

# Street Level Active Use Overlay 6-24-20

Draft for Submission to CPD for Redline Following Pre-Application Meeting

This proposal aims to solve the problem of lack of true street-level activation in main street contexts through a two-step process.

1. Rezoning MX properties to MS
2. Applying the following Street Level Active Use Overlay to desired properties\*

*\*Note that overlay as written can be applied to any property, not just MS. While it works best as a compliment to MS zones, applying it to an MX parcel could still help ensure future commercial on the site while avoiding making existing development even more non-compliant through an MS rezoning.*

The overlay works by altering five key elements of the Zoning Code. Many of these are adapted from recently adopted chapters of code: The River North Design Overlay (RiNo) and the Central Platte Valley Zone (CPV) district.

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## 1. Transparency

### **MS standard:**

*The existing Shopfront standard is 60% transparency towards the primary street and 25% towards the side street. This is a rather robust standard and we could likely stick with it.*

### **Proposal:**

Modify the “transparency alternatives” section, per the table below. Alternatives allow building elements like display cases or ATMs, “art”, wall design elements like changes in material/color, or outdoor eating/serving areas, to count toward the transparency requirement. Currently, they can count for a lot of window space! Permanent Art is the only alternative retained because it is a rarely-used provision for significant art that is approved by Denver Arts and Venues.

### **Comparing Transparency Alternatives**

	<b>Current MS</b>	<b>CPV</b>	<b>RiNo Overlay</b>	<b>PROPOSED</b>
Display Cases and ATMs	40%	20%	Not allowed	Not allowed
Wall Design Elements	50%	Not allowed	No change	Not allowed
Permanent outdoor eating/service	60%	Not allowed	Not allowed	Not allowed
Permanent Art	40%	30%	50%	30%
Combination MAX	50%	30%	80%	30%



## 2. Build-To Range

**MS standard:**

*For a shopfront building in U-MS zoning, 75% of building frontage must be within 0-5 feet of the property line along the primary street.*

**Proposal:**

- Change this range to 0-10 feet.

The current regulations (including the build-to alternatives) are very restrictive and have had unintended consequences. Moderately expanding the build-to would give developers the option to create flexible courtyard space. It might help curb the problem of properties “privatizing the right of way” with requests to put patio seating, etc. in the sidewalk. This is a suggestion from CPD and it being considered in other areas of the city.

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## 3. Defining and Regulating Desired Uses

The definition of Non-Residential uses from RiNo is as follows and it is recommended we use this precedent:

(DENVER ZONING CODE | 9.4-41)

**Street Level Active Non-Residential Use in the DO-7 District**

- i. Street Level active non-residential uses include all permitted primary uses except the following:
  1. Dwelling, Single Unit;
  2. Dwelling, Two Unit
  3. Dwelling, Multi-Unit;
  4. Dwelling, Live / Work;
  5. Automobile Services, Light;
  6. Mini-storage Facility; or
  7. Wholesale Trade or Storage, Light.
- ii. Street Level active non-residential uses include all permitted accessory uses except the following:
  1. Accessory uses associated with primary uses prohibited by Section 9.4.5.11.F.3.c.i;
  2. Outdoor Storage, General;
  3. Outdoor Storage, Limited;
  4. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or



5. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
- iii. Street Level active non-residential uses shall not include Parking Spaces or Parking Aisles.

Applicability

- iv. Street Level active nonresidential 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).
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#### 4. Street Level Active Non-Residential Use in Build-To Range

**MS standard:**

*None in U-MS.*

**Proposal**

- The frontage that fulfils the build-to requirement (i.e. 75% of the building frontage) must contain Street Level Active Non-Residential Uses.
  - This would mean that 25% of the frontage *could* be simple Street Level Active Use, which could include a residential use.
- Requirement is reduced to 50% for lots that are less than 50' wide and waived for lots less than 37.5' wide.
- Requirement is also waived for 2-story zone districts (MS-2).

**Precedent:**

Both the CPV and RiNo zoning have similar concepts. In each, 70% of the build-to (which itself is 70%) must be Street Level Active Non-Residential. In RiNo, this requirement only applies to large parcels with frontage over 150 feet and greater than 3 stories/45'. In CPV, the standard applies to lots of all sizes but only on particular streets.

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#### 5. Entryway spacing

**MS standard:**

*Building are required to have one entrance facing the primary street.*

**Proposal**

- A minimum of one entrance is required for every 50' of building frontage.
- No more than 65' between each entrance.



- Prevents long, uninterrupted expanses of façade and encourages smaller commercial spaces which may be more economically viable.
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## 6. Residential Setback

### **MS standard:**

*Only the Town House form in MS has a setback requirement. It also requires units within 25 feet of the primary street to face that street and include an “entry feature.”*

### **Proposal**

- Regardless of building form used, if the allowed portion of street level at any point is an actual dwelling unit, it must be set back from the primary street lot line by at least 7 feet.
    - This number for residential setback is found in both CPV zone district and RiNo Overlay. There it is a tool to create a better public-private transition and improve the pedestrian experience.
  - Any such residential unit on the street level must also have a usable outdoor space in the setback, i.e. patio, porch, or deck, with minimum depth of 5 feet.
  - The qualifying area must protrude from the building façade and cannot be recessed.
  - The 7-foot setback would not apply to a lobby, entryway, etc.—those could enter directly from the street.
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## 7. Allowed Building forms

### **MS standard:**

*Main Street zoning allows four building forms: Drive Thru Services, Drive Thru Restaurant, Town House, and Shopfront.*

### **Proposal**

- Drive Thru Services and Drive Thru Restaurant are not permitted forms.



## 8. Mapping

The areas outlined in blue will be rezoned to MS if MX and overlay will be applied.

