The Mobile Homes Unit Replacement and DO-8 Design Overlay Update Text Amendment combines two zoning updates. The first would update use limitations applicable to mobile home parks and the second would update the Active Centers and Corridors Design Overlay (DO-8) to allow consistent use of an existing upper-story setback alternative and ensure that street frontages are properly designated to promote street level activity.

**Mobile Homes Unit Replacement**

The Denver Zoning Code currently regulates mobile home parks as a nonconforming use, meaning they should be phased out over time and are not allowed to expand. Specifically, the zoning code prohibits the replacement of mobile home units built before 1976 with newer units certified by the U.S. Department of Housing and Urban Development, since allowing newer units would extend the lifespan of mobile home parks. However, this prohibition on newer units means that several older mobile homes have become unsafe and unlivable, displacing residents. In addition, when a mobile home park is listed for sale, potential buyers interested in continuing to operate the mobile home park have difficulty obtaining financing because of the zoning code’s restriction on unit replacement. This is placing pressure on Denver’s five existing mobile home parks, which are a source of unsubsidized, naturally occurring affordable housing for many households.

This text amendment proposes to expand the allowance for replacement of units and specifies that replacement units be a maximum of 1 story. This amendment also deletes references to building separation and a permanent foundation as separation will be specified by the current building code and the type of foundation will depend on a soil analysis.

Comments or questions may be submitted to Libby Kaiser, Senior City Planner (Libby.Kaiser@denvergov.org).

**DO-8 Design Overlay Update**

Current zoning rules in the Suburban and Urban Center contexts allow buildings that are 5 stories or 70 ft. tall and larger to reduce their upper story setback to 15 ft. when the building is placed right at the front of the lot. The existing DO-8 overlay requires buildings to be placed at a minimum of 2 ft. from the front of the lot. The DO-8 overlay update would allow the 15 ft. upper story setback reduction to apply to these buildings. This amendment to the DO-8 overlay also authorizes the Zoning Administrator, rather than the applicant, to decide which street acts as a main street for a corner lot. This update will allow for building in accordance with adopted plan guidance. Councilmembers Torres and Clark have also requested a rezoning (map amendment) to apply the DO-8 to the Santa Fe Blvd. Corridor between 3rd Ave. and 13th Ave.

Questions may be submitted to Senior City Planner Libbie Adams (Libbie.Adams@denvergov.org)

The deadline for comments is Friday, December 30, 2022.

**Redline Document Conventions**

- Text in **red underline** is proposed new language.
- Text in **red strikethrough** is proposed deleted language.
- Text in **blue** is moved from another location while text in **blue strikethrough** was deleted from its original location.
- Only pages with changes relevant to this text amendment are included in the review file (with the exception of a few pages inserted for context). You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments.

**WRITTEN COMMENTS WILL BE PROVIDED TO THE PLANNING BOARD AS FOLLOWS:**

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

In addition to written comments, interested persons and organizations may express their concerns or support to Planning Board at the public hearing. For the latest information on how to participate, please visit: denvergov.org/planningboard
DIVISION 12.7  NONCONFORMING USES

SECTION 12.7.1  INTENT
The creation in this Division of the legal status of "nonconforming use" assures that land uses no longer permitted in a zone district are strictly limited in their right to continue, expand, or enlarge. Such nonconforming land uses are presumed to be incompatible with permitted uses in the zone district, typically because the nature or scale of the nonconforming use's operation create adverse impacts on surrounding properties or the character of the surrounding neighborhood context. Accordingly, the provisions in this Division 12.7 encourage nonconforming uses, over time, to terminate or relocate to a zone district where they are permitted.

SECTION 12.7.2  APPLICABILITY
12.7.2.1 Division 12.7 applies to all nonconforming uses. For purposes of this Code, "nonconforming use" means any use which, at the time the use was first permitted or initiated, was lawfully operated, and has since that time been continuously lawfully operated, but which use is not a "conforming use" as defined in this Code and is not a "compliant use" as defined in this Code.

12.7.2.2 Nonconforming outdoor general advertising devices (billboards) and other nonconforming signs shall be subject to the nonconforming sign provisions in Division 12.9 of this Article instead of the nonconforming use standards stated in this Division 12.7.

SECTION 12.7.3  LIMITED CONTINUANCE OF NONCONFORMING USES ALLOWED
12.7.3.1 General Allowance and Limitation on Expansion
A. This Section 12.7.3.1 shall not apply to Section 12.7.3.2.
B. Provided it continues to comply with all provisions of this Section, any nonconforming use may be continued in operation on the same zone lot and on the same floor area in a structure that was occupied by the nonconforming use on the date the use first became a nonconforming use.
C. Except as authorized in Section 12.7.3.2 below, the zone lot or the floor area in a structure devoted to the operation and maintenance of a nonconforming use shall not be increased.
D. The continuance authorized hereunder shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of zone lot area to the number of dwelling units, or a change in any aspect or the character of the nonconforming use that increases the amount, extent, or degree of nonconformity. This subsection shall not be construed to prohibit changes in the nonconforming use that result in a decrease in the amount, extent or degree of nonconformity (e.g., a reduction in the floor area of the nonconforming use that results in a decrease in the amount of parking required).
E. Limitations on Continuance of a Nonconforming Trailer Camp or Court (Mobile Home Park) Uses

12.7.3.2 Limitations on Continuance of a Nonconforming Trailer Camp or Court (Mobile Home Park) Uses
A. Intent
The intent of Section 12.7.3.2 is to allow for limited replacement of an individual Trailer or mobile home.

B. Applicability
Section 12.7.3.2 applies to the five existing nonconforming Trailer Camps or Courts, also commonly known as mobile home parks, located in the city.
C. General Allowance and Limitation on Expansion

1. Provided it continues to comply with all provisions of this Section 12.7.3.2, any nonconforming use Trailer Camp or Court may be continued in operation on the same zone lot and on the same floor area in a structure that was occupied by the nonconforming use on the date the use first became a nonconforming use. Except as authorized in Section 12.7.3.2 below, the zone lot or the floor area in a structure devoted to the operation and maintenance of a nonconforming use Trailer Camp or Court shall not be increased.

2. The continuance authorized hereunder shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of zone lot area to the number of dwelling units, or a change in any aspect or the character of the nonconforming use Trailer Camp or Court that increases the amount, extent, or degree of nonconformity. This subsection shall not be construed to prohibit changes in the nonconforming use that result in a decrease in the amount, extent or degree of nonconformity (e.g., a reduction in the floor area of the nonconforming use that results in a decrease in the amount of parking required).

D. Prohibited Expansion

A nonconforming mobile home park may continue subject to the provisions of this Section 12.7.3.2, except that any one of the following actions an increase in the total number of individual Trailers or mobile homes sited within the nonconforming camp, court or park shall be considered a prohibited expansion of the nonconforming use and shall subject the use to the termination provisions in Section 12.7.7 below.

E. Zoning Permit Required for Trailer Replacement

Replacement of an individual Trailer or mobile home may be permitted only if the Zoning Administrator first approves a zoning permit for the replacement structure.

1. The replacement structure can be a Trailer or mobile home constructed prior to the federal manufactured home construction safety standards or a manufactured home that complies with the federal manufactured home construction safety standards.

2. The replacement structure shall not exceed 1 story.

3. An increase in the total number of individual trailers or mobile homes sited within the nonconforming camp, court or park.

4. A reduction in an existing separation of less than 10 feet between individual trailers, mobile homes, or manufactured homes.

5. Replacement of an individual trailer or mobile home with a manufactured home, regardless of size, if the manufactured home is constructed in compliance with U.S. Housing and Urban Development (HUD) standards and is labeled as HUD compliant. Replacement of an individual trailer or mobile home with a trailer or mobile home of substantially similar construction and size (not including HUD labeled and HUD compliant manufactured homes) may be permitted only if the Zoning Administrator first approves a zoning permit for the replacement trailer or mobile home.

6. Replacement of an individual trailer or mobile home with a trailer, mobile home, or other manufactured or modular home that is placed on a permanent foundation (the use of tie-downs or ground anchors only is not considered a “permanent foundation”).
### 3.3.5.3 Street Level Active Uses in the S-MX and S-MS Zone Districts

**A. Intent**
To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**
This Section 3.3.5.3 applies to the General and Shopfront building forms in the S-MX zone districts and the Shopfront building form in the S-MS zone districts.

**C. Street Level Active Uses**
1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 3.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

### SECTION 3.3.6 DESIGN STANDARD ALTERNATIVES

#### 3.3.6.1 Required Build-To Alternatives

**A. Intent**
To help define the public realm and enhance the visual quality of the built environment where it is not possible to do so with building facades.

**B. Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E.
Article 3. Suburban Neighborhood Context
Division 3.3 Design Standards

REQUIRED BUILD-TO ALTERNATIVES

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)</th>
<th>PRIVATE OPEN SPACE (MAX % OF BUILD-TO)</th>
<th>GARDEN WALL (MAX % OF BUILD-TO)</th>
<th>GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)</th>
<th>PERGOLA (MAX % OF BUILD-TO)</th>
<th>ARCADE (MAX % OF BUILD-TO)</th>
<th>COURTYARD (MAX % OF BUILD-TO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-MU</td>
<td>na</td>
<td>25%**</td>
<td>30%**</td>
<td>30%**</td>
<td>100%</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>S-CC</td>
<td>na</td>
<td>na</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-MS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-MX</td>
<td>10**</td>
<td>25%**</td>
<td>30%**</td>
<td>30%**</td>
<td>100%</td>
<td>na</td>
<td></td>
</tr>
</tbody>
</table>

*Permitted increase in the maximum depth of the required build-to range.

**If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.

3.3.6.2 Primary Street Upper Story Setback

A. Intent
To provide flexibility while maintaining and promoting a pedestrian-scaled primary street.

B. Applicability
S-MX-8, S-MX-8A, S-MX-12, S-MX-12A

C. Alternative
When the building is placed at 0 feet on the Primary Street Zone Lot Line, the minimum Primary Street setback, then the Upper Story Setback above 5 stories or 70 feet may be reduced to 15 feet. This alternative only applies to portions of buildings placed at 0 feet on the Primary Street Zone Lot Line, the minimum Primary Street setback. Therefore, any portions of the building placed beyond 0 feet on the Primary Street Zone Lot Line shall meet the Primary Street Upper Story Setback stated in the building form table.

3.3.6.3 Transparency Alternatives

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.

B. Allowance
The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>ZONE LOT LINE DESIGNATION</th>
<th>DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX)</th>
<th>WALL DESIGN ELEMENTS (MAX)</th>
<th>PERMANENT OUTDOOR EATING / SERVING AREAS (MAX)</th>
<th>PERMANENT ART (MAX)</th>
<th>COMBINATION OF ALTERNATIVES (MAX)</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-MU</td>
<td>Primary Street</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td>S-MX</td>
<td>Side Street</td>
<td>40%</td>
<td>50%</td>
<td>80%</td>
<td>40%</td>
<td>80%</td>
</tr>
</tbody>
</table>
a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.

6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

SECTION 7.3.6 DESIGN STANDARD ALTERNATIVES

7.3.6.1 Required Build-To Alternatives

A. Intent
To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when alley access is not feasible per Section 7.3.5.7 in the Town House building form.

B. Allowance
The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

<table>
<thead>
<tr>
<th>REQUIRED BUILD-TO ALTERNATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE DISTRICT</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>C-RX</td>
</tr>
<tr>
<td>C-MX</td>
</tr>
<tr>
<td>C-MS</td>
</tr>
<tr>
<td>C-CCN</td>
</tr>
</tbody>
</table>

*Permitted increase in the maximum depth of the required build-to range.
** If used in combination with each other, the permanent outdoor patio seating and private open space alternatives may count toward 100% of required build-to, provided the outdoor patio seating complies with the private open space rule of measurement in Article 13.
***If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.

7.3.6.2 Primary Street Upper Story Setback

A. Intent
To provide flexibility while maintaining and promoting a pedestrian-scaled main street.

B. Applicability
C-MS-8, C-MS-12

C. Alternative
When the building is placed at 0 feet on the Primary Street Zone Lot Line the minimum Primary Street setback, then the Upper Story Setback above 5 stories or 70 feet may be reduced to 15 feet. This alternative only applies to portions of buildings placed at 0 feet on the Primary Street Zone Lot Line the minimum Primary Street setback. Therefore, any portions of the building...
placed beyond \(7.3-37\) feet the minimum Primary Street setback shall meet the Primary Street Upper Story Setback stated in the building form table.

### 7.3.6.3 Transparency Alternatives

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.

B. **Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>ZONE LOT LINE DESIGNATION</th>
<th>DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX)</th>
<th>WALL DESIGN ELEMENTS (MAX)</th>
<th>PERMANENT OUTDOOR EATING / SERVING AREAS (MAX)</th>
<th>PERMANENT ART (MAX)</th>
<th>COMBINATION OF ALTERNATIVES (MAX)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-RX</td>
<td>Primary Street</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>Side Street</td>
<td>40%</td>
<td>50%</td>
<td>80%</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td>C-MX</td>
<td>Primary Street</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>Primary Street B</td>
<td>40%</td>
<td>100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall.</td>
<td>60%</td>
<td>40%</td>
<td>80%*</td>
</tr>
<tr>
<td></td>
<td>Side Street</td>
<td>40%</td>
<td>100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall.</td>
<td>80%</td>
<td>40%</td>
<td>80%*</td>
</tr>
<tr>
<td>C-MS</td>
<td>Primary Street</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>Side Street</td>
<td>40%</td>
<td>50%</td>
<td>80%</td>
<td>40%</td>
<td>50%</td>
</tr>
</tbody>
</table>

*Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.

### 7.3.6.4 Pedestrian Access (Entrance) Alternatives

A. **Intent**

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

B. **Allowance**

In C-MX and C-RX zone districts, for all building forms except the Town House building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway
9.4.5.12 Active Centers and Corridors Design Overlay District (DO-8)

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

B. Intent
The intent of the DO-8 Overlay Zone District is to encourage neighborhood mixed-use areas that support nonresidential active uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential Dwellings.

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

D. Primary Building Form Standards Within Overlay District

1. Intent for Overlay Building Form Standards
   a. To enable greater flexibility for outdoor eating and serving areas and similar exterior uses, increase space for pedestrians, buffer private residential Dwellings from the public realm, and minimize the visibility of Surface Parking areas through the application of new or modified Siting Standards.
   b. To ensure Street Level heights consistent with nonresidential active uses, encourage Street Level windows, and clearly distinguish entries into individual dwelling units with additional features through the application of new or modified Design Element Standards.
   c. To promote activation of the Street and sidewalk with nonresidential active uses at the Street Level of Structures with long street-facing frontages, and locate new Structures containing only Residential Uses on only narrow lots, in districts that allow 3 stories or more of Building Height through the application of new or modified Use Building Form Standards.

2. Applicability
   All Primary Structures in the DO-8 Overlay Zone District shall comply with the primary Building Form Standards stated in this Section 9.4.5.12.D.

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

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

5. Overlay District-Specific Standards
   The district-specific standards of the Underlying Zone District are modified as set forth in the following tables. Additional Building Form Standards that are not listed in the tables below, but which are found in the Underlying Zone District for the applicable building form, still apply.
### Article 9. Special Contexts and Districts
#### Division 9.4 Overlay Zone Districts

**HEIGHT**

<table>
<thead>
<tr>
<th>Zone Lot Width (min)</th>
<th>Shopfront Building Form</th>
<th>Town House Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>na</td>
<td>38'</td>
</tr>
</tbody>
</table>

**SITING**

<table>
<thead>
<tr>
<th>Zone Lot</th>
<th>Shopfront Building Form</th>
<th>Town House Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>na</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**REQUIRED BUILD-TO**

<table>
<thead>
<tr>
<th>Primary Street (min/max build-to range)</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>2'/10'</td>
<td></td>
</tr>
</tbody>
</table>

**SETBACKS**

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>2'</td>
<td></td>
</tr>
</tbody>
</table>

**RESIDENTIAL SETBACKS**

<table>
<thead>
<tr>
<th>Primary and Side Street (min)</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>7'</td>
<td></td>
</tr>
</tbody>
</table>

**PARKING**

<table>
<thead>
<tr>
<th>Surface Parking between Building and Primary Street/Side Street</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Allowed / Not Allowed</td>
<td></td>
</tr>
</tbody>
</table>

**DESIGN ELEMENTS**

<table>
<thead>
<tr>
<th>Building Configuration</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>14'</td>
<td>na</td>
</tr>
</tbody>
</table>

**STREET LEVEL ACTIVATION**

<table>
<thead>
<tr>
<th>Transparency Alternatives</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Section 9.4.5.12.F</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Underlying Zone District</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Pedestrian Access, Primary and Side Street</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature</td>
<td>na</td>
</tr>
</tbody>
</table>

**USES**

<table>
<thead>
<tr>
<th>Active Uses by Zone Lot Width</th>
<th>Shopfront Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>37.5' or less</td>
<td></td>
</tr>
<tr>
<td>Greater than 37.5' and up to 50'</td>
<td></td>
</tr>
<tr>
<td>Greater than 50'</td>
<td></td>
</tr>
</tbody>
</table>

### Supplemental Street Level Nonresidential Active Use Standards

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

1. **Intent**

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

This Section 9.4.5.12.E applies to all Primary Structures in zone districts that allow a maximum Building Height of 3 stories or more that are located on a Zone Lot with a Zone Lot Width greater than 37.5 feet.

3. **Allowance**

a. Street Level nonresidential active uses shall occupy Street Level floor area for a minimum depth of 15 feet except for the depth of recessed Pedestrian Access features required by the applicable building form table.

b. Street Level nonresidential active uses include all permitted Primary Uses except the following:
   i. Dwelling, Single Unit;
   ii. Dwelling, Two Unit;
   iii. Dwelling, Multi-Unit;
   iv. Dwelling, Live / Work;
   v. Automobile Services, Light;
   vi. Mini-storage Facility; or
   vii. Wholesale Trade or Storage, Light.

c. Street Level nonresidential active uses include all permitted Accessory Uses except the following:
   i. Accessory Uses associated with Primary Uses prohibited by Section 9.4.5.12.E.3.b;
   ii. Outdoor Storage, General;
   iii. Outdoor Storage, Limited;
   iv. Car Wash Bay Accessory to Automobile Services or Hotel Uses;
   v. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses; or
   vi. Off-Street Parking Areas.

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

F. **Street Level Transparency Alternatives and Exceptions for the DO-8 District**

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

1. **Intent**

To provide visual interest on building Facades and enhance the visual quality of the built environment along Street Level Facade areas where windows are not feasible.

2. **Allowance**

Permanent art shall be the only transparency alternative allowed in the DO-8 Overlay Zone District and may count toward no more than 30% of the required transparency on Primary Streets or Side Streets, provided the permanent art meets the requirements stated in Section 13.1.6.3.A5, Transparency Alternative Requirements.

G. **Determination of Primary Street and Side Street Lot Lines for Corner Zone Lots in the DO-8 District**

The following rule of measurement for determination of Primary Street and Side Street Zone Lot Lines for Corner Zone Lots in the DO-8 Overlay District shall apply:
1. **Intent**

To authorize the Zoning Administrator, instead of the applicant, to designate Zone Lot Lines in accordance with adopted plan guidance and existing conditions, if applicable, consistent with the overall intent of the DO-8 Overlay Zone District to promote active pedestrian-oriented building frontages.

2. **Rule of Measurement**

For Corner Zone Lots located in all base zone districts the Zoning Administrator shall use the criteria in Section 13.1.5.3.C to designate one or more Primary Street Zone Lot Lines, and shall designate remaining Zone Lot Lines as either Side Street, Side Interior, or Rear Zone Lot Line(s). See Figure 9.1-1.

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**Figure 9.1-1**

[Diagram showing Zone Lot Lines designated by the Zoning Administrator (ZA) and categorized as Primary Street (P), Side Street (SS), Side Interior (SI), or Rear (R).]