

Arts District Permitted Uses 2020

LAND USE GROUP	LAND USE CATEGORY								
	R [3] [4]	RM [3][4]	MC [1][3]	MM [1][3]	MO [1][3]	MCS [1][3]	MCI [1][3]	ID	I
Residential Uses:									
Single-Family:	P	P							
Duplex:	P	P							
Multi-Family Apartments:	P [18]	P	P [2]	P	P [2]	P [2]	P [2]	P [5] [2]	
Live/Work Units:							P [17]	P [17]	
Civic Uses:	P	P	P	P	P	P	P	P	P
Religious Facilities:	P	P	P	P	P	P	P	P	P
Schools (K—12):	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]
Hospitals:			SE	SE	SE	SE	SE		SE
Group Residential Home:	P [6]	P [6]	P [6]	P [6]	P [6]	P [6]	P [6]		
Health Care Services:	SE	SE	P	P	P	P	P	P	

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General Retail/Personal Service			P [8]	P [8]	P [8]	P [8]	P [8]	P [8]	
Establishments:									
Liquor Package Stores:			P [11]	P [11]	P [11]	P [11]	P [11]		
Automotive Uses:						P	P	P	
Gas/Service Stations:			P [10] [19]			P [10]	P [10]	P [10]	
Professional Business Offices:			P	P	P	P	P	P	
Industrial Uses:							P	P	
Colleges and Universities:			P	P	P	P	P		P
Entertainment Uses:			P [16]	P [16]	P [16]	P [16]	P [16]	P [16]	
Accommodation Uses:		P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	P [12]	
Child Care Facilities:	P [15]	P [15]	P	P	P	P	P		P

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Food/Beverage Establishments:			P [13]	P [13]	P [13]	P [13]	P [13]	P [13]	
Drive-Through Facilities:			P [9]	P [9]	P [9]	P [9]	P [9]	P [9]	
Commercial Parking			P [14]	P [14]	P [14]	P [14]	P [14]		
Garage:									

P:

Permitted Use, although specific uses may require approval as special exception

SE:

Special Exception - only permitted if approved upon public hearing

[#]:

Footnote (as provided below)

Footnotes:

1.

The vertical integration of uses shall be required in the MM category and shall be encouraged in the MC, MO, MCS, and MCI categories. When residential uses are provided in the MM category, uses other than residential shall be required on the first floor. Self-service mini-warehouse storage facilities located in the MCS and MCI categories shall only be permitted upon approval at public hearing and when vertically integrated with, screened by, or located to the rear of habitable space, as defined in [Section 33-284.82](#), and shall only be established in accordance with the conditions set forth in [Section 33-255](#). In addition, no such facility shall be located less than 2,500 feet from any other such facility, measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use. The aforementioned requirements shall also apply to self-service mini-warehouse storage facilities located in the Downtown Kendall Urban Center District (Article XXXIII(I)) and the Palmer Lake Metropolitan Urban Center District (Article XXXIII(T)).

2.

Residential uses shall be permitted in noted categories, either alone or when vertically integrated with other lawful uses; except that developments with more than fifty (50) residential units shall provide a minimum of ten (10) square feet of retail space for each residential unit.

3.

Accessory structures shall be permitted as ancillary to the noted uses.

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4.

For single-family homes in the R and RM categories, an accessory building may be used as a dwelling unit only if: (a) it contains a maximum of six hundred (600) square feet of habitable space; and (b) it is maintained under the same ownership as the single family home.

5.

The following limited residential uses shall be permitted in the ID category when fronting an "A" Street and when buffered from an industrial use by a street, a service road, or a live-work unit:

a.

In the Edge Sub-district, the residential uses permitted in the R category at a minimum density of six (6) dwelling units per net acre and a maximum density of eighteen (18) dwelling units per net acre.

b.

In the Center Sub-district, the residential uses permitted in the RM category at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty-six (36) units per net acre.

6.

In the R category, group residential homes shall meet the requirements outlined in [Section 33-199](#)(10) of this chapter. In the RM, MC, MM, MO, MCS, and MCI categories, group residential homes shall meet the following requirements:

a.

Three (3) occupants shall be deemed to be one (1) dwelling unit, and the maximum number of dwelling units allowed shall be equal to the permitted residential density.

b.

The proposed group residential home shall not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned, legally established group residential home. The 1,200-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

7.

Schools shall be subject to the requirements of Article XA or XI of this chapter, as applicable; except that non-public educational facilities shall provide recreation areas in accordance with [Section 33-284.86](#)(D)(2) of this article. Where conflicts exist, the provisions of this article shall apply.

8.

General retail and personal service establishment shall be limited to forty thousand (40,000) square feet of ground floor area; a greater ground floor area for such uses shall only be permitted if approved as a special exception.

a.

Indoor pet kennels shall be permitted subject to the following conditions: (i) all kennel buildings shall be soundproofed and air-conditioned; (ii) where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours; (iii) where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall; (iv) an administrative site plan review (ASPR) shall be required, and the site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.

b.

Vehicle Retail Showrooms shall only be permitted in accordance with the conditions set forth in [Section 33-253](#)(9.5) of this chapter.

c.

The following uses shall only be permitted if approved as special exceptions: on-site storage of vehicles; and outdoor pet kennels subject to the conditions set forth in [Section 33-255](#)(9.1) of this chapter, except that ASPR shall not be required if a site plan is approved upon public hearing.

9.

Drive-through facilities shall be permitted in all Sub-districts, provided that such facilities are concealed from streets by buildings or walls. Said walls shall be six (6) feet in height (except that in the ID category, walls shall be eight (8) feet in height) and shall be placed at the build-to line.

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10.

Gas/Service stations shall:

a.

Be permitted, subject to the Building Placement Standards set forth in [section 33-284.85](#): in the MCS category in all Sub-districts; in the MCI and Industrial (ID) categories in the Center and Edge Sub-districts; and in the MC category, subject to the requirements set forth in footnote 19; and

b.

Be exempt from the minimum height requirements.

11.

Liquor package stores shall be permitted only in the Core and Center Sub-district and only in compliance with Article X of this chapter and all other applicable regulations of this Code.

12.

In the RM category, accommodation uses shall be permitted only in conjunction with an owner-occupied residence; the total number of units shall not exceed the density permitted by the land use designation. In the MM, MC, MO, MCS, MCI, and ID categories, hotel/motel uses shall not exceed seventy-five (75) units per net acre or the maximum density permitted by the land use category, whichever is greater. For all density calculations required by this subsection, one hotel room shall equal one dwelling unit.

13.

Outdoor table service and outside walk-up window service in conjunction with restaurants and coffee houses may be provided subject to the following requirements:

a.

The restaurant furniture located on the sidewalk shall maintain a minimum five (5) foot wide obstacle-free corridor for pedestrian circulation along the sidewalk.

b.

Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.

14.

Commercial parking garages shall meet the requirements of [Section 33-284.86](#)(F)(6) of this article.

15.

In the R and RM categories, child care uses shall be subject to the requirements for such uses in the RU-1 District, as set forth in [Section 33-199](#) of this chapter, except that the total number of children may exceed five (5) if approved as a special exception.

16.

Adult entertainment uses, as defined in [Section 33-259.1](#) of this chapter, shall be prohibited in all land use categories except MCI and ID. In the MCI and ID categories, such adult entertainment uses shall only be permitted if approved as special exceptions.

17.

Only the following uses shall be permitted in connection with a residence in a live-work unit in the MCI and ID land use categories:

a.

Antique shops.

b.

Art goods stores, artist studios, galleries.

c.

Artisanal use.

d.

Bait and tackle shops.

e.

Bakeries.

f.

Cabinet shops.

g.

Dance studios.

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- h.
Dry cleaning and dyeing establishments.
- i.
Engines, sales and service.
- j.
Glass installation.
- k.
Health and exercise clubs.
- l.
Interior design shops.
- m.
Leather goods manufacturing, excluding tanning.
- n.
Locksmith shops, sharpening and grinding shops.
- o.
Mail order office, including storage of products.
- p.
Office uses.
- q.
Photography labs.
- r.
Pottery shops.
- s.
Printing shops.
- t.
Restaurants, excluding drive-through service.
- u.
Secondhand stores.
- v.
Shoe stores and shoe repair shops.
- w.
Upholstery and furniture shops.
- x.
Wholesale salesrooms.
- y.
Other similar uses as determined by the Director.

18.

In the Residential (R) area, multi-family apartments are permitted provided that all of the following requirements are met:

- a.
Developments abutting single-family, rowhouse, or duplex structures or lots shall provide a buffer from proposed multi-family buildings with single-family, rowhouse, or duplex units; and
- b.
The overall density does not exceed that allowed on the density regulating plan; and
- c.
The building height conforms with the building heights regulating plan; and
- d.
The multi-family buildings conform with the Rowhouse/Multi-family building placement standard; and
- e.
Curbs and gutters are provided along all streets.

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19.

Gas/Service Station in the MC Category shall:

a.

Be located no closer than within 0.5 miles of the center point of an Urban Center as designated on the CDMP Land Use Plan Map;

b.

Have a maximum lot size of 1.25 acres;

c.

Have a maximum of 6 gas pump islands (equivalent to a total of 12 fueling positions);

d.

Have a maximum size of principal structure, including fresh food area, of 3,500 square feet;

e.

Have a minimum of 15 percent of the principal structure consist of a fresh food area, meaning an area for the sale and service of perishable food, such as coffee, fruit, salad, sandwiches, or pizza; and

f.

Have a continuous, pedestrian-friendly walkway in front of the principal structure and along all roadways and driveways, established by decorative concrete, landscape elements, or similar, integrated landscape and hardscape elements that define and shape the pedestrian area.

(Ord. No. 05-143, § 3, 7-7-05; Ord. No. 07-93, § 2, 7-10-07; Ord. No. 08-102, § 1, 9-2-08; Ord. No. 12-86, § 2, 10-2-12; Ord. No. 13-82, § 3, 9-17-13; Ord. No. 16-67, § 5, 7-6-16; Ord. No. 17-46, § 1, 7-6-17; Ord. No. 18-02, § 1, 1-23-18; Ord. No. 18-136, § 5, 11-8-18)