Page Replacement Packet for DZC Text Amendment 6 and 7 to the July 1, 2021 Code Publication

(effective March 13, 2023)

<table>
<thead>
<tr>
<th>Remove old pages</th>
<th>Insert new pages</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cover/ToC i</td>
<td>a. Cover/ToC i</td>
<td>a. Pages for page replacement</td>
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<tr>
<td>a. Article 9, 9.4-25 to 9.4-26</td>
<td>a. Article 9, 9.4-25 to 9.4-26</td>
<td>a. Pages for page replacement</td>
</tr>
<tr>
<td>a. Article 9, 9.4-49 to 9.4-50</td>
<td>a. Article 9, 9.4-49 to 9.4-50</td>
<td>a. Pages for page replacement</td>
</tr>
<tr>
<td>a. Article 9, 9.4-57 to 9.5-1</td>
<td>a. Article 9, 9.4-57 to 9.4-64</td>
<td>a. New pages added</td>
</tr>
</tbody>
</table>

NOTE: page numbering assumes 2-sided copy of the code. Pages with content that was amended contain a footer with the term “Amendment 5”. Pages that do not have content changes do not contain the “Amendment 5” footer.
### 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 BayAccessory 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.
### 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>25%**</td>
<td>30%**</td>
<td>30%**</td>
<td>100%</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>S-MS</td>
<td>10**</td>
<td>na</td>
<td>25%**</td>
<td>30%**</td>
<td>30%**</td>
<td>100%</td>
<td>na</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 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 the minimum Primary Street setback. Therefore, any portions of the building placed beyond the minimum Primary Street setback 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></td>
<td>Side Street</td>
<td>40%</td>
<td>50%</td>
<td>80%</td>
<td>40%</td>
<td>80%</td>
</tr>
<tr>
<td>S-CC</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>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>
</tbody>
</table>

Amendment: 7
1. The Alley is not provided with an all-weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street.

4. The Department of Transportation and Infrastructure ("DOTI") prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic; or

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the DRC determines during Site Development Plan review that street access is more consistent with the Comprehensive Plan, or is necessary to ensure safety or vehicle operational needs.

E. Special Exception for Pre-Existing Street Access
When the conditions listed in this Section 7.3.5.7.E apply, street access may be used instead of alley access. Vehicular access from the street to an accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010, and has been Continuously Maintained; and

1. The Primary Structure containing either a Single-Unit or Two-Unit Dwelling use on the same Zone Lot is not Voluntarily Demolished. In the case of Voluntary Demolition of the Primary Structure, vehicle access must be taken from the Alley unless otherwise allowed by this Section 7.3.5.7.

7.3.5.8 Street Level Active Uses in the C-MX and C-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 7.3.5.8 applies to the Town House, General, and Shopfront building forms in the C-MX zone districts and the Shopfront building form in the C-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 7.3.6.1 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 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>ZONE DISTRICT</th>
<th>BUILDING FORM</th>
<th>PERMANENT OUTDOOR PATIO SEATING (MAX % OF BUILD-TO)</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 FEET OF BUILD-TO)</th>
<th>VEHICLE ACCESS (MAX FEET OF BUILD-TO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-RX</td>
<td>Town House</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>30%</td>
<td>12 feet</td>
<td></td>
</tr>
<tr>
<td>C-MX</td>
<td>All Others</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>25%***</td>
<td>30%***</td>
<td>30%***</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>C-MS</td>
<td>All Others</td>
<td>na</td>
<td>na</td>
<td>25%***</td>
<td>30%***</td>
<td>30%***</td>
<td>100%</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>C-CCN</td>
<td>All Others</td>
<td>5**</td>
<td>100%**</td>
<td>25%***</td>
<td>30%***</td>
<td>30%***</td>
<td>100%</td>
<td>na</td>
<td>na</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 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 the minimum Primary Street setback. Therefore, any portions of the building placed beyond 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>TRANSPARENCY ALTERNATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE DISTRICT</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>C-RX</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>C-MX</td>
</tr>
<tr>
<td>Primary Street B</td>
</tr>
<tr>
<td>Side Street</td>
</tr>
<tr>
<td>C-MS</td>
</tr>
<tr>
<td></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
SECTION 7.3.7  DESIGN STANDARD EXCEPTIONS

7.3.7.1 Height Exceptions

A. Intent
To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

B. Standard
Except as specifically allowed below:

1. No portion of a structure shall project beyond the maximum height in feet specified in the applicable Building Form table.

2. No portion of a structure shall project beyond the bulk plane specified in the applicable Building Form table.

3. No portion of a structure shall exceed the maximum height in stories specified in the applicable Building Form table.

C. Exceptions
The following building features of Primary Structures and Accessory Structures are allowed to exceed height in feet, stories, bulk plane, and upper story setbacks as described in the table below, subject to the following standards.

1. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

2. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

3. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

4. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.
3. **All Other Design Standards**
   All other development and design standards applicable to new development in the underlying zone district may be modified.

### 9.4.3.4 Conservation Overlay Districts Established
The following conservation overlay zone districts are established:

<table>
<thead>
<tr>
<th>CONSERVATION OVERLAY DISTRICT NAME</th>
<th>ZONING MAP DESIGNATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hilltop Heritage Conservation Overlay District</td>
<td>CO-1</td>
</tr>
<tr>
<td>Curtis Park Conservation Overlay District</td>
<td>CO-2</td>
</tr>
<tr>
<td>Scottish Village Conservation Overlay District</td>
<td>CO-3</td>
</tr>
<tr>
<td>Potter Highlands Conservation Overlay District</td>
<td>CO-4</td>
</tr>
<tr>
<td>Krisana Park Conservation Overlay District</td>
<td>CO-5</td>
</tr>
<tr>
<td>Bungalow Conservation Overlay District</td>
<td>CO-6</td>
</tr>
<tr>
<td>Sunnyside Conservation Overlay District</td>
<td>CO-7</td>
</tr>
<tr>
<td>Sunnyside Conservation and Brick Overlay District</td>
<td>CO-8</td>
</tr>
</tbody>
</table>

### 9.4.3.5 Effect of Approval

A. **Zoning Map Designator**
   Each Conservation Overlay District shall be shown on the official map by an “CO-#” designator and an appropriate number placed after the underlying zone district designation.

B. **Limitation on Permit Issuance**
   No zoning permit for development or for a use within a Conservation Overlay District shall be issued by Community Planning and Development unless the development or use meets the standards set forth in the adopted Conservation Overlay District.

### 9.4.3.6 Hilltop Heritage Conservation Overlay District (CO-1)

A. **Creation**
   There is hereby created a conservation overlay zone district designated as Hilltop Heritage Conservation Overlay District CO-1.

B. **Limitation on the Establishment of Zone Lots in the Overlay District**
   Any zone lots in this overlay zone district that existed on July 21, 2000, may be amended or subdivided only if each of the zone lots that are created or result therefrom is not less than 75 feet wide at any street (Side Street or Primary Street) setback line for structures and are not less than 9,300 square feet in lot size.

C. **Exceptions Inapplicable**
   The exceptions from zone lot width and area requirements for zone lots in Section 1.2.3.3, Flag Zone Lots, shall not apply in this overlay zone district, provided however, zone lots containing at least 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 Section 1.2.3.3, Flag Zone Lots, if the resultant zone lots contain at least 9,300 square feet.

### 9.4.3.7 Curtis Park Conservation Overlay District (CO-2)

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

B. **Intent**
   Accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.
C. **Applicability**
   This Curtis Park Conservation Overlay District shall apply only to zone lots zoned to an -RH zone district.

D. **Building Form Standards for Zone Lots with a Historic Structure**
   For any zone lot occupied by a Historic Structure, as defined in Article 13, Rule of Measurements and Definitions, development of a detached accessory structure is allowed subject to the following allowances and conditions:
   
   1. The structure may comply with the U-RH-2.5 Detached Garage building form standards and exceed the maximum building coverage; and
   2. The structure may comply with the U-RH-2.5 Detached Accessory Dwelling Unit building form standards and:
      a. May exceed the maximum building coverage,
      b. Shall be exempt from the bulk plane, and
      c. May exceed the maximum height in stories not to exceed two stories.
   3. The structure shall be located in the rear one-half of the zone lot; and
   4. The design and location of the building shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

E. **Building Form Standards for Zone Lots without a Historic Structure**
   For zone lots not occupied by a Historic Structure, development of a detached accessory structure is allowed using the U-RH-2.5 Detached Accessory Dwelling Unit building form, subject to the following allowances and conditions:
   
   1. The structure shall be exempt from the bulk plane,
   2. The structure may exceed the maximum height in stories not to exceed two stories,
   3. The structure shall be located in the rear one-half of the zone lot, and
   4. The design and location of the structure shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

### 9.4.3.8 Scottish Village Conservation Overlay (CO-3)

A. **Creation**
   There is hereby created a Conservation Overlay District designated as the Scottish Village Conservation Overlay (CO-3).

B. **Intent**
   To allow setback, building coverage, and lot depth building form standards that are consistent with the character of the Scottish Village.

C. **Applicability**
   This Scottish Village Conservation Overlay shall apply only to those areas designated as CO-3 on the Official Zone Map.

D. **Primary Building Form Standards Applicable to Urban House, Duplex and Tandem House Building Forms Only**
   
   1. **Side Interior Setback**
      The minimum side interior setback shall be 3 feet.
   2. **Building Coverage**
      a. Building coverage maximum per zone lot shall be 60%.
b. An exemption from the maximum building coverage shall not be given for a portion of the zone lot area occupied by a Detached Accessory Dwelling Unit or a Detached Garage form.

3. **Shallow Lot Standards**
   a. **Applicability**
      i. Zone lots established prior to July 10, 2015 where at least one side interior or side street zone lot line is 90 feet or less deep, measured from the intersection of the primary street zone lot line and a side interior or side street zone lot line to the intersection of a zone lot line opposite the primary street.
   
   b. **Standards**
      i. Rooftop and/or Second Story Decks are allowed in 100% of zone lot depth.
      ii. The following underlying zone district primary building form height standards applicable in the front 65% of zone lot depth shall apply to 100% of zone lot depth:
         a) Height in stories;
         b) Height in feet;
         c) Allowable height increase; and
         d) Bulk plane vertical height at side interior and side street zone lot line.

E. **Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only**

1. **Side Interior Setback**
   a. The minimum side interior setback shall be 0 feet.
   b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.
9.4.3.9 Potter Highlands Conservation Overlay (CO-4)

A. Creation
There is hereby created a Conservation Overlay District designated as the Potter Highlands Conservation Overlay District.

B. Intent
To apply additional building form standards that are consistent with the established character of the Potter Highlands Historic District.

C. Applicability
This Potter Highlands Conservation Overlay shall apply only to those areas designated as CO-4 on the Official Zone Map.

D. Primary Building Form Standards Applicable to Urban House, Duplex, and Tandem House Building Forms

1. Side Interior Setbacks
   a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 5 feet.

2. Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines
   a. For zone lots 30 feet or less in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 15 feet.
   b. For zone lots greater than 30 feet in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 13 feet.

3. Rooftop and/or Second Story Decks
   Rooftop and/or Second Story Decks located on or above the roof of any story other than the Street Level Story are prohibited.

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

5. Bulk Plane Exception for Dormers in the Front 65% of Zone Lot Depth
   A Dormer may project beyond the bulk plane in the front 65% of the Zone Lot Depth provided the projecting Dormer meets all of the following conditions:
   a. The highest point of the Dormer shall not exceed the height of the ridge of the pitched roof. (See Figure 9.4-1)
b. The Dormer shall contain at least one window that faces a side interior or side street zone lot line.

c. The Dormer shall not have a Low-Slope Roof.

d. The Dormer’s roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.

e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-2)

f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-2)
g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-3)

h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-4)

i. The maximum cumulative length of all projecting Dormers shall not exceed 50% of the overall structure length facing the side interior or side street zone lot line within the front 65% of zone lot depth. Maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-5)
E. Primary Building Form Standards Applicable to Structures Containing Two Unit Dwelling Uses

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

2. Zone Lot Standards
   a. Zone Lot Size
      The minimum zone lot size shall be 5,500 square feet.
   b. Zone Lot Width
      The minimum zone lot width shall be 50 feet.
F. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit
Building Form Only

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

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

9.4.3.10 Krisana Park Conservation Overlay (CO-5)

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

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

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

D. Rule of Measurement for Two Base Planes
   1. Front Base Plane
      The Front Base Plane shall be the base for measuring height in the front 50% of the Zone
      Lot Depth.

   2. Rear Base Plane
      The Rear Base Plane shall be the base for measuring height in the rear 50% of the Zone
      Lot Depth.
E. Primary Building Form Standards Applicable to Suburban House Building Form

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

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

3. **Bulk Plane**
   a. In the front 50% of the zone lot depth:
      i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 10 feet.
      ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run). (See Figure 9.4-6)
   b. In the rear 50% of the zone lot depth:
      i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 14 feet.
      ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run). (See Figure 9.4-6)
4. **Roof Pitch**
No Roof shall have a sloping plane greater than 3:12. (See Figure 9.4-7)

Figure 9.4-7

5. **Setback, Rear, No Alley**
The minimum Setback, Rear, no alley, shall be 15 feet. (See Figure 9.4-8)
6. **Rooftop and/or Second Story Decks**
Rooftop and/or Second Story Decks are prohibited on the entirety of the zone lot.

### 9.4.3.11 Bungalow Conservation Overlay (CO-6)

**A. Creation**
There is hereby created a Conservation Overlay District designated as the Bungalow Conservation Overlay District (CO-6).

**B. Intent**
To promote conservation of the mass, scale and other design characteristics of low-scale residential neighborhoods comprised primarily of one and two story 'bungalow' structures within single unit (SU) or two unit (TU) Underlying Zone Districts in the Urban Edge and Urban Neighborhood contexts, including:

- **a.** To encourage development that is compatible in scale and mass, has raised foundations and incorporates compatible roof forms through the application of Building Height Standards and other Supplemental Design Standards.
- **b.** To encourage spacing between buildings that reflect the existing pattern of generous and offset (larger to the south and more narrow to the north on east-west oriented Zone Lots) setbacks through the application of Siting Form Standards.
- **c.** To ensure Low-Slope Roof forms are compatible with existing context, the rhythm of Unenclosed Porches along the street is maintained, that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street, and privacy issues related to upper story outdoor spaces are mitigated through application of Design Element Standards and Supplemental Design Standards.

**C. Applicability**
This Bungalow Conservation Overlay shall apply only to those areas designated as CO-6 on the Official Zone Map.
### D. Primary Building Form Standards Applicable to All Allowed Building Forms

The district-specific standards of the Underlying Zone District for all allowed Primary Building Form shall be modified as set forth in the following table.

#### HEIGHT

<table>
<thead>
<tr>
<th>Description</th>
<th>CO-6 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Underlying Zone District for Additional Applicable Height Standards Not Listed Below</td>
<td></td>
</tr>
<tr>
<td>Stories, front 65% / rear 35% of Zone Lot depth (max)</td>
<td>2/1</td>
</tr>
<tr>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)</td>
<td>28'/17'</td>
</tr>
<tr>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)</td>
<td>22'/17'</td>
</tr>
<tr>
<td>Feet, front 65% of Zone Lot depth, permitted height increase</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Feet, rear 35% of Zone Lot depth, permitted height increase</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth</td>
<td>14'/10'</td>
</tr>
</tbody>
</table>

#### SITING

<table>
<thead>
<tr>
<th>Description</th>
<th>CO-6 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Underlying Zone District for Additional Applicable Siting Standards Not Listed Below</td>
<td></td>
</tr>
<tr>
<td>Setbacks and Building Coverage by Zone Lot Width</td>
<td></td>
</tr>
<tr>
<td>30’ or Less</td>
<td></td>
</tr>
<tr>
<td>Greater than 30’ and up to 45’</td>
<td></td>
</tr>
<tr>
<td>Greater than 45’ and up to 75’</td>
<td></td>
</tr>
<tr>
<td>75’ or Greater</td>
<td></td>
</tr>
<tr>
<td>Side Interior, south Side Zone Lot Line (min)</td>
<td>3’</td>
</tr>
<tr>
<td>Side Interior, north Side Zone Lot Line (min)</td>
<td>3’</td>
</tr>
<tr>
<td>Side Interior, where no south or north Side Zone Lot Line is present (min)</td>
<td>3’</td>
</tr>
<tr>
<td>Side Interior, south Side Zone Lot Line (min)</td>
<td>7’</td>
</tr>
<tr>
<td>Side Interior, north Side Zone Lot Line (min)</td>
<td>3’</td>
</tr>
<tr>
<td>Side Interior, where no south or north Side Zone Lot Line is present (min)</td>
<td>5’</td>
</tr>
<tr>
<td>Side Interior, south Side Zone Lot Line (min)</td>
<td>10’</td>
</tr>
<tr>
<td>Side Interior, north Side Zone Lot Line (min)</td>
<td>5’</td>
</tr>
<tr>
<td>Side Interior, where no south or north Side Zone Lot Line is present (min)</td>
<td>7.5’</td>
</tr>
<tr>
<td>Side Interior, south Side Zone Lot Line (min)</td>
<td>10’</td>
</tr>
<tr>
<td>Side Interior, north Side Zone Lot Line (min)</td>
<td>10’</td>
</tr>
<tr>
<td>Side Interior, where no south or north Side Zone Lot Line is present (min)</td>
<td></td>
</tr>
</tbody>
</table>

#### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th>Description</th>
<th>CO-6 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below</td>
<td></td>
</tr>
<tr>
<td>Gross Floor Area by Zone Lot Size</td>
<td></td>
</tr>
<tr>
<td>Zone Lot Area 7,500 sf or Less</td>
<td></td>
</tr>
<tr>
<td>Zone Lot Area greater than 7,500 sf</td>
<td></td>
</tr>
<tr>
<td>Gross Floor Area Located Above the Front Base Plane (max)</td>
<td>3,000 sf</td>
</tr>
<tr>
<td>3,000 sf plus 40 sf for every 100 sf increase in Zone Lot Size above 7,500 sf</td>
<td></td>
</tr>
<tr>
<td>Building Configuration</td>
<td></td>
</tr>
<tr>
<td>Rooftop and/or Second Story Decks</td>
<td>See Section 9.4.3.11.E.1</td>
</tr>
<tr>
<td>Upper Story Stepback, for any portion of building with Low-slope Roof above 15’, Primary Street (min)</td>
<td>10’</td>
</tr>
<tr>
<td>Elevation of the Upper Surface of the Floor of the Street Level</td>
<td></td>
</tr>
<tr>
<td>Elevation (min/max)</td>
<td>See Section 9.4.3.12.E.2</td>
</tr>
<tr>
<td>Street Level Activation</td>
<td></td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>See Section 9.4.3.11.E.3</td>
</tr>
</tbody>
</table>

#### USES

<table>
<thead>
<tr>
<th>Description</th>
<th>CO-6 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Underlying Zone District for All Applicable Uses Standards</td>
<td></td>
</tr>
<tr>
<td>See Underlying Zone District and Sections 9.4.3.11.E and 9.4.3.11.F for Supplemental Design Standards and Design Standard Exceptions</td>
<td></td>
</tr>
</tbody>
</table>
E. **Supplemental Design Standards for the CO-6 Overlay District**

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone district.

1. **Rooftop and/or Second Story Decks**
   a. Rooftop and/or Second Story Decks located on or above the roof of any story other than the Street Level story are prohibited.
   b. Rooftop and/or Second Story Decks projecting from the building above the Street Level are prohibited.

2. **Elevation of the Upper Surface of the Floor of the Street Level**
   The elevation of the upper surface of the floor of the Street Level in the front 40% of the Zone Lot depth shall be no less than 12 inches and no more than 36 inches above the Front Base Plane elevation, except when a different elevation is required by the Department of Transportation and Infrastructure (DOTI). (See Figure 9.4-9)

3. **Pedestrian Access, Primary Street**
   a. An Unenclosed Porch is required.
   b. At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
      i. Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade(s) of the Primary Structure;
      ii. Have an upper walking surface with a minimum area of 120 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to a Unenclosed Porch;
      iii. Have an upper walking surface a minimum depth of 6 feet as measured perpendicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street-facing façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to a Unenclosed Porch (See Figure 9.4-9);
      iv. Not be located below a Story;
      v. Have partial height walls, railings or guards at its perimeter. Such walls, railings or guards shall extend vertically above the upper walking surface of the Unenclosed Porch a minimum of 24 inches except for a portion of the Unenclosed Porch where access is provided. The width of such access shall not exceed 50 percent of the total linear distance of all required partial height walls, railings or guards (See Figure 9.4-9);
      vi. Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-9);
      vii. Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-9); and
      viii. Not abut more than one Exterior Wall.
F. Design Standard Exceptions for the CO-6 Overlay District

1. Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth
   A Dormer may project beyond the bulk plane as specified in the applicable Building Form table in the front 65% of Zone Lot depth provided the projecting Dormer meets all of the following conditions:
   a. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 9.4-10)
b. The Dormer shall contain at least one window that faces a side interior or side street zone lot line.

c. The Dormer shall not have a Low-Slope Roof.

d. The Dormer’s roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.

e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into this minimum distance. (See Figure 9.4-11)

f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-11)

g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-12)
h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the exterior wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-13)

i. The maximum cumulative length of all projecting Dormers shall not exceed 50% of the Overall Structure Length facing the side interior or side street zone lot line within the front 65% of zone lot depth. The maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-14)
2. **Setback Exceptions**

The following Setback Exceptions are in addition to exceptions allowed within the Underlying Zone District.

   a. **Intent**
      
      To provide flexibility in the location of barrier-free access structures providing access to any building.

   b. **Standard**
      
      Barrier-free access structures providing access to a building may encroach any distance into a required Primary Street Setback, Side Street Setback, Side Interior Setback or Rear Setback.
9.4.3.12 Sunnyside Conservation Overlay District (CO-7)

A. **Creation**
   There is hereby created a Conservation Overlay District designated as the Sunnyside Conservation Overlay District (CO-7).

B. **Intent**
   To promote conservation of the mass, scale and other design characteristics of residential neighborhoods within single unit (SU) or two unit (TU) Underlying Zone Districts in the Sunnyside neighborhood, including:

   1. To encourage development that is context-sensitive in scale and mass, and incorporates compatible roof forms through the application of Building Height Standards and Design Elements Standards.

   2. To ensure a rhythm of Unenclosed Porches along the street is maintained and that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street through the application of Supplemental Design Standards.

C. **Applicability**
   This Sunnyside Conservation Overlay District shall apply only to those areas designated as CO-7 on the Official Zone Map.
### D. Primary Building Form Standards Applicable to All Allowed Building Forms

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the following table.

<table>
<thead>
<tr>
<th>Height</th>
<th>CO-7 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urban House and Duplex Building Forms</strong></td>
<td><strong>Tandem House Building Form</strong></td>
</tr>
<tr>
<td>Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)</td>
<td>2.5/1</td>
</tr>
<tr>
<td>Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)</td>
<td>2/1</td>
</tr>
<tr>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)</td>
<td>30'/17'</td>
</tr>
<tr>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)</td>
<td>22'/17'</td>
</tr>
<tr>
<td>Feet, front 65% of Zone Lot depth, permitted height increase</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Feet, rear 35% of Zone Lot depth, permitted height increase</td>
<td>Not Permitted</td>
</tr>
<tr>
<td>Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth (does not apply to a portion of a building with a Low-Slope Roof)</td>
<td>14'/10'</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below

<table>
<thead>
<tr>
<th>Gross Floor Area by Zone Lot Size</th>
<th>CO-7 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone Lot Area 7,500 sf or Less</strong></td>
<td><strong>Zone Lot Area greater than 7,500 sf</strong></td>
</tr>
<tr>
<td>Gross Floor Area Located Above the Front Base Plane (max) for Urban House Building Form</td>
<td>3,000 sf</td>
</tr>
<tr>
<td>Gross Floor Area Located Above the Front Base Plane (max) for Duplex and Tandem House Building Forms</td>
<td>NA</td>
</tr>
</tbody>
</table>

### STREET LEVEL ACTIVATION

Pedestrian Access, Primary Street

See Section 9.4.3.12.E.1

### USES

See Underlying Zone District for All Applicable Uses Standards

E. **Supplemental Design Standards for the CO-7 Overlay Zone District**

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone district.

1. **Pedestrian Access, Primary Street**
   a. One Unenclosed Porch is required.
   b. At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
      i. Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade of the Primary Structure;
      ii. Have an upper walking surface with a minimum area of 48 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to an Unenclosed Porch;
      iii. Have an upper walking surface with a minimum depth of 6 feet as measured perpendicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street-facing façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to an Unenclosed Porch (See Figure 9.4-15);
      iv. Not be located below a Story;
      v. Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-15);
      vi. Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-15); and
      vii. Not abut more than two Exterior Walls.

![Figure 9.4-15](image-url)
F. Design Standard Exceptions for the CO-7 Overlay Zone District

1. **Bulk Plane Exception for Low-Slope Roof**
   Bulk Plane shall not apply to a portion of a building with a Low-Slope Roof.

2. **Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth**
   A Dormer may project beyond the bulk plane as specified in the applicable Building Form table in the front 65% of Zone Lot depth provided the projecting Dormer meets all of the following conditions:
   a. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 9.4-16)

   ![Figure 9.4-16](image-url)

   **Not to Scale. Illustrative Only.**

   b. The Dormer shall contain at least one window that faces a Side Interior or Side Street Zone Lot Line.
   c. The Dormer shall have a Pitched Roof.
   d. The Dormer’s roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.
   e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into this minimum distance. (See Figure 9.4-17)
f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-17)

![Figure 9.4-17](image)

**Not to Scale. Illustrative Only.**

g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-18)

![Figure 9.4-18](image)

**Not to Scale. Illustrative Only.**

h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-19)
Figure 9.4-19

The maximum cumulative length of all projecting Dormers shall not exceed 50% of the Overall Structure Length facing the side interior or side street zone lot line within the front 65% of zone lot depth. The maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-20)
Figure 9.4-20

Not to Scale. Illustrative Only.
9.4.3.13 Sunnyside Conservation and Brick Overlay District (CO-8)

A. Creation
There is hereby created a Conservation Overlay District designated as the Sunnyside Conservation and Brick Overlay District (CO-8).

B. Intent
To promote conservation of the mass, scale, and other design characteristics of residential neighborhoods within single unit (SU) or two unit (TU) Underlying Zone Districts in the Sunnyside neighborhood, including:

1. To encourage development that is context-sensitive in scale and mass, and incorporates compatible roof forms through the application of Building Height Standards and Design Elements Standards.

2. To ensure a rhythm of Unenclosed Porches along the street is maintained and that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street through the application of Supplemental Design Standards.

3. To promote visual compatibility of new development with the strong pattern of existing residential structures with brick cladding while maintaining flexibility for use of additional materials.

4. To promote brick cladding on exterior walls of a residential structure that are most visible from the public street, while allowing additional flexibility on less publicly visible exterior walls.

5. To promote the use of durable materials that express a human scale.

C. Applicability
This Sunnyside Conservation and Brick Overlay District shall apply only to those areas designated as CO-8 on the Official Zone Map.
### D. Primary Building Form Standards Applicable to All Allowed Building Forms

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the following table.

<table>
<thead>
<tr>
<th></th>
<th>CO-8 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Underlying Zone District for Additional Applicable Height Standards Not Listed Below</td>
</tr>
<tr>
<td></td>
<td>Urban House and Duplex Building Forms</td>
</tr>
<tr>
<td></td>
<td>Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)</td>
</tr>
<tr>
<td></td>
<td>Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)</td>
</tr>
<tr>
<td></td>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)</td>
</tr>
<tr>
<td></td>
<td>Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)</td>
</tr>
<tr>
<td></td>
<td>Feet, front 65% of Zone Lot depth, permitted height increase</td>
</tr>
<tr>
<td></td>
<td>Feet, rear 35% of Zone Lot depth, permitted height increase</td>
</tr>
<tr>
<td></td>
<td>Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth (does not apply to a portion of a building with a Low-Slope Roof)</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below

<table>
<thead>
<tr>
<th></th>
<th>CO-8 Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below</td>
</tr>
<tr>
<td>GROSS FLOOR AREA BY ZONE LOT SIZE</td>
<td>Zone Lot Area 7,500 sf or Less</td>
</tr>
<tr>
<td>Gross Floor Area Located Above the Front Base Plane (max) for Urban House Building Form</td>
<td>3,000 sf</td>
</tr>
<tr>
<td>Gross Floor Area Located Above the Front Base Plane (max) for Duplex and Tandem House Building Forms</td>
<td>NA</td>
</tr>
</tbody>
</table>

### STREET LEVEL ACTIVATION

Pedestrian Access, Primary Street See Section 9.4.3.13.E.1

### EXTERIOR WALL CLADDING

Brick cladding for Exterior Walls (min) See Section 9.4.3.13.E.2

### USES

See Underlying Zone District for All Applicable Uses Standards

E. Supplemental Design Standards for the CO-8 Overlay Zone District

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone district.

1. Pedestrian Access, Primary Street
   a. One Unenclosed Porch is required.
   b. At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
      i. Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade of the Primary Structure;
      ii. Have an upper walking surface with a minimum area of 48 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to an Unenclosed Porch;
      iii. Have an upper walking surface a minimum depth of 6 feet as measured perpendicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street-facing façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to an Unenclosed Porch (See Figure 9.4-21);
      iv. Not be located below a Story;
      v. Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-21);
      vi. Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-21); and
      vii. Not abut more than two Exterior Walls.
2. Exterior Wall Cladding
   a. Applicability
      i. New Primary Structures
         This Section 9.4.3.12.E.2 applies to Development of a new Primary Structure. This section does not apply to an Alteration, expansion, or repair of an existing Primary Structure.
      ii. Exterior Walls in the Front of a Zone Lot
          This Section 9.4.3.12.E.2 applies to Exterior Walls in the front 65% of Zone Lot Depth.
      iii. Street Level and Above
          This Section 9.4.3.12.E.2 applies to Exterior Walls above the upper surface of the floor of the Street Level Story.
   b. Design Standard
      A minimum percentage of the surface area of Exterior Wall(s), excluding fenestration (windows and doors), shall be clad with a minimum amount of Brick as indicated below (see Figures 9.4-22 and 9.4-23):
      i. Primary Street Zone Lot Line Facing Exterior Walls: 60%
      ii. Side Street Zone Lot Line Facing Exterior Walls: 60%
      iii. Side Interior Zone Lot Line Facing Exterior Walls: 40%
      iv. Rear Zone Lot Line Facing Exterior Walls: No requirement

---

**Figure 9.4-22**

[Diagram showing Exterior Wall Cladding with labels for Primary Structure, Accessory Structure, Street, and Alley. The diagram indicates the portion of the Exterior Wall included in the brick requirement calculation.]

_Not to Scale. Illustrative Only._
Figure 9.4-23

Primary Street

Alley

Rear Zone Lot Line

65% of Zone Lot Depth

Side Street

Primary Street Zone Lot Line

---

### = Minimum Percentage Brick Cladding

Not to Scale. Illustrative Only.
F. Design Standard Exceptions for the CO-8 Overlay Zone District

1. Bulk Plane Exception for Low-Slope Roof
   Bulk Plane shall not apply to a portion of a building with a Low-Slope Roof

2. Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth
   A Dormer may project beyond the bulk plane as specified in the applicable Building Form table in the front 65% of Zone Lot depth provided the projecting Dormer meets all of the following conditions:
   a. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 9.4-24)

   b. The Dormer shall contain at least one window that faces a Side Interior or Side Street Zone Lot Line.
   c. The Dormer shall have a Pitched Roof.
   d. The Dormer’s roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.
   e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into this minimum distance. (See Figure 9.4-25)
   f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-25)
The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-26)
h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-27)
i. The maximum cumulative length of all projecting Dormers shall not exceed 50% of the Overall Structure Length facing the side interior or side street zone lot line within the front 65% of zone lot depth. The maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-28)
SECTION 9.4.4  USE OVERLAY DISTRICTS (UO-)

9.4.4.1  Purpose

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

9.4.4.2  Modification of Underlying Zone District Standards

A. Modification of Permitted Uses and Use Limitations Allowed

1. A Use Overlay District may be used to add to the specific permitted uses in the underlying zone district, or prohibit specific permitted uses in the underlying district.

2. Use limitations otherwise applicable to permitted uses in the underlying zone district may be modified.

B. Applicable Standards -- Modification Not Allowed

All of the provisions of the underlying zone district shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay zone district.

9.4.4.3  Use Overlay Districts Established

The following Use Overlay Districts are established:

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

9.4.4.4  Limitation on Applicability of Use Overlay Zone Districts

A. Except for the three use overlay zone districts expressly established in Section 9.4.4.6, 9.4.4.7, and 9.4.4.8 below, no new use overlay zone districts may be established after June 25, 2010.

B. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, a use overlay district’s standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.

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

D. The Historic Structure Use Overlay District may be applied to properties through a rezoning application approved after June 25, 2010.
### Article 9. Special Contexts and Districts
#### Division 9.4 Overlay Zone Districts

**DO-8 Overlay District**

<table>
<thead>
<tr>
<th>Zone Lot Width (min)</th>
<th>na</th>
<th>38'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REQUIRED BUILD-TO</strong></td>
<td>2'/10'</td>
<td>Portion of Structure Subject to a Residential Setback: 7'/15'</td>
</tr>
<tr>
<td><strong>SETBACKS</strong></td>
<td>Primary Street (min)</td>
<td>2'</td>
</tr>
<tr>
<td><strong>RESIDENTIAL SETBACKS</strong></td>
<td>Primary and Side Street (min)</td>
<td>7'</td>
</tr>
<tr>
<td><strong>PARKING</strong></td>
<td>Surface Parking between Building and Primary Street/Side Street</td>
<td>Not Allowed / Not Allowed</td>
</tr>
</tbody>
</table>

**DO-8 Overlay District**

<table>
<thead>
<tr>
<th><strong>DESIGN ELEMENTS</strong></th>
<th>Shopfront Building Form</th>
<th>Town House Building Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDING CONFIGURATION</strong></td>
<td>Street Level Height (min)</td>
<td>14'</td>
</tr>
<tr>
<td><strong>STREET LEVEL ACTIVATION</strong></td>
<td>Transparency Alternatives</td>
<td>See Section 9.4.5.12.F</td>
</tr>
<tr>
<td></td>
<td>Pedestrian Access</td>
<td>See Underlying Zone District</td>
</tr>
<tr>
<td></td>
<td>Additional Pedestrian Access, Primary and Side Street</td>
<td>Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature</td>
</tr>
</tbody>
</table>

**DO-8 Overlay District**

<table>
<thead>
<tr>
<th><strong>USES</strong></th>
<th>Shopfront and Town House Building Forms</th>
</tr>
</thead>
</table>

**ACTIVE USES BY ZONE LOT WIDTH**

<table>
<thead>
<tr>
<th>Zone Lot Width</th>
<th>Street Level Nonresidential Active Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>37.5' or less</td>
<td>0% - See Section 9.4.5.12.E</td>
</tr>
<tr>
<td>Greater than 37.5' and up to 50'</td>
<td>50% - See Section 9.4.5.12.E</td>
</tr>
<tr>
<td>Greater than 50'</td>
<td>75% - See Section 9.4.5.12.E</td>
</tr>
</tbody>
</table>

**E. 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 Zone Lot Lines for Corner Zone Lots in the DO-8 Overlay District shall apply:

   1. **Intent**
      To authorize the Zoning Administrator to designate Zone Lot Lines in accordance with 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. **Applicability**  
This Section 9.4.5.12.G applies to all Zone Lots with the DO-8 designation.

3. **Rule of Measurement**  
For Corner Zone Lots located in all underlying Zone Districts that are designated with the DO-8 Overlay Zone District, 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 9.4-38.

**Figure 9.4-38**

- **ZA:** Zoning Administrator  
- **P:** Primary Street  
- **SS:** Side Street  
- **SI:** Side Interior  
- **R:** Rear  

**Legend:**  
- ZA:SI/R  
- ZA:SS  
- ZA:P/SS  

**Diagram:**  
- Two examples of Corner Zone Lots with DO-8 Overlay Zone District designation.  
- Zoning Administrator uses criteria to designate Primary Street (P) and Side Street (SS) Lot Lines.
9.4.5.13 Cherry Creek East Mixed Use Design Overlay District (DO-9)

A. Creation
There is hereby created a design overlay district designated as the Cherry Creek East Mixed Use Design Overlay District (DO-9).

B. Intent
The intent of the DO-9 Overlay Zone District is to enhance and promote a quality urban environment with a vibrant sense of place, including access to generous pedestrian zones and public space with streets that prioritize the pedestrian realm as a defining element of neighborhood character with buildings that relate to pedestrians in scale and activity.

C. Applicability
The provisions of this DO-9 Overlay Zone District shall apply only to those areas within Residential Mixed Use (RX) and Mixed Use (MX) zone districts that are designated with the DO-9 Overlay Zone District on the Official Zone Map.

D. Primary Building Form Standards Within Overlay Zone District

1. Intent for Overlay Building Form Standards
   a. To promote Street Level setbacks and open space areas that extend the public purpose and accessibility of the sidewalk.
   b. To reduce the perceived mass and scale of buildings to preserve access to daylight and promote creative building designs.
   c. To promote structured parking designs above the Street Level that are compatible with the character and quality of the overall building facade and also allow future uses other than parking, such as conversion of structured parking to residential or commercial uses.

2. Applicability
   All Primary Structures using the General and Shopfront Building Forms in the DO-9 Overlay Zone District shall comply with the Building Form Standards stated in this Section 9.4.5.13.D.

3. General Standards
   Except as modified in this Section 9.4.5.13.D, the district-specific Building Form Standards for Primary Structures set forth in the Underlying Zone District shall apply.

4. Building Forms Allowed
   All building forms allowed in the Underlying Zone District shall be allowed in the DO-9 Overlay Zone District.
E. **Concrete, Asphalt, and Rock Crushing Facility**
A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.

F. **Health Care Center**
A facility or institution providing health services.

G. **Noncommercial Concrete Batching Plant**
A facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

H. **Outdoor Retail Sales**
Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a Completely Enclosed Structure, and operated as an extension of a primary retail sales use on the same zone lot.

I. **Outdoor Retail Sales - Pedestrian / Transit Mall**
Outdoor retail sales, not operated in a Completely Enclosed Structure, and located within 125 feet of a pedestrian and/or transit mall (e.g. the downtown 16th Street pedestrian mall), including retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles. Such retail sales are not required to be operated as an extension of a primary retail sales use on the same or different zone lot.

J. **Outdoor Sales, Seasonal**
The outdoor retail sales of trees, plants, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items, not operated in a Completely Enclosed Structure, and not as an extension of a primary retail sales use on the same zone lot. Seasonal Outdoor Sales may be conducted by a single person or multiple persons on the same Zone Lot.

Seasonal outdoor sales include, but are not limited to, seasonal sales of Christmas trees, seasonal outdoor sales of plants, seasonal outdoor farmers markets, and other seasonal sales of foods, fruits, and vegetables, such as roasted chiles and corn.

1. **Sales of Christmas Trees and Related Holiday Items**
Retail sales of Christmas trees, wreaths, garlands, tree stands, tree care items, and other incidental and customary holiday items.

2. **Sale of Plants or Plant Sales Facilities**
Retail sales of horticultural items including, but not limited to bedding plants, plant containers, seeds, small trees and bushes, and accessories therefor; incidental sales of agricultural chemical and fertilizer products are permitted only if prepackaged.

3. **All Other Types of Temporary Outdoor Sales, Seasonal**
Retail sales of trees, plants, flowers, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items. This use sub-type includes farmers markets, and sales of roasted chiles and corn.

K. **Retail Food Establishment, Mobile**
Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.
L. **Temporary Tiny Home Village**
   Residential occupancy of multiple relocatable temporary buildings containing only sleeping units, combined with one or more separate buildings containing eating, bathing, toilet, and gathering facilities for common use, all located on the same zone lot. Tenancy is typically 30 days or longer. This temporary use does not include Mobile Home Park as defined in the Zoning Code.
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 a Nonconforming Mobile Home Park. See 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 12.7.3.3, 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).

12.7.3.2 Continuance of a Nonconforming Trailer Camp or Court (Mobile Home Park) Use

A. Intent
The intent of Section 12.7.3.2 is to allow for limited replacement of an individual Mobile Home located in a nonconforming Mobile Home Park.

B. Applicability
Section 12.7.3.2 applies to nonconforming Mobile Home Parks.

C. General Allowance and Limitation on Expansion
Provided it continues to comply with all provisions of this Section 12.7.3.2, a nonconforming Mobile Home Park may continue to operate on the same zone lot that was occupied by the Nonconforming Use on the date the use first became a Nonconforming Use.
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 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:

1. An increase in the Area of the Zone Lot devoted to the operation and maintenance of a nonconforming Mobile Home Park.
2. An increase in the total number of individual Mobile Homes sited within the nonconforming Mobile Home Park.

E. **Zoning Permit Required for Mobile Home Replacement**
Replacement of an individual Mobile Home may be allowed only if the Zoning Administrator first approves a zoning permit for the replacement structure subject to the following standards:

1. The replacement structure may be a Mobile Home constructed prior to the creation of the Manufactured Home Construction and Safety Standards or a manufactured home constructed under the Manufactured Home Construction and Safety Standards.
2. The replacement structure shall not exceed 1 story in height.

### 12.7.3.3 Zoning Administrator Authority to Allow Limited Expansions

A. **Zoning Administrator Authority in Special Cases Only**

1. The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the zone lot area or the floor area in a structure or structures occupied by a nonconforming use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments; or

2. As a result of an act of government through vacation of right-of-way that creates private land area abutting an existing zone lot, for that newly created private land, the Zoning Administrator may authorize, upon application in specific cases, an exception permitting the existing nonconforming use on the existing zone lot to expand in zone lot area, but not floor area in a structure or structures, onto the newly created private land.

B. **Procedure and Required Findings**
All applications for an allowance under this Section 12.7.3.2 shall be reviewed according to the procedures stated in Section 12.4.1, Zoning Permit Review. In addition to the review criteria stated in Section 12.4.1, the Zoning Administrator shall grant an allowance only upon finding the following conditions exist:

1. That the use is a nonconforming use as defined in this Code, is in full compliance with all requirements of this Code applicable to nonconforming uses, and is not a nonconforming use which, by the provisions of this Code, is to be terminated by operation of law; and

2. The Zoning Administrator has found that the application complies with Section 12.7.3.2.A.

C. **Allowance Personal to Owner**
Every allowance authorized by this Section 12.7.3.2 shall be personal to the applicant and shall not be transferable, and shall run with the land only after construction of any authorized structure or structures and only for the life of such structure or structures.

### 12.7.3.4 Board of Adjustment Authority to Grant Variances for Expansion
The Board of Adjustment is authorized under its power to grant variances to permit an increase in the floor area occupied by a nonconforming use in an existing structure, subject to the procedures and applicable criteria stated in Section 12.4.7, Variance.
13.1.6.6 Exterior Wall Types

A. Rule of Measurement for Determining Exterior Wall Types

1. **Primary Street Zone Lot Line Facing Exterior Wall**
   An Exterior Wall is "Primary Street Zone Lot Line facing" if any portion of the Exterior Wall faces a Primary Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Primary Street Zone Lot Line, then such Exterior Wall is "Primary Street Zone Lot Line facing." See Figure 13.1-118.

2. **Side Street Zone Lot Line Facing Exterior Wall**
   An Exterior Wall is "Side Street Zone Lot Line facing" if the Exterior Wall faces a Side Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Street Zone Lot Line and no portion of said line touches the Primary Street Zone Lot Line, then such Exterior Wall is "Side Street Zone Lot Line facing." See Figure 13.1-118.

3. **Side Interior Zone Lot Line Facing Exterior Wall**
   An Exterior Wall is "Side Interior Zone Lot Line facing" if the Exterior Wall faces a Side Interior Zone Line(s), which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Interior Zone Lot Line and no portion touches a Street Zone Lot Line, then such Exterior Wall is "Side Interior Zone Lot Line facing." See Figure 13.1-118.

4. **Rear Zone Lot Line Facing Exterior Wall**
   An Exterior Wall is "Rear Zone Lot Line facing" if the Exterior Wall faces a Rear Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If the entirety of said line touches the applicable Rear Zone Lot Line, then such Exterior Wall is "Rear Zone Lot Line facing." See Figure 13.1-118.

B. **Multiple Side Interior Zone Lot Lines**
   Where a Zone Lot has more than one Side Interior Zone Line or more than one contiguous series of Side Interior Zone Lot Lines, the minimum Brick cladding percentage shall be calculated for each individual Side Zone Lot Line or series of contiguous Side Zone Lot Lines for determining the requirement for a Side Interior Zone Lot Line Facing Exterior Wall(s).
Figure 13.1-118

Not to Scale.  Illustrative Only.

PSZLL = Primary Street Zone Lot Line
SSZLL = Side Street Zone Lot Line
SIZLL = Side Interior Zone Lot Line
RZLL = Rear Zone Lot Line

Line extended from a Street Zone Lot Line facing Exterior Wall per 13.1.6.6
Line extended from Side Interior Zone Lot Line facing Exterior Wall per 13.1.6.6
Line extended from Rear Zone Lot Line facing Exterior Wall per 13.1.6.6
Backhaul or Backhaul Network: The lines that connect a provider’s tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Balcony, Exterior: An elevated floor space projecting beyond the exterior walls of a building that is not supported on the ground by posts, columns, or similar supporting structural elements. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry.

Berm: A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

Billboard: See “Outdoor General Advertising Device”.

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.

Block, Square: A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.

Block, Oblong: A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.

Block Face: See definition of “Face Block.”

Brick: For purposes of the Sunnyside Conservation and Brick Overlay (CO-8) only, Brick is a masonry architectural cladding material (including terra cotta) composed of rectilinear modular units with joints between each unit where no face of a unit exceeds 46 square inches in area. Brick shall be expressed in its natural state without stucco or other coatings. Brick may be applied as a veneer or panel system where the individual modular units are preattached with clips, mortar or other means into larger sheets that are then applied as architectural cladding. Brick does not include concrete masonry units, natural stone, stone panel systems or rain screen systems.

Build-to: An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a Street-facing, primary building wall must be built.

Building: Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.

Building Connector: A walkway covered by a Roof and used exclusively as a pedestrian trafficway external to the Structures it connects.

Building, Principal or Primary: A building in which is conducted the principal or primary use of the zone lot on which it is situated.

Building Form Standards: Standards applicable to the development of buildings and structures in this Code which, taken together, regulate building height (Building Height Standards), building siting (Siting Standards), building design elements (Design Element Standards), and the permitted use of buildings (Use Building Form Standards).
Building Front or Frontage: That exterior wall of a building facing a front line of the zone lot.

Building Height: The height of a building, measured in accordance with the Rules of Measurement (see Division 13.1 of this Article.)

Building Height Standards or Height Standards: Standards in this Code that address how tall a building and its component parts may be. Building height standards include, but are not limited to, standards addressing overall building height in feet or stories, side wall height, and bulk plane requirements.
Manager: The Executive Director of the Department of Community Planning and Development.

Manufacture: All operations required to produce the material named.

Marijuana: All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" includes industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, and sterilized seed of the plant which is incapable of germination. "Marijuana" does not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Concentrate: The hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Marijuana-Infused Product: A product infused with marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

Mass Transit: The general term used to identify bus, fixed rail, or other types of transportation service available to the general public that move relatively large numbers of people at one time.

Mass Transit Railway System: A system of conveyance available to the public which may include, but not be limited to, rail tracks and guideways, terminals, stations, passenger shelters, electrical power lines, maintenance and storage facilities, parking facilities, and transportation control features or fixtures.

Mechanized Parking: Parking of vehicles using mechanized equipment that replaces the need for a driver. Mechanized parking spaces may be narrower due to the lack of a need to enter or exit the vehicle.

Midpoint: A point of a boundary line equally distant from the two lot lines intersecting it at right angles or within 45 degrees of a right angle.

Mitigation: An action that will have one or more of the following effects:
1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;
5. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

Mixed Use Development: The development of a site or building with two or more different principal or primary uses including, but not limited to residential, office, manufacturing, retail, public or entertainment uses.
**Mixed Use Commercial Zone District:** All of the following zone districts:
1. All CC Zone Districts
2. All MX Zone Districts
3. All MS Zone Districts
4. All C-CCN Zone Districts
5. All Downtown Neighborhood Context Zone Districts
6. I-MX
7. All Campus Context Zone Districts
8. DIA
9. M-CC
10. M-MX
11. M-IMX
12. M-GMX

**Mode (Of Transportation):** A particular form or method of travel, for example, walking, automobile, bicycling, public transit, bus or train.

**Motor Vehicle:** Any vehicle that is self-propelled and can be legally operated upon streets and highways. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.

**Motor Vehicle, Inoperable:** Any motor vehicle that meets at least one of the following criteria:
1. Vehicle is partially dismantled or wrecked; or
2. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move.

**Mobile Home:**
   a. A single-family dwelling that is built on a permanent chassis; is designed for long-term residential occupancy; contains complete electrical, plumbing, and sanitary facilities; is designed to be installed in a permanent or semipermanent manner with or without a permanent foundation; and is capable of being drawn over public highways as a unit or in sections by special permit.
   b. A manufactured home, as defined in C.R.S. Sec. 38-29-102(6), if the manufactured home is situated in a mobile home park.

**Mobile Home Park:** A parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees. “Mobile home park” does not include mobile home subdivisions or property zoned for manufactured home subdivisions. For purposes of this definition, the parcel of land comprising the mobile home park does not need to be contiguous, but must be in the same neighborhood as determined by the Division of Housing in the Colorado Department of Local Affairs. Formerly referred to as a Trailer Camp or Court in the Zoning Code.
Tandem Parking: See “Parking, Tandem.”

Telecommunications Service: The providing or offering for rent, sale or lease, or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications Support Facilities: Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

Telecommunications Tower: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

Tower Height: The distance measured from the lowest point at grade within ten feet of the tower to the highest point on the tower, including the base pad and any antenna.

Toxic and/or Hazardous Materials: Those chemicals or substances that are physical hazards or health hazards as defined and classified by the Denver Fire Code, whether the materials are in usable or waste condition. Substances that are considered “toxic and/or hazardous materials” include, but are not limited to the following:

1. Cryogenic fluids.
2. Corrosive materials.
3. Explosives and blasting agents.
4. Flammable and combustible liquids.
5. Flammable solids and gases.
7. Oxidizer materials.
8. Pyrophoric materials (Material that ignites spontaneously or emits sparks when scratched or struck especially with steel).
10. Unstable (reactive) materials.

Trailer: Any vehicle without a motor or other means of self-propulsion designed to carry property primarily on its own structure and to be drawn by a motor vehicle. Trailers shall include but not be limited to the following: utility trailers, boat trailers, flatbed trailers, camper trailers, home-made trailers, and fifth-wheel trailers not designed to be used in conjunction with a truck-tractor.
Travel Demand Management (TDM): A broad range of strategies intended to reduce peak period vehicle trips.

Truck Tractor: A vehicle equipped with a chassis or flat-bed mounted ball or fifth wheel for attaching a trailer, designed to be used for the highway towing trailers and not designed primarily for hauling cargo.
Underlying Zone District: The standard non-overlay zone district providing base building form and use requirements is considered to be the Underlying Zone District when used in combination with an Overlay Zone District. Underlying Zone Districts may include, but are not limited to, Residential Zone Districts and Mixed Use Commercial Zone Districts.

Unobstructed Open Space: Land with no buildings thereon, except fenced or walled trash facilities. The following provisions apply to the specified zone districts:

1. Except as otherwise provided herein, in the Single Unit (SU), Two Unit (TU), or Row House (RH) zone districts, unobstructed open space shall include any areas that are open to the sky including driveways; driving aisles; unenclosed parking spaces; front porches; and patios, decks or exterior balconies the surface of which is two and one half (2 1/2) feet or less above grade; and unenclosed areas covered by a trellis or arbor.

2. In the Single Unit (SU) and Two Unit (TU) zone districts, the following portions of the zone lot shall not be deemed to be unobstructed open space: any area bordered by walls on more than three sides; any porch, patio, or deck enclosed by any railing, wall, or similar structure in excess of three (3) feet in height above the surface of the porch, patio or deck; and any area beneath a projecting architectural or structural element such as balconies, bay windows, or second floor projections, excepting eaves.

Upper Story Setback: The horizontal distance that an upper portion of a building facade is set back from the property or zone lot boundary line.

Upper Story Step-Back: The horizontal distance that an upper portion of a building facade is set back from the face of the building’s lower portion.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, Allowed: See “Use, Permitted.”

Use, Accessory: A subordinate use, clearly incidental and related to the primary use of land, and, unless otherwise permitted by this Code, located on the same zone lot as that of the primary use.

Use, By Right: See “Use, Permitted.”

Use, Compliant: A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, or because other uses are established closer to the legally established use than this Code permits, does not comply with current use limitations applicable to such use or activity.

Use, Conforming: A use or activity that was lawful when originally established and that complies with current use limitations applicable to the use or activity in the zone district in which it is located. A use or activity that was lawful when originally established, but which, by reason of the adoption of or revision to this Code, does not comply with a review procedure (e.g., special exception review), or with a reduceable spacing/distance requirement, or with a site development or design standard (e.g., parking, landscaping, and signage) otherwise applicable to such use, shall be classified as a “conforming use.”