

DIVISION 3. R-3, R-3-X, R-4 and R-4-X DISTRICTS

Sec. 59-131. Generally.

The provisions of this division apply to all lands, uses and structures in the R-3, R-3-X, R-4 and R-4-X districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-132. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, conditional, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in any of these districts. Uses left blank are not allowed in that district. Permitted uses are uses by right.

<p><i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>C = Uses permitted with conditions</i> <i>SR = Uses permitted after special review</i> <i>* = Need not be enclosed</i> <i>(blank) = Not permitted</i></p>	<i>Zone District</i>			
<i>Use</i>	<i>R-3-X</i>	<i>R-3</i>	<i>R-4</i>	<i>R-4-X</i>
Residential				
Assisted living facility	SR	SR	SR	SR
Dwelling, multiple unit	P	P	P	P
Dwelling, single unit	P	P	P	P
Nursing home, hospice	SR	SR	SR	C
Residence for older adults	P	P	P	P
Residential, institutional/special	L13	P	L13	L13
Rooming and/or boarding house		P	P	P
Retail, service, office				
Animal sales, service, care, household pets only				L36/C
Banking and financial services			P	P
Bed and breakfast			P	P
Bookstore			L37	L37/C
Eating place				L1/C
Food sales or market, small				C
Hotel		L60	P	P
Motel			P	P
Office: nondental, nonmedical			L63	L63
Printing service, publishing, business support				C/L67

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<i>Use</i>	<i>R-3-X</i>	<i>R-3</i>	<i>R-4</i>	<i>R-4-X</i>
Retail, service, repair, consumer, small scale			L74	L74/C/L75
Industrial, wholesale, transportation, utilities				
Helipad, helistop, heliport*	L98	L98	L98	L98
Parking of vehicles*	L104	L105	L105	C
Railway right-of-way*	P	P	P	P
Terminal, public transportation, local*	P	P	P	P
Utility, major impact		L115*	L115*	L115*
Utility, minor impact	P	P	P	P
Arts, entertainment, recreation, institutions				
Child care center	P	P	P	P
Church, religious institution	P	P	P	P
Clinic, office, laboratory, dental or medical			L133/C	P
Club or lodge		L136	P	P
Community or senior center or recreational facility		P	P	P
Fire station	P	P	P	P
Library	P	P	P	P
Mortuary			P	P
Museums, other special purpose cultural institutions	L141	L141	L141	L141
Parks, public, open space, associated buildings*	P	P	P	P
Police station	P	P	P	P
Postal facility, neighborhood			P	P
Recreation services, indoor			L144	L144/C
School, elementary or secondary	P	P	L153	L153
School, vocational or professional			L154	L154
Studio, professional			P	P
Theater, indoor			L161	L161
University or college		L163	L163	L163
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)				

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	<i>R-3-X</i>	<i>R-3</i>	<i>R-4</i>	<i>R-4-X</i>
<i>Use</i>				
Construction, temporary structures (See § 59-81)				
Residential care uses (See § 59-82)				
Uses allowed by temporary permit (See § 59-86)				
Accessory uses (See § 59-87)				
Home occupations (See § 59-89)				

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 228-05, § 3, eff. 4-15-05; Ord. No. 340-06, § 8, eff. 6-9-06; Ord. No. 836-06, § 3, eff. 12-26-06; Ord. No. 57-09, § 4, eff. 1-30-09)

Sec. 59-133. Limitations.

The following define the limitations enumerated in the use chart in section 59-132:

L1 Eating place: providing that upon application to and issuance by the department of zoning administration of a permit therefor the aforesaid use need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat provided further that:

- a. If such an outdoor eating area is fifty (50) feet or more from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 districts, it shall be subject to the following conditions:
 - 1. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
 - 2. The outdoor eating area shall be clearly delimited by fences, walls or plant materials.
 - 3. No required off-street parking spaces shall be used for the outdoor eating area.
 - 4. Where the outdoor eating area lies between fifty (50) and one hundred (100) feet of any of the residential districts listed above the use of the outdoor eating area and all activities therein shall cease by 10:00 p.m. except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.;
 - 5. Each permit shall be valid for a period of not more than one (1) year but, upon application, may be renewed. Failure to comply with all of the above conditions shall be cause for revocation of the permit.

- b. If such an outdoor eating area is less than fifty (50) feet from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 district, it shall be subject to the approval of the board of adjustment under the provisions of section 59-54(3)u.

(Ord. No. 228-05, § 4, eff. 4-15-05)

L13 In the R-3 district, limited to parish house. In the R-3-X district, limited to parish house and consular residence. In the R-4 and R-4-X districts, limited to parish house, monastery, convent or similar institution of religious training.

L36 The use must be completely enclosed and the facilities must be constructed, maintained and operated at all times so that neither sound nor smell of any animals boarded or kept on the premises can be discerned off of the zone lot, or in other units of the building in which the use is situated.

(Ord. No. 836-06, § 4, eff. 12-26-06)

L37 Limited to reading room except that in the R-4-X district a bookstore is a conditional use.

L60 Limited to hostel.

L63 Any office in which chattels or goods, wares or merchandise are not commercially created, displayed, exchanged or sold.

L67 Limited to blueprinting, desktop publishing or print shop, conditional use.

L74 Use by right limited to: art gallery; apothecary (limited to sale of pharmaceuticals and medical supplies); hearing aid store; optical goods store/optician; orthopedic and prosthetic devices and appliances fabrication, repair and sale, limited to prescription work only.

L75 Conditional uses: apparel and accessories store; barber or beauty shop; camera, photographic supply and photo processing store; drugstore, retail sales only; dry cleaner or laundry, collection and distribution station only; floral shop, retail sales only; furniture, office furniture, household furnishings, home electronics and appliance store; hardware store; health studio; jewelry, retail sales only; music, musical instruments and recorded music store; paint and wallpaper store; specialty store; sporting goods store; tobacco store; variety store.

L98 Limited to landing and take off area for police rotorcraft, not including maintenance, repair, fueling or hangar facilities.

L104 Parking of vehicles; need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking space, and provided that such use shall comply with all specifications for maintenance hereinafter required for off-street parking space and provided such use shall comply with the district setback requirements for structures.

L105 Limited to parking of vehicles, only to serve any other use by right permitted in the district, need not be enclosed and provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off street parking space. Also includes parking of vehicles for historic

structures when the board of adjustment has granted an exception under section 59-54(3)f; provided that such parking shall comply with the provisions of section 59-587 on special plan for location of off-street parking space, regardless of whether the parking is required or in addition to the required amount.

L115 Limited to water reservoir, need not be enclosed.

L133 Clinic or office, dental or medical; provided, however, that such use which expands to create a gross floor area exceeding ten thousand (10,000) square feet shall be subject to the neighborhood notification and special review process as outlined in section 59-134(2) for nursing homes. Any such use which contains a gross floor area in excess of ten thousand (10,000) square feet and which exists at the time of adoption of this subject section shall be considered to be a legal, conforming use. Additions to such existing facilities need not comply with the notification and review procedure. This limitation does not apply to rehabilitation center for handicapped persons.

L136 Limited to a lodge for a religious or quasi-religious order; private and operated for the benefit of members and not for gain.

L141 Limited to art museum, public.

L144 Limited to fitness center offering classes only in aerobic and other forms of dance exercise, but not including a commercial gymnasium. In the R-4-X district only, health studio is a conditional use. Health studio is not permitted in the R-4 district.

L153 Meeting all requirements of the compulsory education laws of the state and not providing residential accommodations.

L154 Any school not permitting the use of machinery; other than office machines and mechanical or machinery parts of household appliances used for instruction of or practice by the student. Repair as a service or the sale of repaired appliances prohibited. Classes or other school activities not permitted after 11:00 p.m.

L161 Limited to theater, studio.

L163 Limited to university or college which furnishes residential accommodations to at least twenty (20) percent of its student body or fifty (50) students, whichever is less. (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 340-06, § 9, eff. 6-9-06)

Sec. 59-134. Conditional uses in the R-4-X district, special review of nursing homes, hospices and assisted living facilities in all these districts.

The following define the conditional uses enumerated and special reviews required in the use chart in section 59-132:

- (1) Neighborhood service uses. The following uses may be operated as conditional uses in the R-4-X district, provided that each such use is located on the ground floor of a building of two (2) or more floors that contains a use by right; does not have surface parking spaces located between the building and any public street; occupies no more than five thousand (5,000) square feet of gross floor area; does not create adverse

traffic impacts on the surrounding neighborhood, and does not operate during business hours that inconvenience the surrounding neighborhood, and meets any limitations of section 59-133:

- a. Animal sales, service, care, household pets only;
- b. Bookstore;
- c. Eating place;
- d. Food sales or market, small;
- e. Printing service, publishing, business support;
- f. Recreation services, indoor;
- g. Retail, service, repair, consumer, small scale;
- h. Or any other similar use not in this list.

Notwithstanding the limitation of five thousand (5,000) square feet of gross floor area, separate proposals for each conditional use not exceeding ten thousand (10,000) square feet of gross floor area may be allowed subject to the criteria listed above and provided the provisions of section 59-41(b) are followed.

(Ord. No. 895-03, § 20, eff. 12-2-03; Ord. No. 468-05, § 11, eff. 7-15-05)

- (2) In the R-3, R-3-X, R-4, and R-4-X, nursing homes, hospices and assisted living facilities shall be permitted subject to the criteria listed below and provided the provisions of section 59-41(b) are followed.

The zoning administrator shall determine if the proposed use will generate any traffic problems, will create any undue concentration of nursing homes, hospices or assisted living facilities or will in any way be incompatible with adjoining uses. The zoning administrator may approve the application, providing a finding is made that the proposed use will not adversely affect the appropriate use of adjacent property or create an undue concentration of such uses within a specific neighborhood area. Nursing homes, hospices existing on March 7, 1994 shall be considered to be legal, conforming uses. Additions to nursing homes need not comply with this section.

(Ord. No. 468-05, § 12, eff. 7-15-05; Ord. No. 57-09, § 6, eff. 1-30-09)

- (3) Parking of vehicles, need not be enclosed, in the R-4-X district. Surface parking lots and structures may be allowed only as conditional uses, and shall only be approved provided that:
 - a. Such lot or structure serves a specific, identified business or residential facility that is a use by right or conditional use then permitted and operating in the R-4-X district.
 - b. Any parking lot or structure that is not located on the same zone lot as the use it serves, and that provides amounts of parking beyond those required to meet the minimum off-street parking requirements for such use pursuant to chapter 59, article VI of the Revised Municipal Code:
 1. Shall have some portion of such parking lot or structure located within two hundred (200) feet of the zone lot containing the use it serves; and

2. Shall not be separated from the use it serves by an intervening zone lot with a residential use; and
 3. Shall not offer parking to the public in return for a fee; and
 4. Shall include signage stating that parking is available only for the specific, identified business or residential facility that it serves and that public parking is not permitted.
- (4) In the R-4-X, any parking lot or structure that is not located on the same zone lot as the use it serves, and that provides parking to nonresidential uses in amounts beyond those required to meet the minimum off-street parking requirements for such use pursuant to chapter 59, article VI of the Revised Municipal Code, shall not be located on any zone lot that contains a residential structure on January 1, 1994.
- (Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-135. Limitations on external effects of uses.

External effects of uses, as regulated by section 59-92.
 (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 57-09, § 5, eff. 1-30-09)

Sec. 59-136. Permitted structures.

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use or uses by right and a subordinate structure or structures containing only accessory uses; provided, however, that in the R-3, R-4, and R-4-X districts only, one (1) subordinate structure containing more than one (1) habitable story and which structure was erected prior to November 8, 1956, as a carriage house, may be used in its entirety as a single unit dwelling. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

- (1) In the R-3, R-4 and R-4-X districts the zone lot for each structure designed or used either wholly or partly for residential occupancy shall be not less than fifty (50) feet wide at the front setback line for structures and shall contain not less than six thousand (6,000) square feet provided, however, that on a zone lot for a structure used as a single unit dwelling, the minimum width may be reduced to thirty-seven (37) feet and/or the requirement as to minimum size may be waived altogether on a zone lot adjoined on both sides by zone lots with structures thereon or on a zone lot adjoined on one (1) side by a street and on the other side by a zone lot with a structure or structures thereon.
- (2) In the R-3-X district: the zone lot for each structure designed or used, either wholly or partly, for residential occupancy shall be not less than one hundred (100) feet wide at the front setback line for structures and shall contain no less than twelve thousand (12,000) square feet; provided, however, that the minimum width may be reduced to

fifty (50) feet wide at the front setback line and the minimum lot area may be reduced to six thousand (6,000) on a zone lot for a structure containing not more than three (3) dwelling units, if such zone lot is adjoined on both sides by zone lots with structures thereon or adjoined on one (1) side by a street and on the other side by a zone lot with a structure or structures thereon.

(b) *Open space requirements.* The zone lot for the following structures shall provide at least the following amounts of unobstructed open space which shall not include space provided for off-street parking:

- (1) In the R-3 district:
 - a. Each residential structure of one (1) to three (3) habitable stories, twenty (20) percent of the area of the zone lot;
 - b. Each residential structure of four (4) or more habitable stories, thirty (30) percent of the area of the zone lot.
 - c. Unobstructed open space may be located on the ground and on roof decks having an average height of not more than six (6) feet above grade and shall be utilized only for landscaping and/or recreational facilities.
- (2) In the R-3-X district for each structure designed, used or occupied there shall be provided a minimum of thirty (30) percent of the area of the zone lot for unobstructed open space; such unobstructed open space may be located on the ground or on safe usable roofs.
- (3) In the R-4 district, if more than fifty (50) percent of the gross floor area of the structure is designated for permanent (not transient) residential occupancy, then the provisions of (b)(1), above, apply.

- (4) In the R-4-X district each zone lot shall provide at least fifteen (15) percent of the zone lot in unobstructed open space. Unobstructed open space may be located on the ground and on roof decks having an average height of not more than six (6) feet above grade and shall be utilized only for landscaping and/or recreational facilities.

(c) *Location of structures.* Except as otherwise hereinafter provided, the space resulting from the following setbacks shall be open and unobstructed:

(1) *Front setback.*

- a. In the R-3, R-3-X and R-4 districts. All structures shall be set in a distance of not less than ten (10) feet from each front line of the zone lot; provided, however, that in the R-3 and R-4 districts, that on the two (2) shorter dimensions of any block oblong in shape, the front setback may be reduced to five (5) feet for structures which face on either longer dimension; and provided further, in both districts, that detached accessory structures, except those detached accessory structures used as garages or for recreational or outdoor cooking and eating purposes or, in the R-3 and R-4 districts, gas-fired incinerators, shall be set in a sufficient distance from each front line of the zone lot so that such structures are located only on the rear one-fourth of interior zone lots and on corner zone lots are located only on the rear part of the zone lot which is adjacent to and corresponding with the rear one-fourth of abutting interior zone lots and no closer to the side street right-of-way than thirty (30) feet or one-half the dimensions of the corner zone lot, measured perpendicularly from the side street right-of-way, whichever distance is greater. The space resulting from the foregoing setbacks shall be used for landscaping and access ways to the use by right but shall not be used for the parking of vehicles.
- b. In the R-4-X district. Front setback shall be from 0 to 10 feet as determined by section 59-141.

(2) *Rear setback.*

- a. In the R-3 and R-4 districts if no alley abuts the rear line of the zone lot, all detached accessory structures and fixtures shall be set in a distance of not less than five (5) feet and all other structures shall be set in a distance of not less than twenty (20) feet from each rear line of the zone lot. If an alley abuts the rear line of the zone lot, detached garages and carports opening directly on the alley shall be set in a distance of not less than five (5) feet from the alley line; detached accessory structures (including garages and carports which do not open directly on the alley) and fixtures for the disposal of trash and garbage may be located on the alley line and all other structures shall be set in a distance of not less than twenty (20) feet from the center line of the abutting alley; provided, however, that if a zone lot has more than one (1) rear line by reason of abutting alleys, the aforesaid setbacks shall be required from only one (1) rear line and the other rear line or lines shall, for the purposes of setbacks, be deemed side lines of the zone lot. Whether or not an alley abuts the rear line of the zone lot, electric

substations, gas regulator stations and utility pumping stations which do not have a rear entrance may be located on the rear line of the zone lot; if such structures do have a rear entrance they shall be set in a distance of not less than five (5) feet from the rear line of the zone lot.

- b. In the R-3-X and R-4-X districts all structures shall be set in a distance of five (5) feet from the rear line of the zone lot.

(3) *Side setback in the R-3 and R-4 districts:*

- a. On zone lots less than thirty (30) feet in width, all structures, except detached garages or carports as set forth in subsection (b)(3)c., hereof, shall be set in a distance of not less than three (3) feet from each side line of the zone lot.
- b. On zone lots thirty (30) or more feet in width, electric substations, gas regulator stations, single unit dwellings and multiple unit dwellings containing not more than two (2) dwelling units shall be set in a distance of not less than five (5) feet and all other structures, except detached garages or carports as set forth in subsection (b)(3)c., hereof, shall be set in a distance of not less than seven (7) feet and six (6) inches from each side line of the zone lot.
- c. Regardless of the width of the zone lot, detached garages or carports need not be set in from any side line of the zone lot if such garages or carports meet the following conditions:
 - 1. On zone lots one hundred twenty-five (125) or less feet in depth, are located in their entirety on the rear one-third of the zone lot and no part of such structures is more than forty (40) feet from the rear line of the zone lot;
 - 2. On zone lots more than one hundred twenty-five (125) feet in depth, are located in their entirety on the rear one-third of the zone lot and no part of such structures is less than eighty-five (85) feet from one (1) or more front lines of the zone lot.
- d. The space resulting from the foregoing setbacks shall be used for landscaping and access ways but shall not be used for the parking of vehicles; provided, however, if the distance from the building to the side line of the zone lot measures twenty-one (21) feet or more, that setback space may be used for the parking of vehicles.

- (4) *Side setback in the R-4-X district.* All structures shall be set in a distance of five (5) feet from any side line of the zone lot.

(5) *Permitted encroachments on setback space, except R-4-X district:*

- a. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
- b. Cornices, eaves and gutters may project three (3) feet into front setback space. In the R-3 and R-4 districts, cornices, eaves and gutters may project five (5) feet into

rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width, then such projection shall not exceed one-half the width of the side setback space.

- c. Outside stairways may project five (5) feet into front setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure. In the R-3 and R-4 districts, outside stairways may project ten (10) feet into rear setback space and three (3) feet into side setback space.
- d. Unwalled porches, terraces and balconies may extend five (5) feet into front and, in the R-3 and R-4 districts, rear setback spaces.
- e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, and, in the R-3 and R-4 districts, rear and side setback spaces.
- f. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, and, in the R-3 and R-4 districts, ten (10) feet into rear setback space and three (3) feet into side setback space.
- g. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into the front setback space in the R-3-X district and may project any distance into any setback space in the R-3 and R-4 districts.
- h. Canopies may project any distance into the front setback space.
- i. Any structure or part thereof which is below the grade of any front setback space in the R-3-X district, or any setback space in the R-3 and R-4 districts, may project any distance into such setback space.
- j. Gas and electric meters may project three (3) feet into any setback space if screened on all sides by a masonry wall. Utility pedestals, transformers or other similar equipment may be installed in any setback providing they do not exceed a height of three (3) feet.
- k. In the R-3 and R-4 districts, basketball goals on a fixed post may project any distance into the setback spaces.
- l. Ground mounted evaporative coolers may project three (3) feet into side setback space; provided:
 1. The equipment is located behind the front of the residential structure and screened from adjacent properties and public rights-of-way; and
 2. The noise standards of section 36-6 of the Denver Revised Municipal Code are not exceeded.

(Ord. No. 695-07, § 9, eff. 11-30-07)

- m. Flush mounted solar panels may encroach any distance into the setback space. subsection 59-136(c)(6).
(Ord. No. 53-08, § 12, eff. 2-8-08)

(6) *Permitted encroachments on setback space, R-4-X district:*

<i>Architectural feature</i>	<i>Permitted encroachment into side setback</i>	<i>Permitted encroachment into rear setback</i>
1. Belt courses, sills, lintels, and pilasters	18 inches	18 inches
2. Cornices, eaves and gutters	5 feet	5 feet
3. Outside stairways	5 feet	3 feet
4. Access ramps for the hand-icapped	May encroach into any re-quired building setback space, providing no alternative loca-tion is available and providing the ramp construction is com-patible with the character of the structure	May encroach into any re-quired building setback space, providing no alternative loca-tion is available and providing the ramp construction is com-patible with the character of the structure
5. Unwalled porches, terraces and balconies	5 feet	5 feet
6. Chimneys not to exceed six (6) feet in width	18 inches	18 inches
7. Building accessories de-signed and intended to control light entering a building and being a permanent part of such building	5 feet	5 feet
8. Building accessories de-signed and intended to control light entering a building and not being a permanent part of such building, by being remov-able therefrom and by not be-ing attached to a loadbearing member thereof	May project any distance into any setback space.	May project any distance into any setback space.
9. Any structure or part thereof which is below the grade of any setback space	May project any distance into any setback space.	May project any distance into any setback space.
10. Gas and electric meters if screened on all sides by a ma-sonry wall	3 feet	3 feet

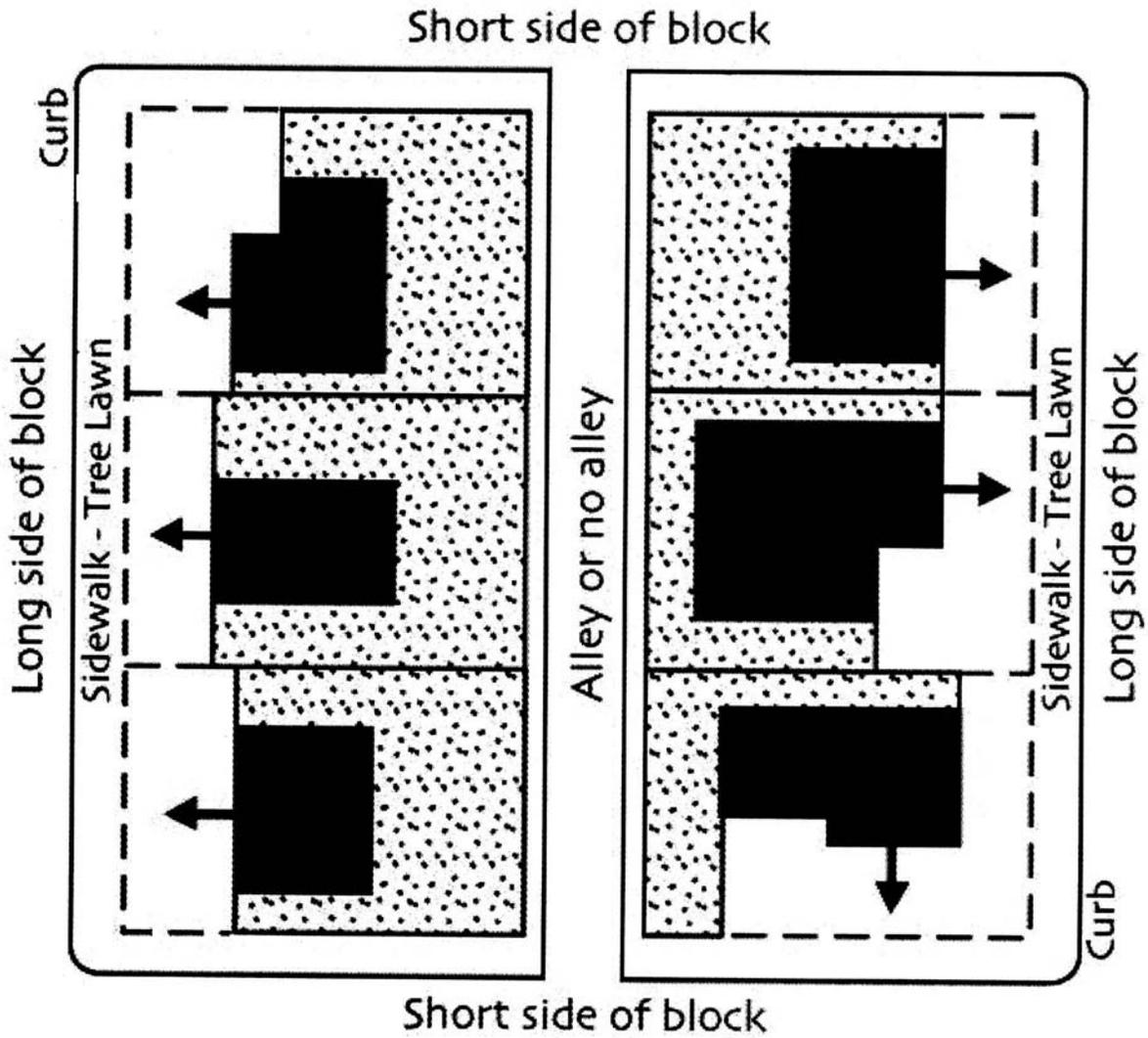
<i>Architectural feature</i>	<i>Permitted encroachment into side setback</i>	<i>Permitted encroachment into rear setback</i>
11. Utility pedestals, transformers or other similar equipment providing they do not exceed a height of four (4) feet.	May project any distance into any setback space.	May project any distance into any setback space.
12. Ground mounted evaporative coolers	3 feet provided: 1. The equipment is located behind the front of the residential structure and screened from adjacent properties and public rights-of-way 2. The noise standards of section 36-6 of the Denver Revised Municipal Code are not exceeded.	
13. Flush mounted solar panels	May project any distance into any setback space.	May project any distance into any setback space.

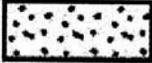
(Ord. No. 695-07, § 10, eff. 11-30-07; Ord. No. 53-08, § 13, eff. 2-8-08)

(7) *Fences, walls and retaining walls.* Fences and walls not exceeding four (4) feet in height may be erected on any part of the zone lot. Fences not exceeding six (6) feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure (see illustration) in the R-3, R-3-X, R-4 and R-4-X districts:

- a. Retaining walls in the front setback may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of the zone lot other than the front setback, retaining walls may be built to any height;
- b. Fences located on top of retaining walls in the front set back must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
- c. Fences not exceeding six (6) feet in height on a corner lot where a single or two unit residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure. Fences over four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-136(c)(7) and the accompanying illustration;

Oblong Block



-  Area allowing fences up to 6 ft. high
-  Zone lot line
-  Direction residential structure faces

- d. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot;
- e. In the R-3-X district, fences and walls not exceeding six (6) feet in height may be erected on that portion of a side zone lot line between the front zone lot line and the front setback line for structures if said side lot line abuts a surface parking lot or parking structure
- f. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal will not be allowed. Notwithstanding the provisions of section 59-632, nonconforming structures, of the Revised Municipal Code, existing fences and walls which have been constructed of the prohibited materials listed above or other materials not approved by the zoning administrator may not be maintained and any such fences and walls shall be immediately reconstructed of approved materials or removed.
- g. Determination of height. See section 59-2(112.1) fence and wall height measurement.

(Ord. No. 363-06, § 6, eff. 6-16-06; Ord. No. 605-06, § 4, eff. 9-22-06)

(d) *Maximum bulk of structures.* The R-3, R-3-X and R-4 districts are controlled districts within the meaning of section 59-96, which section must be checked to determine if there are special limitations on bulk planes or building height in addition to those set forth in this section. With the exception of eaves, church spires, church towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels and evaporative coolers, no part of any structure, including elevator penthouses, air conditioners and any other mechanical equipment, shall project through bulk planes which are located as follows:

(Ord. No. 695-07, § 11, eff. 11-30-07; Ord. No. 53-08, § 14, eff. 2-8-08)

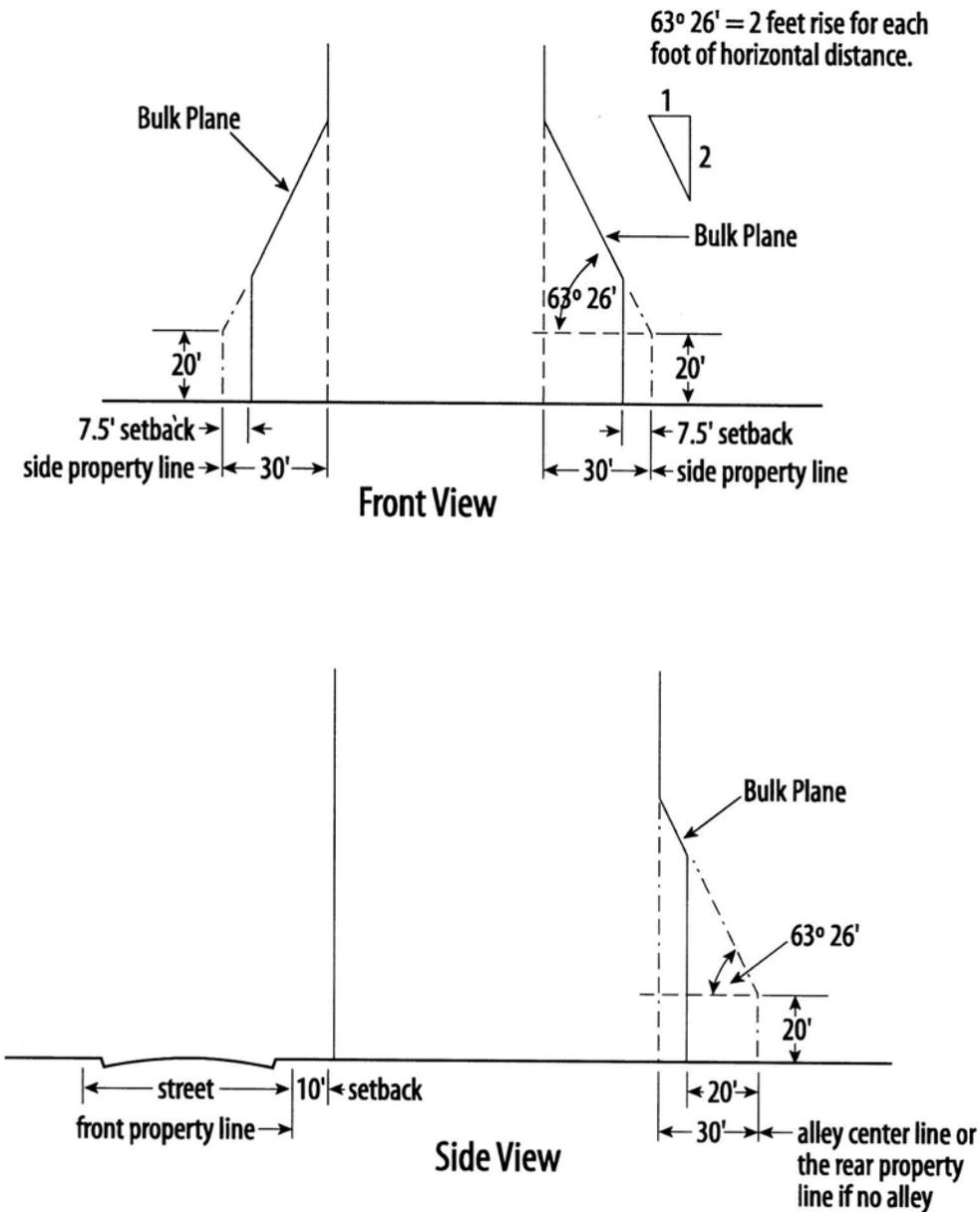
- (1) *Ground-level point.* The starting point for locating the bulk plane shall be the midpoint of a specific lot line or alley center line adjoining the lot. The elevation of the ground at the midpoint shall be used as the first measuring point for the bulk plane. In case a retaining wall is located on the lot line, the midpoint elevation shall be taken from the base of the wall. The midpoint elevation shall be established prior to any grading or construction.
- (2) *Above-ground horizontal line.* The starting line for bulk planes shall be as follows:
 - a. For the side area of a zone lot: at a horizontal line which is located directly above the side lot line and passes through a point a specified distance above the midpoint elevation of such side lot line. Said specified distance is twenty (20) feet in the R-3 district, thirty (30) feet in the R-4 districts, thirty-five (35) feet in the R-4-X district and ten (10) feet in the R-3-X district;
 - b. In the R-3-X district only, for the front area of the zone lot; at a horizontal line which is located directly above the center lines of all streets abutting the lot and which passes through a point ten (10) feet above the midpoint of such center lines between the boundary lines of the lot extended; and

- c. For the rear area of the zone lot:
1. With no abutting alley: at a horizontal line which is located directly above the rear lot line and which passes through a point a specified distance above the midpoint elevation of such rear lot line. Said specified distance is twenty (20) feet in the R-3, thirty (30) feet in the R-4 districts, thirty-five (35) feet in the R-4-X district and ten (10) feet in the R-3-X district; or
 2. With an abutting alley: at a horizontal line which is located directly above the center line of the abutting alley or alleys and passes through a point a specified distance above the midpoint elevation of such center line between the boundary lines of the zone lot extended. Said specified distance is twenty (20) feet in the R-3, thirty (30) feet in the R-4 districts, thirty-five (35) feet in the R-4-X district and ten (10) feet in the R-3-X district.
- (3) *Sloping plane for the R-3, R-4 and R-4-X districts.* The bulk planes for the R-3, R-4 and R-4-X districts start at the horizontal lines described above and extend upwards over the zone lot at an angle of sixty-three (63) degrees twenty-six (26) minutes with respect to the horizontal (a pitch of two (2) feet additional rise for each additional foot of setback from the horizontal line) until such planes intersect a vertical line thirty (30) feet horizontally distant from the horizontal starting lines described above, at which intersect the bulk planes extend upward vertically. See the following illustrations for an explanation of these setback and bulk regulations.

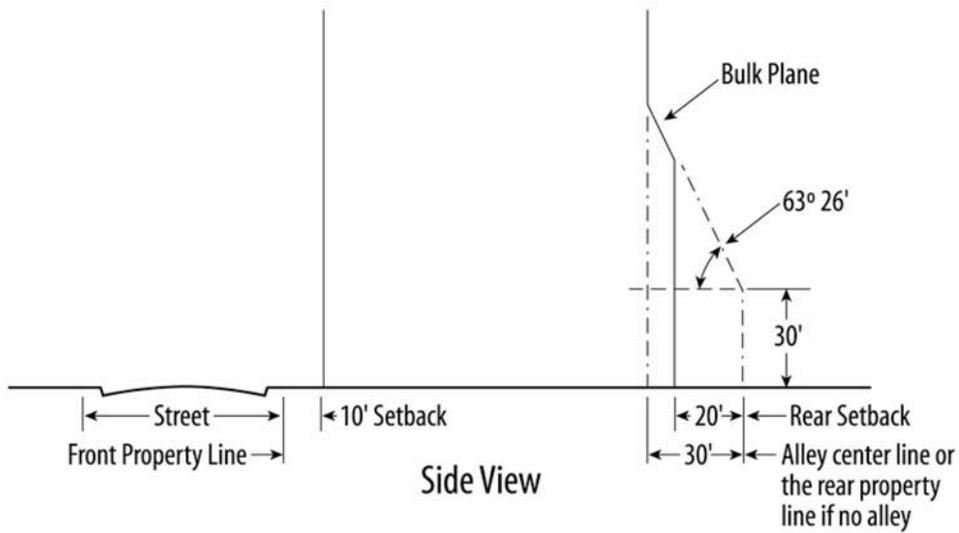
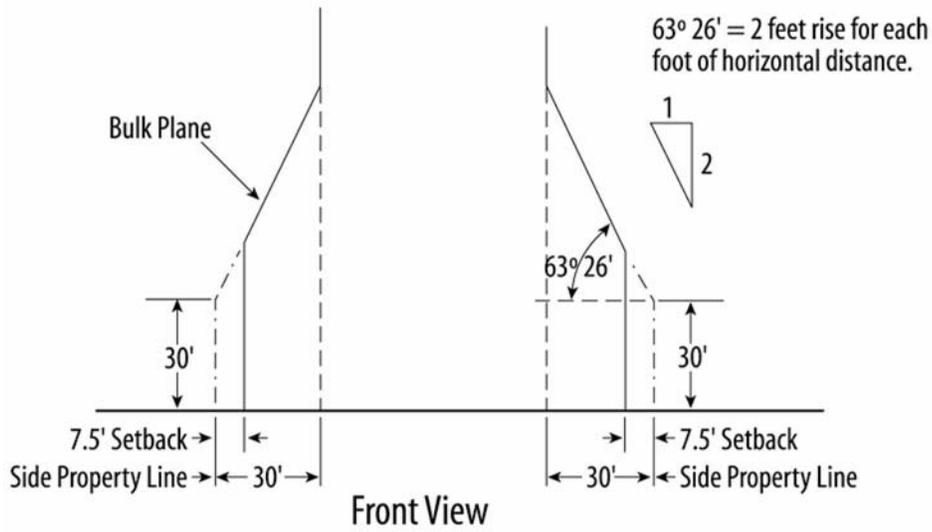
The sketches below generally describe the setback and bulk regulations for most buildings. However, for specific applications to individual properties, interested

parties are advised to contact the zoning office. Actual building height may be affected by the special height limitations of section 59-96, the view planes as prescribed in chapter 10 of the Revised Municipal Code, or other height limits.

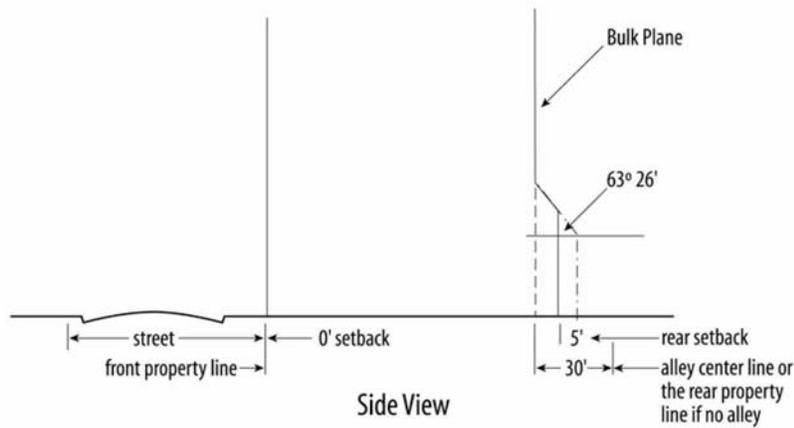
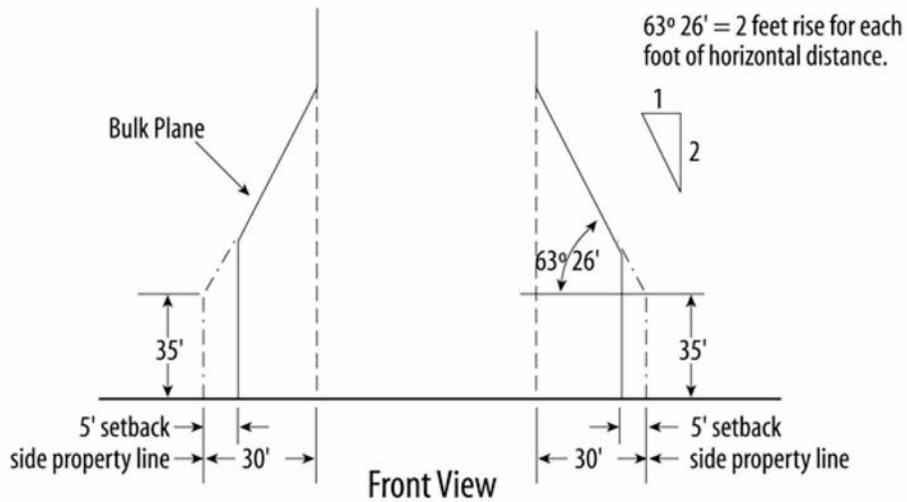
The explanation and illustration of setback and bulk regulations for structures in the R-3 zone district is shown below.



The explanation and illustration of setback and bulk regulations for structures in the R-4 zone district is shown below.



The explanation and illustration of setback and bulk regulations for structures in the R-4-X zone district is shown below.



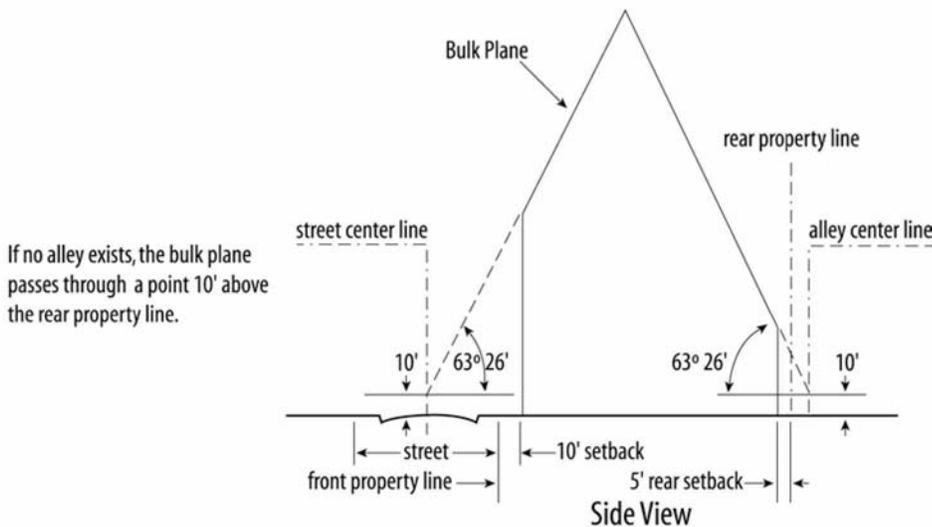
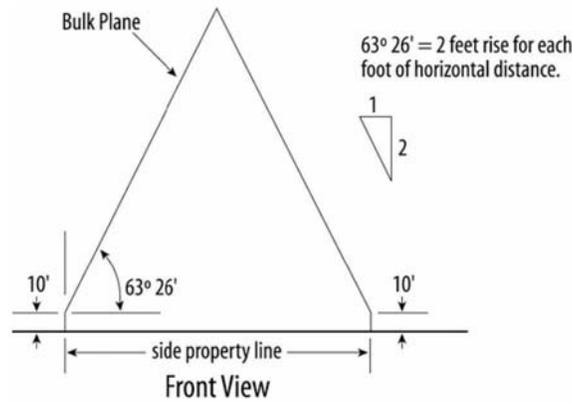
R-4-X Bulk Plane

R-4-X Bulk Plane

- (4) *Sloping plane for the R-3-X district.* The bulk planes for the R-3-X district start at the horizontal lines described above and extend upwards over the lot at an angle of

sixty-three (63) degrees twenty-six (26) minutes with respect to the horizontal (a pitch of two (2) feet additional rise for each additional foot of setback from the horizontal line) until such planes intersect the bulk plane from the opposite lot line.

The sketch below generally describes the setback and bulk regulations for most buildings. However, for specific applications to individual properties, interested parties are advised to contact the zoning office. Actual building height may be affected by the special height limitations of section 59-96, the view planes as prescribed in chapter 10 of the Revised Municipal Code, or other height limits. The explanation and illustration of setback and bulk regulations for structures in the R-3-X zone district is shown below.



(Ord. No. 625-05, §§ 8—10, eff. 9-2-05)

(e) *Maximum gross floor area in structures in the R-3, R-3-X and R-4 districts.* The sum total of the gross floor area of all structures on a zone lot shall not be greater than three (3) times the area of the zone lot on which the structures are located in the R-3 district, two (2) times the area of the zone lot on which the structures are located in the R-3-X district or four (4) times the area of the zone lot on which the structures are located in the R-4 district. Provided that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), the sum total of the gross floor area of all structures on a zone lot shall not be greater than: three and three-tenths (3.3) times the area of the zone lot on which the structures are located in the R-3 district, two and two tenths (2.2) times the area of the zone lot on which the structures are located in the R-3-X district or four and four-tenths (4.4) times the area of the zone lot on which the structures are located in the R-4 district; provided further that all of the extra floor area in excess of: three (3) times the area of the zone lot in the R-3 district, two (2) times the area of the zone lot in the R-3-X district, or four (4) times the area of the zone lot in the R-4 district shall be dedicated to residential uses.

(f) *Maximum gross floor area in structures in the R-4-X district.* The sum total of the gross floor area of all structures on a zone lot shall not be greater than four (4) times the area of the zone lot on which the structures are located, provided, however, that in any structure in which fifty (50) percent or more of the gross floor area is occupied by residential uses, the sum total of the gross floor area of all structures on a zone lot shall not be greater than five (5) times the area of the zone lot on which the structure is located. In addition, undeveloped floor area from designated historic structures within the area shown on exhibit A attached hereto and incorporated herein may be transferred to properties within the R-4-X district pursuant to the procedures for transfer of undeveloped floor area from historic structures in the B-5 district set forth in section 59-223(b)(3), provided, however, that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than five (5) times the area of the zone lot on which the undeveloped floor area is used. Provided that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), the sum total of the gross floor area of all structures on a zone lot shall not be greater than four and four-tenths (4.4) times the area of the zone lot on which the structures are located, provided further that all of the extra floor area in excess of four (4) times the area of the zone lot shall be dedicated to residential uses. Provided further, however, that in any structure in which fifty (50) percent or more of the gross floor area is occupied by residential uses and which qualifies under the provisions of article IV, chapter 27 (affordable housing), the sum total of the gross floor area of all structures on a zone lot shall not be greater than five and five-tenths (5.5) times the area of the zone lot on which the structures are located, provided further that all of the extra floor area in excess of five (5) times the area of the zone lot shall be dedicated to residential uses.

(g) *Minimum size of dwellings.* In the R-3 and R-3-X districts, each single unit dwelling and any other structure occupied in whole or in part for residential purposes shall contain a gross floor area of not less than six hundred (600) square feet.

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 21—23, eff. 12-2-03)

Sec. 59-137. Permitted signs.

The provisions of article V of this chapter on permitted signs shall be in full force and effect in these districts.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-138. Off-street parking requirements.

(a) The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in the R-3, R-3-X, and the R-4 districts.

(b) The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in the R-4-X district with the following modifications:

- (1) There shall be provided one (1) space for each three hundred (300) square feet of gross floor area (1/300) contained in any structure containing neighborhood service uses enumerated in section 59-134(1).
- (2) Shared parking. The zoning administrator may reduce the total number of off-street parking spaces required upon a finding that the parking for two (2) or more uses occurs at alternating time periods. Required parking shall be determined based upon parking demand for the peak parking period, as determined by a parking analysis.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-139. Off-street loading requirements.

The provisions of article VII of this chapter on off-street loading requirements shall be in full force and effect in these districts.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-140. Special zone lot plan for planned building groups.

The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be in full force and effect in these districts.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-141. Design standards in the R-4-X district.

(a) All new structures and all structures renovated where (i) the renovation is valued at more than fifty (50) percent of the replacement cost of the existing building excluding land costs, and (ii) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards and design review procedures set forth below; provided, however, that if property is subject to the design standards or design review procedures of any overlay district, or is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set

forth below. Design review procedures, where applicable, shall be conducted by the planning office staff. The zoning administrator shall not issue permits for building use until the planning director certifies that any applicable requirements have been met.

- (1) *Lower floor design standards.* All new structures and all renovated structures, where the renovation meets the requirements set forth in section 59-141(a), shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building above street level, unless the applicant elects to participate in the design review process set forth in subsection (2) below. Rules and regulations establishing design standards shall be prepared by the planning office and adopted by the planning board. The design standards are intended to promote consistent, continuous and active street frontages, to reflect Denver's history of primarily solid and masonry building material, and shall address the following:
 - a. The percentage of the building that must be built within a short distance of property lines along public streets and sidewalks;
 - b. Building and building entry orientation;
 - c. Appearance of parking garages;
 - d. The percentage of glass to solid materials;
 - e. The required use of scaling elements, insets, and projections to break up flat or monotonous facades, to emphasize entries, and to respond to older buildings nearby;
 - f. Building and glazing materials;
 - g. Location and appearance of access ramps for the handicapped;
 - h. Location of adjacent structures; and
 - i. Fence height, appearance and materials.
- (2) *Optional lower floor design review.* As an alternative to compliance with specific design standards adopted pursuant to subsection (1) above, any new structure or any renovated structure meeting the conditions set forth in section 59-141(a) may elect to have the lower eighty (80) feet of the building above street level reviewed by planning staff through a design review process guided by the following standards:
 - a. To allow more variation and architectural creativity than the design standards described in subsection 59-141(a)(1);
 - b. To provide human scale through change, contrast, and intricacy in facade form, color and/or material where lower levels of buildings face public streets and sidewalks;
 - c. To spatially define the street space in order to promote pedestrian activity; and
 - d. To require building facades to respond to existing building types in the area.

(b) Design review shall be completed within thirty (30) days of the submission of a completed application to the zoning administration, or the facade design shall be considered approved. Such thirty-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.

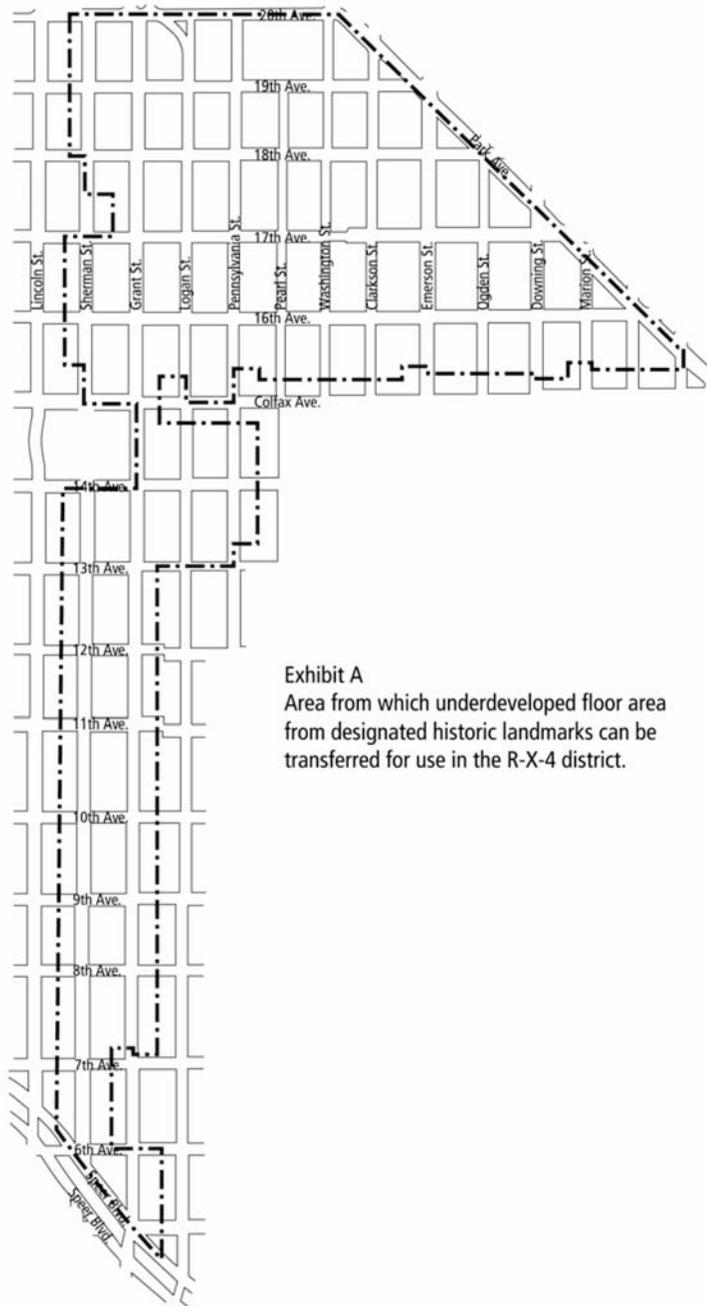


Exhibit A
Area from which underdeveloped floor area
from designated historic landmarks can be
transferred for use in the R-X-4 district.

R-4-X Zoning Overlay Districts



(Ord. No. 03-361, § 3, eff. 5-23-03)

Secs. 59-142—59-145. Reserved.