

Zoning Tip Sheet # 1:

Determining a Block Sensitive Primary Street Setback under the Denver Zoning Code

This guide explains how to apply the Denver Zoning Code to your property to determine an applicable Block Sensitive Primary Street Setback (“Block Sensitive Setback”) standard. Block Sensitive Setbacks typically apply to all new residential construction in a residential zone district (e.g., -SU, -TU, -TH and -RH zone districts). Block Sensitive Setbacks are measured from the designated “Primary Street Zone Lot Line.” This guide will help you understand these important zoning concepts, and should be read in conjunction with the applicable Denver Zoning Code provisions, referenced below. The Denver Zoning Code (“DZC”) may be found online at www.denvergov.org/zoning.

Intent of the Block Sensitive Setback

The “Block Sensitive Setback,” together with zone district regulations for maximum building height and bulk, provides a contextual setback responsive to existing conditions and helps to maintain an existing or planned neighborhood character along the same side of a primary street. The Block Sensitive Setback is a minimum building setback established using the location of the street-facing facades of neighboring primary structures (homes) located on at least 2 nearby zone lots called “reference lots.” Development of a new or expanded primary structure (home) on the subject property can be located no closer to the Primary Street Zone Lot Line than the closest street-facing facade of a principal structure located on the 2 reference lots. See Figure 1, and DZC, Section 13.1.5.3 for more detail.

Step #1. Determine the Applicability of a Block Sensitive Setback

- Once you know the zoning for your subject property, refer to the applicable building form standards (e.g., the Urban House building form in a U-SU-C zone) to confirm whether a Block Sensitive Setback is required.
- If a Block Sensitive Setback is required, review the rules in DZC, Section 13.1.5.3.B, to confirm that your property actually qualifies for application of the Block Sensitive Setback. For example, a Block Sensitive Setback may not apply if there are less than 3 lots containing residential structures on the same side of the block as your property.

Step #2. Determine the Block Sensitive Setback Reference Lots

- For interior zone lots (see Figure 1), identify the two closest zone lots to the subject property that:
 - Contain a primary residential structure; and
 - Face the same Primary Street Zone Lot Line as the subject property.
- The reference lots for a corner property will be the two closest abutting zone lots that: (i) contain a primary residential structure; and (ii) face the same Primary Street Zone Lot Line as the subject corner property.
- Applicants may request an administrative adjustment in cases where the majority of reference lots have structures with less than/greater than the minimum required setback required by the building form/zone district, where two reference zone lots cannot be identified, or where the entire block face should be considered. See DZC, Section 13.1.5.3.C.

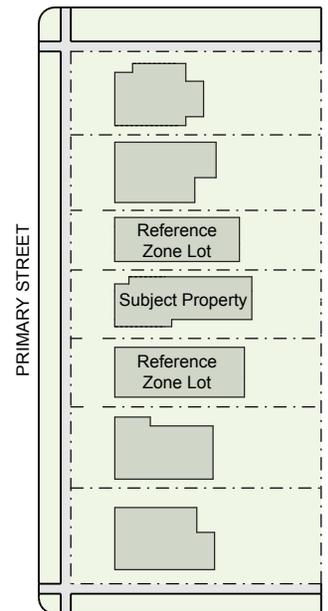


Figure 1

Step #3. Determine Your Minimum Block Sensitive Setback

- On the 2 reference lots, establish the setback distance between the closest points of the primary structures’ street-facing facades (not including unenclosed front porches) to the Primary Street Zone Lot Line. See Figure 2.
- The minimum Block Sensitive Setback for your property will be the lesser of the reference lots’ primary street setbacks identified in Step 3.A. In the example shown in Figure 2, the minimum Block Sensitive Primary Street Setback for the subject property is 20 feet.

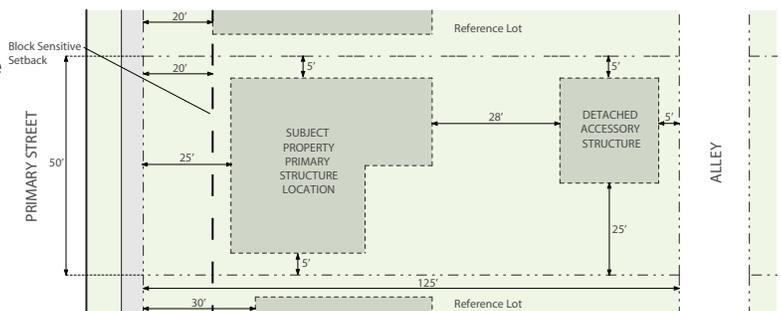


Figure 2



C. The 2 reference zone lots identified in Steps 3.A and 3.B above will establish the Block Sensitive Setback for the subject property, unless one of the following special conditions exist:

1. One (not both) Reference Zone Lot Has a Primary Street Setback Less Than 20 Feet

If the Primary Street-facing facade of the primary structure on only one of the reference zone lots is less than 20 feet from the Primary Street Zone Lot Line, then the next two closest zone lots to the subject property, plus the subject property itself (but only if it contains an existing structure), are identified to determine the 2 reference zone lots, under the following analysis:

- i. If none of the other identified zone lots have a primary street setback less than 20 feet, then the original reference zone lot with a primary street setback less than 20 feet is considered an "outlier" and must be removed from the determination. The next two closest zone lots to the subject property will be the reference zone lots and establish the Block Sensitive Setback. See Figure 3.
- ii. If a majority of the other identified zone lots have primary street setbacks of less than 20 feet, then the next two closest zone lots to the subject property will be the reference zone lots and establish the Block Sensitive Setback. See Figure 4.
- iii. If there is not a majority of the identified zone lots with primary street setbacks of less than 20 feet, the Zoning Administrator will establish the Block Sensitive Setback based on an analysis of the predominant primary street setback pattern of all the identified zone lots. See Figure 5.

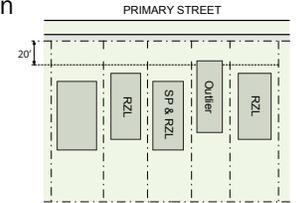


Figure 3

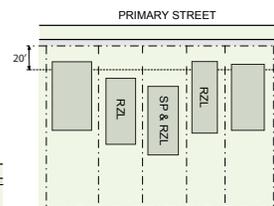


Figure 4

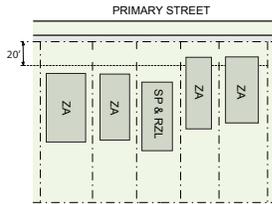


Figure 5

2. One (not both) Reference Zone Lot Has a Primary Street Setback that is 50% or Greater of its Zone Lot Depth

If the Primary Street-facing facade of the primary structure on only one of reference zone lots is setback from the Primary Street Zone Lot Line a distance equal to or greater than 50% of its Zone Lot Depth, then the next two closest zone lots to the subject property, plus the subject property itself (but only if it contains an existing structure), are identified to determine the 2 reference zone lots, under the following analysis:

- i. If none of the other identified zone lots have a primary street setback equal to or greater than 50% of its Zone Lot Depth, then the next two closest zone lots to the subject property will be the reference zone lots and establish the Block Sensitive Setback. See Figure 6.
- ii. If at least one other of the identified zone lots has a primary street setback equal to or greater than 50% of its Zone Lot Depth, then the Zoning Administrator will establish the Block Sensitive Setback based on an analysis of the predominant primary street setback pattern of all the identified zone lots. See Figure 7.

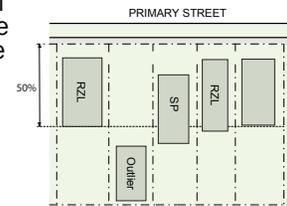


Figure 6

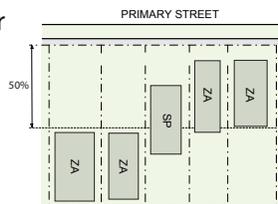


Figure 7

Denver Zoning Code reference sections:
Block Sensitive Setbacks 13.1.5.3