



DESIGN OVERLAY ZONE

DESIGN OVERLAY DISTRICT GOALS

The proposed RiNo Design Overlay Zone will guide the RiNo Art District through the intense development pressure that currently exists and is likely to continue for the foreseeable future. The Design Overlay Zone will ensure that RiNo benefits economically and culturally from the additional density of future development within the existing zoning or potential re-zoning. The Design Overlay Zone does not intend to stifle the creativity and innovation of building typologies that has made RiNo unique. It rather aims to protect the physical fabric of the neighborhood in a way that ensures it remains a welcoming place for artists, residents, and businesses large and small while concurrently encouraging development patterns that responsibly maximizes the long-term economic and social benefit to developers and property owners. The following is not necessarily a comprehensive list of design challenges and solutions, but rather it is a selection of some that have been most commonly identified by the community.

PURPOSE OF THIS DOCUMENT

This document was prepared by the River North (RiNo) Art District to recommend design objectives and tools that could be implemented through future application of a Design Overlay District per Denver Zoning Code Section 9.4.5. These recommendations were developed for RiNo, but they may also be considered for adjacent areas impacted by future zoning changes to allow a higher intensity of development near the new 38th and Blake commuter rail station.

The Art District is working with Councilman Albus Brooks and City staff to gather feedback and draft potential future zoning amendments. The City will work with surrounding neighborhoods regarding possible extension of the zoning overlay to include other areas near the rail station.

BACKGROUND

RiNo supports the significant redevelopment efforts underway throughout the neighborhood, and is fortunate to have a strong cadre of developers deeply committed to values that reflect RiNo's industrial and creative nature while supporting an active and engaging pedestrian environment. However, as interest in developing in the neighborhood grows, RiNo has also experienced an influx of development that neither reflects nor respects RiNo's character today, nor the reality of the demands that will be placed in this increasingly dense district in the future. It is very important to the neighborhood that future development allows opportunities for activation, access to daylight and a healthy public realm space. Additionally, RiNo wishes to continue supporting the growth of artists, creative and small businesses, all of which have made RiNo what it is today. Over the last several years, the RiNo Art District has laid the groundwork for and is continuing to identify what the community's core values are as they relate to future development and design. To date, the RiNo Art District's Urban Improvement Committee has led several neighborhood discussions around design, and more recently further outreach has been conducted with the RiNo Art District Board, the RiNo BID Board and the RiNo GID Board. Additionally, RiNo members and partners were specifically

engaged at the RiNo Annual Breakfast last month. These discussions have led to this conceptual framework for the RiNo Design Overlay. Further discussion to refine these concepts will be required and are planned for the weeks and months ahead.

CRITICAL NEIGHBORHOOD VALUES

This is a preliminary list of values important to the RiNo neighborhood which will be addressed in the RiNo Design Overlay:

- Vibrant Pedestrian Realm
- Flexible Buildings
- Access to Daylight and Public Outdoor Spaces

VIBRANT PEDESTRIAN REALM

One consistent attribute of the most successful cities around the world is a vibrant pedestrian realm. Infrastructure is an important element of a good walking environment, but it only provides the means not the motivation for a truly active pedestrian realm. The motivation lies in the destinations found within walking distance. These destinations should address the needs of the residents. They may be restaurants, galleries, markets, dry cleaners, day care, doctors' offices, places to work, create, and play. RiNo already possesses many strong destinations that are catalyzing pedestrian realm activity. It is important that future development does not displace these businesses and artists, but allows them to grow and mature with the neighborhood. An increase in density brings new customers for RiNo entrepreneurs. One of the primary goals of this design overlay is to ensure that the additional density not only supports the existing artists and business in RiNo, but also provides spaces for a new generation of entrepreneurs to join the community. Additional density in RiNo must provide not only places for people to live and work, but also places for artists and entrepreneurs to thrive and realize the benefits of additional density while supporting new residents by providing goods, services, and culture. In short, these artists and entrepreneurs will provide the destinations for new residents to walk and bike to and will significantly enable the creation of a vibrant pedestrian realm.

The current regulatory environment enables the creation of functional pedestrian facilities, but often allows development to omit the motivating or activating uses. Developments are often allowed to have residential units, without street entries, occupying all of the ground floor that is not required for building circulation. These developments result in long blocks with little or no reason for pedestrians to walk them. The neighborhood is very concerned about these "dead blocks" because they do not support a vibrant pedestrian realm by providing space for businesses and artists on the street. Even more concerning is the strong possibility that as larger developments occur in RiNo, cherished artists, restaurants or entrepreneurs will be displaced without the possibility of relocating in the neighborhood. Based on current zoning requirements and emerging development patterns, this is a very real possibility in RiNo if a design overlay zone or other zoning adjustments are not applied.

Ensuring a vibrant pedestrian realm will also reduce stress on automobile infrastructure in the neighborhood. It is critical to activate the pedestrian realm in RiNo, so that the additional residents

resulting from higher density development will have the choice to shop and utilize services by foot or bike. Future development that does not provide the basic needs of residents within walking distance will encourage or require people to drive more. It is understood that the goods/services/business within each individual development aren't going to provide all the needs of its residents. However, responsible developments that provide space for these uses will create an ecosystem throughout the neighborhood that is a meaningful option other than destinations outside the urban core that can only be reached by car. This ecosystem of local destinations is already growing along the district's primary streets, and will get exponentially stronger with each new development utilizing the criteria in the Design Overlay Zone.

FLEXIBLE BUILDINGS

Overall building form and future functionality can also be impacted by ground floor residential units. The ceiling height for typical residential units is eight to ten feet, while the typical ceiling height for restaurant or retail is 14 to 25 feet. The concern is that buildings with nine foot ceilings on the first floor cannot be converted to other more street friendly uses in the future. Given the investment required for new buildings and the functional importance they have in the urban fabric, building them in a way that prohibits changes in use is a significant concern. The Design Overlay Zone will look at this and other functional aspects of buildings to ensure they offer the flexibility needed to support the neighborhood throughout their lives.

ACCESS TO DAYLIGHT AND PUBLIC OUTDOOR SPACES

Current and potential future zoning allows for taller buildings than much of RiNo has historically contained. This additional density is appropriate given RiNo's proximity to downtown and commuter rail, but an important part of RiNo's experience is its access to daylight, and its views to downtown and the mountains. Upper story setbacks, mass reduction techniques, and the inclusion of public outdoor space all contribute to the overall quality of urban life, and ensure the additional density has benefits for the entire neighborhood.

GUIDING DOCUMENTS TO BE REFERENCED FOR DESIGN OVERLAY ZONE

- Comprehensive Plan 2000
- Blueprint Denver
- City of Denver Zoning Code
- 38th and Blake Station Area Plan
- Northeast Downtown Neighborhoods Plan
- River North Area Plan
- Globeville Neighborhood Plan
- Elyria Swansea Neighborhood Plan

HOW THE DESIGN OVERLAY IS APPLIED

EXISTING BUILDINGS

- I. The Design Overlay will not apply to existing buildings or uses.
 - a. The only consideration is that building modifications or changes in use maintain the existing level of compliance or bring the development closer to compliance. This is true with or without the overlay zone.

NEW DEVELOPMENT

- I. The Design Overlay will apply to all the standard Denver zone districts that it overlays.
- II. Chapter 59 and PUDs are not affected by the overlay unless these properties are rezoned to standard Denver Zoning Code zone districts in the future.
- III. The Overlay boundary is proposed to be the RiNo BID boundary.

DRAFT DESIGN OVERLAY CRITERIA

BUILDING FORM

- I. **General Building Form**
 - a. *Goal: Ensure a vibrant and safe pedestrian environment by prohibiting building forms that are automobile oriented.*
 - i. Only General Building Form in underlying zoning is allowed.
 - ii. C-MX: Drive Thru Services and Restaurant Building Forms are not allowed.
 - iii. I-MX: Industrial Building Form is not allowed. This only affects building form, not use. Industrial uses are allowed, but in new development they will be required to meet the design standards below. This is consistent with many existing industrial uses currently found in the neighborhood.

HEIGHT (Defined by underlying zoning)

SITING

- I. **Build-To**
 - a. *Goal: To ensure a vibrant and safe pedestrian environment by allowing a visual or physical expansion of the pedestrian realm.*
 - i. Required Build-To for Primary Streets: 70%.
 1. Residential Min. 7' / Max 20'.
 2. All others Min. 0' / Max 15'.
 3. Exceptions defined by underlying zoning.
 4. Apply C-MX Alternatives to underlying zoning.
- II. **Setbacks**
 - a. *Goals: To ensure a vibrant and safe pedestrian experience. To expand the public realm and create an appropriate transition to the private residential entries.*
 - i. At street level residential uses = 7'. Allowed setback encroachments in this situation include a front porch, front stoop, front terrace, and canopy.
 - ii. Otherwise defined by underlying zoning.
 - iii. The 7' Setback is open to the sky.
 - iv. The 7' Setback counts towards the Volumetric Mass Reduction.

III. Parking

- a. *Goal: To ensure a vibrant and safe pedestrian experience by reducing surface parking and ensuring an appropriate streetscape when surface parking is needed.*
 - i. Surface parking between building and Primary Street / Side Street is not allowed.
 - ii. Surface Parking Streetscape: Street trees required on all frontages for all proposed new parking areas. Screening wall or device is required.
 - iii. Vehicle Access: Not allowed from Primary Street.
 - 1. Exception: Vehicle access is allowed on the primary street if it is the only feasible access point.

DESIGN ELEMENTS

I. Building Configuration

- a. Upper Story Setbacks adjacent to Protected Districts are defined by underlying zoning.
- b. Volumetric Mass Reduction
 - i. *Goal: To establish a comfortable pedestrian scale, and expand street level access to daylight and reduce the visual impact of large development in a way that allows for architectural creativity. To encourage the creation of publicly accessible space on the street.*
 - 1. Measurement:
 - a. The reduction percentage is(are) the void(s) between the face of the building on all streets and the building envelope as defined by the maximum allowed building height and the zone lot line.
 - b. 60% of the mass reduction must occur on building facades facing primary and secondary streets.
 - c. 40% of the mass reduction must be visible from the primary street, but does not need to be on the building facade facing the primary street. For example, the void stretching between the primary street and the alley between two towers (on one zone lot) can count for 40% of the total mass reduction even though it is mostly perpendicular to the primary street.
 - d. Mass reduction within the zone lot and on the base plane must be publicly accessible open space. Parking is prohibited.
 - 2. Requirements
 - a. 10% Volumetric Mass Reduction where zone lot size is greater than 18,750 sq. ft. (125' by 150') and 3 stories or 45'.
 - i. The Volumetric Mass Reduction must begin between the base plane and 46' building height.
 - b. 20% Volumetric Mass Reduction where zone lot size is greater than 18,750 sq. ft. (125' by 150') and 8 stories or 110'.
 - i. The Volumetric Mass Reduction must begin between the base plane and 111' building height.

- c. The Volumetric Mass Reductions are cumulative. A building of 8 stories or 110' needs to have 10% mass reduction. A building of 9 or more stories needs to have an additional 20% of mass reduction, or 30% total.
 - c. First Floor Ceiling Height
 - i. *Goal: To ensure street level building spaces have an appropriate scale in relationship to the pedestrian realm and can be adapted to many future uses.*
 - 1. Minimum height from base plane to second floor (floor to floor) is 16' for 100% of the required build-to.
 - d. Structured Parking
 - i. *Goal: To ensure a vibrant and safe pedestrian experience by reducing visible structured parking at street level or above.*
 - 1. No Visible Parking at or Above Street Level for 70% of the Primary Street zone lot width.
 - a. Structured parking above street level must be screened or wrapped by any primary use.
 - b. Street level structured parking must be wrapped by any primary use except parking spaces or parking aisles for a minimum depth of 15' (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

II. Street Level Activation

- a. Transparency
 - i. *Goal: To ensure a vibrant and safe pedestrian experience by creating a visual relationship between the streetscape and building interiors or by creating visual interest.*
 - 1. Primary Street 50% / Side Street 40%.
 - 2. Allowed Alternatives:
 - 3. Primary Street/Side Street:
 - a. Permanent Art (including painted murals) = 50%
 - b. Permanent Outdoor Eating / Serving Areas = 50%
 - c. Roll-up / garage doors and folding wall systems consisting of transparent materials and only used for non-automotive purposes = 50%
 - d. Wall Design Elements = 50%
 - e. Max Combination of Alternatives = 80%
- b. Pedestrian Access
 - i. *Goal: To ensure a vibrant and safe pedestrian experience by adding doors on the street.*
 - 1. Pedestrian Access for street level residential or live/work units = one entrance per unit for Primary Street / Side Street. All other conditions defined by underlying zoning.

STREET LEVEL ACTIVE USES

I.

- a. *Goal: To ensure a vibrant and safe pedestrian experience by defining uses that encourage street activity.*
 - i. Require Street Level Active Use for 50% of primary street where zone lot size is 18,750 sf (125' by 150') or larger.
 - ii. Active Use must occur at a minimum depth of 15' (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).
 - iii. Expand Street Level Active Use Exceptions (uses not allowed):
 1. Household Living
 - a. Single Unit Dwelling
 - b. Two Unit Dwelling
 - c. Multi-Unit Dwelling
 2. Civic Public & Institutional Primary Use:
 - a. Major Impact Utility
 - b. Minor Impact Utility
 - c. Postal Processing Center
 3. Commercial Sales, Services, & Repair Primary Use:
 - a. Parking Garage
 4. Industrial, Manufacturing & Wholesale Primary Use
 - a. Antennas Not Attached to a Tower
 - b. Telecommunication Tower
 - c. Telecommunications Tower – Alternative Structure
 - d. Telecommunications Facilities – All Others
 - e. Helipad, Helistop, Heliport
 - f. Railroad Right-of-Way
 - g. Mini Storage Facility
 - h. Wholesale Trade or Storage, Light
 5. Accessory to Primary Residential Uses:
 - a. All Specific Use Types
 - b. Including:
 - i. Apartment/condo building rental/sales office
 - ii. Resident only fitness center
 - iii. Resident only business center
 6. Home Occupations Accessory to Primary Residential Uses:
 - a. All Specific Use Types
 7. Accessory to Primary Nonresidential Uses:
 - a. Keeping of Animals
 - b. Outdoor Storage, General
 - c. Outdoor Storage, Limited

DEFINITIONS

I. Primary Streets

- a. In addition to the current standards, the Platte River or streets directly adjacent to and parallel to the river will be designated Primary Streets.

PARKING

I. Station Area (within 1/2 mile of the station platform)

- a. No minimum parking requirement