rear line by reason of abutting alleys, the aforesaid setbacks shall be required from only one (1) rear line and the other rear line or lines shall, for the purposes of setbacks, be deemed side lines of the zone lot. Whether or not an alley abuts the rear line of the zone lot, electric substations, gas regulator stations and utility pumping stations which do not have a rear entrance may be located on the rear line of the zone lot; if such structures do have a rear entrance they shall be set in a distance of not less than five (5) feet from the rear line of the zone lot.
- (3) *Side setback:*
 - a. On zone lots less than thirty (30) feet in width, all structures, except detached garages or carports as set forth in subsection (b)(3)c., hereof, shall be set in a distance of not less than three (3) feet from each side line of the zone lot.

- b. On zone lots thirty (30) or more feet in width, electric substations, gas regulator stations, single unit dwellings and multiple unit dwellings containing not more than two (2) dwelling units shall be set in a distance of not less than five (5) feet and all other structures, except detached garages or carports as set forth in subsection (b)(3)c., hereof, shall be set in a distance of not less than seven (7) feet and six (6) inches from each side line of the zone lot.
 - c. Regardless of the width of the zone lot, detached garages or carports need not be set in from any side line of the zone lot if such garages or carports meet the following conditions:
 - 1. On zone lots one hundred twenty-five (125) or less feet in depth, are located in their entirety on the rear one-third of the zone lot and no part of such structures is more than forty (40) feet from the rear line of the zone lot;
 - 2. On zone lots more than one hundred twenty-five (125) feet in depth, are located in their entirety on the rear one-third of the zone lot and no part of such structures is less than eighty-five (85) feet from one (1) or more front lines of the zone lot.
 - d. The space resulting from the foregoing setbacks shall be used for landscaping and access ways but shall not be used for the parking of vehicles; provided, however, if the distance from the building to the side line of the zone lot measures twenty-one (21) feet or more, that setback space may be used for the parking of vehicles.
- (4) *Permitted encroachments on setback space:*
- a. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
 - b. Cornices, eaves and gutters may project three (3) feet into front setback space, five (5) feet into rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width, then such projection shall not exceed one-half the width of the side setback space.
 - c. Outside stairways may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.
 - d. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
 - e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback spaces.

- f. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space.
 - g. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into any setback space.
 - h. Canopies may project any distance into the front setback space.
 - i. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
 - j. Gas and electric meters may project three (3) feet into any setback space if screened on all sides by a masonry wall. Utility pedestals, transformers or other similar equipment may be installed in any setback providing they do not exceed a height of three (3) feet.
 - k. Basketball goals on a fixed post may project any distance into the setback spaces.
- (5) *Fences, walls and retaining walls.* Fences and walls not exceeding four (4) feet in height may be erected on any part of the zone lot. Fences not exceeding six (6) feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure (see illustration).
- a. Retaining walls in the front setback may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of the zone lot other than the front setback, retaining walls may be built to any height;
 - b. Fences located on top of retaining walls in the front set back must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
 - c. Fences not exceeding six (6) feet in height on a corner lot where a single or two unit residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure. Fences over four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-166(b)(5) and the accompanying illustration;

Oblong Block



-  Area allowing fences up to 6 ft. high
-  Zone lot line
-  Direction residential structure faces

1

Oblong Block

- d. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot; and
- e. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal will not be allowed. Notwithstanding the provisions of section 59-632, nonconforming structures, of the Revised Municipal Code, existing fences and walls which have been constructed of the prohibited materials listed above or other materials not approved by the zoning administrator may not be maintained and any such fences and walls shall be immediately reconstructed of approved materials or removed.
- f. Determination of height. See section 59-2(112.1) fence and wall height measurement.

(Ord. No. 363-06, § 8, eff. 6-16-06; Ord. No. 605-06, § 6, eff. 9-22-06)

(c) *Maximum bulk of structures.* The H-1-A district is a controlled district within the meaning of section 59-96, which section must be checked to determine if there are special limitations on bulk planes or building height in addition to those set forth in this section. With the exception of eaves, church spires, church towers, flagpoles, antennas, chimneys, flues and vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are located as follows:

- (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) *Above-ground 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; and
 - b. *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 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 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 a vertical line thirty (30) feet horizontally distant from the horizontal starting lines described above, at which intersect the bulk planes extend upward vertically. See the following illustration for an explanation of these setback and bulk regulations.

(d) *Maximum gross floor area in structures.* The sum total of the gross floor area of all structures on a zone lot shall not be greater than three (3) times the area of the zone lot on which the structures are located. Provided that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), the sum total of the gross floor area of all structures on a zone lot shall not be greater than three and three-tenths (3.3) times the area of the zone lot on which the structures are located, provided further that all of the extra floor area in excess of three (3) times the area of the zone lot shall be dedicated to residential uses.

(e) *Minimum size of dwellings.* Each single unit dwelling and any other structure occupied in whole or in part for residential purposes shall contain a gross floor area of not less than six hundred (600) square feet.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 26, 27, eff. 12-2-03)

Sec. 59-167. H-1-B district—Permitted structures.

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by that structure containing a use or uses by right and a subordinate structure or structures containing only accessory uses. The zone lot for each structure shall be not less than one hundred (100) feet wide at the front setback line for structures and shall contain not less than twelve thousand five hundred (12,500) square feet; provided that upon qualifying under the provisions of article IV, chapter 27 (affordable housing), each zone lot containing only residential uses shall contain not less than eleven thousand two hundred and fifty (11,250) square feet. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

(b) *Location of structures.* Except as otherwise hereinafter provided, the space resulting from the following setbacks shall be open and unobstructed:

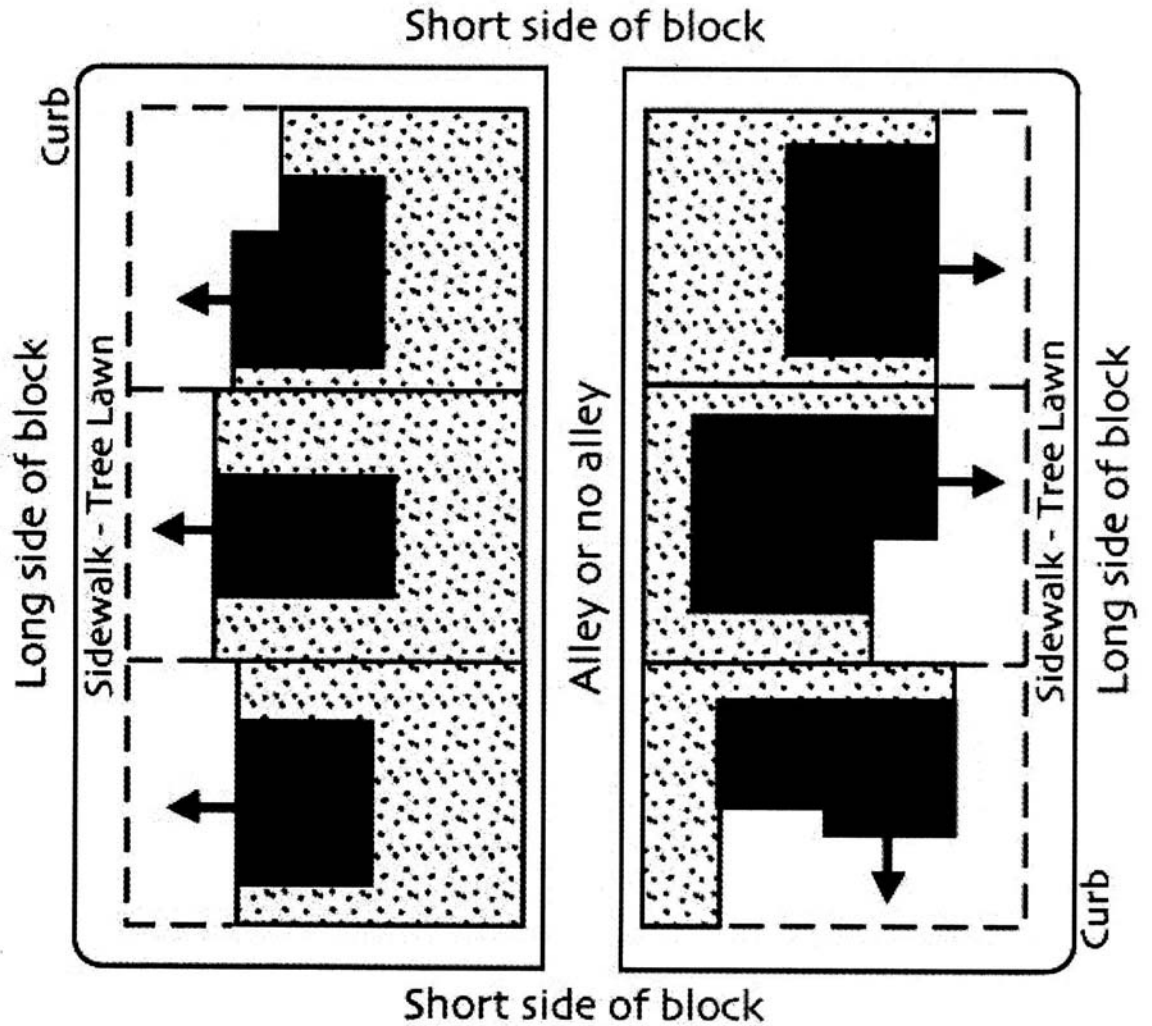
- (1) *Front setback.* All structures shall be set in a distance of not less than twenty (20) feet from each front line of the zone lot; provided, however, that on the two (2) shorter dimensions of any block oblong in shape, the front setback may be reduced to ten (10) feet for structures which face on either longer dimension; and provided further, that detached accessory structures, except those detached accessory structures used as garages or for recreational or outdoor cooking and eating purposes or gas-fired incinerators, shall be set in a sufficient distance from each front line of the zone lot so that such structures are located only on the rear one-fourth of interior zone lots and on

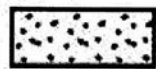


corner zone lots are located only on the rear part of the zone lot which is adjacent to and corresponding with the rear one-fourth of abutting interior zone lots and no closer to the side street right-of-way than thirty (30) feet or one-half the dimension of the corner zone lot, measured perpendicularly from the side street right-of-way, whichever distance is greater.

- (2) *Rear setback.* If no alley abuts the rear line of the zone lot, all detached accessory structures and fixtures shall be set in a distance of not less than five (5) feet and all other structures shall be set in a distance of not less than twenty (20) feet from each rear line of the zone lot. If an alley abuts the rear line of the zone lot, detached garages and carports opening directly on the alley shall be set in a distance of not less than five (5) feet from the alley line; attached accessory structures (including garages and carports which do not open directly on the alley) and fixtures for the disposal of trash and garbage may be located on the alley line and all other structures shall be set in a distance of not less than twenty (20) feet from the center line of the abutting alley.
- (3) *Side setback.* All structures shall be set in a distance of not less than seven (7) feet and six (6) inches from each side line of the zone lot.
- (4) *Permitted encroachments on setback space:*
 - a. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
 - b. Cornices, eaves and gutters may project three (3) feet into front setback space, five (5) feet into rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width then such projection shall not exceed one-half the width of the side setback space.
 - c. Outside stairways may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.
 - d. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
 - e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback spaces.
 - f. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, ten (10) feet into rear setback space and three (3) feet into side setback space.

- g. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into any setback space.
 - h. Canopies may project any distance into the front setback space.
 - i. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
 - j. Gas and electric meters may project three (3) feet into any setback space if screened on all sides by a masonry wall. Utility pedestals, transformers or other similar equipment may be installed in any setback area providing they do not exceed a height of three (3) feet.
- (5) *Fences, walls and retaining walls.* Fences and walls not exceeding four (4) feet in height may be erected on any part of the zone lot. Fences not exceeding six (6) feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure (see illustration).
- a. Retaining walls in the front setback may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of the zone lot other than the front setback, retaining walls may be built to any height;
 - b. Fences located on top of retaining walls in the front set back must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
 - c. Fences not exceeding six (6) feet in height on a corner lot where a residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure. Fences over four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-167(b)(5) and the accompanying illustration;

Oblong Block



-  Area allowing fences up to 6 ft. high
-  Zone lot line
-  Direction residential structure faces

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Oblong Block

- d. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot; and
- e. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal will not be allowed. Notwithstanding the provisions of section 59-632, nonconforming structures, of the Revised Municipal Code, existing fences and walls which have been constructed of the prohibited materials listed above or other materials not approved by the zoning administrator may not be maintained and any such fences and walls shall be immediately reconstructed of approved materials or removed.
- f. Determination of height. See section 59-2(112.1) fence and wall height measurement.

(Ord. No. 363-06, § 9, eff. 6-16-06; Ord. No. 605-06, § 7, eff. 9-22-06)

(c) *Bulk of structure.* The H-1-B district is a controlled district within the meaning of section 59-96, which section must be checked to determine if there are special limitations on bulk planes or building height in addition to those set forth in this section. Except for eaves, church spires, church towers, flagpoles, antennas, chimneys, flues or vents, no part of any structure, including elevator penthouses, air conditioners and other mechanical equipment, shall project through bulk planes which are located as follows:

- (1) *Ground-level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line, street center 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) *Above-ground 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 ten (10) 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 center lines of all streets abutting the lot and which passes through a point ten (10) feet above the midpoint of such center lines between the boundary lines of the lot extended; 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 ten (10) 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 ten (10) 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 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.
 - (4) Refer to the illustration of the R-2-A bulk plane. The bulk regulations of these two (2) zones are identical except for some setback requirements.
- (d) *Maximum zone lot coverage.* The sum total of the ground area covered by all structures, on a zone lot, shall not exceed sixty (60) percent of the area of the zone lot on which the structures are located.
- (e) *Minimum size of dwellings.* Any structure to be occupied in whole or in part for residential purposes shall contain a gross floor area of not less than six hundred (600) square feet.
- (f) *Limitations on office uses.* The sum total of the gross floor area of all structures on a zone lot that are used primarily for offices shall not exceed twenty-five (25) percent of the area of the zone lot on which such structures are located, provided that the use or construction of more than one hundred fifty thousand (150,000) square feet of office space on any zone lot shall be subject to the procedures of section 59-41(b) and special review as outlined in this subsection 59-167(f). The zoning administrator may approve the application provided a finding is made that:
- (1) The architectural design of the proposed increased office use is not substantially inconsistent with the character of the surrounding neighborhood (only if the increased office use contemplates new construction);
 - (2) The proposed increased office use will not unreasonably interfere with the appropriate use of adjacent property or create an undue concentration of office uses within the zone lot.
 - (3) The development plan adequately addresses any increased traffic generated by the proposed increased office use.
- (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 28, 29, eff. 12-2-03; Ord. No. 468-05, § 14, eff. 7-15-05)

Sec. 59-168. H-2 district—Permitted structures.

- (a) *Zone lot for structures.* The provisions of section 59-166(a) on zone lot for structures shall be in full force and effect in this district.

(b) *Location of structures not adjacent to residential uses.* The provisions of section 59-166(b) on location of structures shall be in full force and effect in this district on any side of a zone lot that does not adjoin any zone lot line of property used for residential purposes.

(c) *Location of structures adjacent to residential uses, except certain residential uses owned by a healthcare facility.* The provisions of section 59-167(b) on location of structures shall be in full force and effect in this district on any side of a zone lot that adjoins any zone lot line of property used for residential purposes; provided, however, the provisions of section 59-166(b) on location of structures shall be in full force and effect in this district where structures are adjacent to residential uses owned by, or subject to a written offer to purchase made by, a healthcare facility as of August 10, 1991, provided that the closing on that written offer took place by December 31, 1991.

(d) *Maximum bulk of structures not adjacent to residential uses.* The provisions of section 59-166(c) on maximum bulk of structure shall be in full force and effect in this district on any side of a zone lot that does not adjoin any zone lot line of property used for residential purposes.

(e) *Maximum bulk of structures adjacent to residential uses, except certain residential uses owned by a healthcare facility.* The provisions of section 59-167(c) on maximum bulk of structures shall be in full force and effect in this district on any side of a zone lot that adjoins any zone lot line of property used for residential purposes; provided, however, the provisions of section 59-166(c) on maximum bulk of structures shall be in full force and effect in this district where structures are adjacent to residential uses owned by, or subject to a written offer to purchase made by, a healthcare facility as of August 10, 1991, provided that closing on that written offer took place by December 31, 1991.

(f) *Maximum gross floor area in structures.* The provisions of section 59-166(d) of maximum gross floor area in structures shall be in full force and effect in this district.

(g) *Maximum zone lot coverage.* The sum total of the ground area covered by structures, on a zone lot, shall not exceed sixty (60) percent of the area of the zone lot on which the structures are located.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-169. Permitted signs.

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

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-170. Off-street parking requirements.

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

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-171. Off-street loading requirements.

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

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-172. Special zone lot plan for planned building groups.

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

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-173. Construction subject to special review.

(a) Zoning permit application proposing construction of the following uses in the H-1-A, H-1-B or H-2 districts shall be subject to a special review procedure as described below:

- (1) A new or modified rotorcraft landing or take-off area; or
- (2) A new or substantial increase in use of:
 - a. An emergency vehicle access point; or
 - b. Principal points of access for pedestrians or vehicles.

(b) Upon receipt of an application for zoning permit for construction and use which proposes construction of any of the uses described in section 59-173(a), the department of zoning administration shall transmit a copy of such application to the planning office, city council office, public works, affected registered neighborhood organizations as provided in section 12-96 of the Revised Municipal Code, and to other such agencies, either public or private, as may be deemed by the department to have an interest.

(Ord. No. 459-06, § 8, eff. 7-21-06)

(c) Upon request of the applicant and upon a joint finding by the chairman of the planning board and the director of planning that there is sufficient evidence to demonstrate that all issues pertaining to the zoning permit application have been identified and responsibly addressed, a planning board committee meeting, at which parties and interested citizens shall have an opportunity to be heard, may be held within thirty (30) days following the date that the completed zoning permit application was received from the department of zoning administration. The area relating to the zoning permit application shall be posted for at least fifteen (15) days prior to the planning board committee meeting. The posted notices shall be in number, size and location as prescribed by the department of zoning administration and shall indicate that there shall be a public meeting regarding an application for zoning permit for construction and use, the time and place of the planning board committee public meeting, and other information prescribed by the department of zoning administration. Posted notices shall be removed by the applicant from the subject area within fifteen (15) days after said public meeting has been held. Failure to do so will constitute a violation of this chapter. All reviewing agencies, both public and private, shall transmit to the planning office their recommendations or comments no later than three (3) working days prior to the planning board committee

meeting. The failure of the reviewing agencies to act within the time period herein described shall not be deemed a recommendation of or comment on the zoning permit application as submitted.

(d) If a planning board committee meeting is not first held, a full planning board meeting, at which parties and interested citizens shall have an opportunity to be heard, shall be held within forty-five (45) days following the date that the completed zoning permit application was received from the department of zoning administration. The area relating to the zoning permit application shall be posted consistent with requirements set forth in section 59-173(c). All reviewing agencies, both public and private, shall transmit to the planning office their recommendations or comments no later than three (3) working days prior to the planning board meeting. The failure of the reviewing agencies to act within the time period herein described shall not be deemed a recommendation of or comment on the zoning permit application as submitted.

(e) In reviewing the zoning permit application, the planning board or a committee thereof shall evaluate the project based on the following criteria:

- (1) Whether the project is generally compatible with the comprehensive, area-wide, and neighborhood plans, and with the healthcare facility's plans for future development;
- (2) Whether there has been demonstrated neighborhood involvement in reviewing the project and its potential impacts, and whether neighborhood concerns have been appropriately addressed;
- (3) Whether the project has a significant adverse impact on surrounding land uses;
- (4) Whether vehicular traffic patterns, site access, parking, and rotorcraft landing pads are designed so that they do not have a significant adverse impact on the surrounding neighborhood;
- (5) Whether the project addresses public safety concerns;
- (6) Whether the project has a significant adverse impact on historically designed or architecturally significant buildings; and
- (7) Whether the project is consistent with the zoning district in which it is proposed to be located.

(f) In applying the foregoing criteria, the planning board or a committee thereof shall consider the growth needs and viability of the healthcare facilities with respect to the project, and balance those considerations with the impact of the project on the surrounding neighborhood. If the planning board or a committee thereof determines that the foregoing criteria have been met, or the balance of the foregoing considerations favor the healthcare facilities, the planning board or a committee thereof shall approve the project. In order to achieve reasonable balance, the planning board or a committee thereof may attach appropriate conditions to the approval of the project. If the criteria have not been met, or the balance of the foregoing considerations favor the surrounding neighborhood, the planning board or a committee thereof shall not approve the project.

(g) The decision of the planning board or a committee thereof shall be issued within sixty (60) days following the date on which the completed zoning permit application was received from the department of zoning administration. If the planning board or a committee thereof does not act on the project within said sixty (60) day period, the project shall be deemed approved. The zoning permit shall be issued, issued with conditions, or denied by the zoning administrator based on the decision of the planning board or committee thereof and compliance with the other requirements of the zoning code, including landscaping. The permit, if issued, shall be recorded with the clerk and recorder of the City and County of Denver by the department of zoning administration.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-174. H-2 district—Landscaping requirements.

Landscaping in setback areas adjacent to property used for residential purposes in the H-2 district. All setback areas for structures adjacent to property used for residential purposes shall be landscaped where possible. When applicable, a landscaping plan shall be submitted to the department of zoning administration concurrently with and as part of the submittal of an application for zoning permit for construction and use. The department shall transmit a copy of such landscaping plan to the planning office and to other city agencies as may be deemed by the department to have an interest. The landscaping plan must be approved by the planning office prior to the zoning administrator's issuance of the permit for construction and use. In making its decision, the planning office shall solicit written comments from all reviewing agencies. The zoning permit including the approved landscaping plan shall be recorded with the clerk and recorder of the City and County of Denver by the department of zoning administration.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Secs. 59-175—59-180. Reserved.