

DIVISION 2. R-0, R-1, R-2, R-2-A AND R-2-B DISTRICTS

Sec. 59-116. Generally.

The provisions of this division apply to all lands, uses and structures in the R-0, R-1, R-2, R-2-A and R-2-B districts.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-117. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, conditional, limited, require short review 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.

<i>Key:</i>				
<i>P = Permitted</i>				
<i>L = Uses permitted with limitations</i>				
<i>SR = Uses permitted after special review</i>				
<i>* = Need not be enclosed</i>				
<i>(blank) = Not permitted</i>				
	<i>Zone District</i>			
<i>Use</i>	<i>R-0</i>	<i>R-1</i>	<i>R-2 R-2-B</i>	<i>R-2-A</i>
Residential				
Dwelling, multiple unit	L200	L200	P	P
Dwelling, single unit	P	P	P	P
Nursing home, hospice				SR
Residence for older adults				L12
Residential, institutional/special	L13	L13	L13	L13
Industrial, wholesale, transportation, utilities				
Helipad, helistop, heliport*		L98	L98	L98
Parking of vehicles*			L103	L103
Railway right-of-way*	P	P	P	P
Terminal, public transportation, local*		P	P	P
Utility, major impact	L115*	L115*	L115*	L115*
Utility, minor impact	L117	L117	L117	P
Arts, entertainment, recreation, institutions				
Child care center	L130	L131	P	P
Church, religious institution	P	P	P	P
Community or senior center or recreational facility		L137	L137	P
Fire station	P	P	P	P
Library	P	P	P	P

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<i>Use</i>	<i>R-0</i>	<i>R-1</i>	<i>R-2 R-2-B</i>	<i>R-2-A</i>
Museums, other special purpose cultural institutions		L141	L141	L141
Parks, public, open space, associated buildings*	P	P	P	P
Police station	P	P	P	P
School, elementary or secondary	L153	L153	L153	L153
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)				
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. 340-06, § 5, eff. 6-9-06; Ord. No. 137-08, § 1, eff. 3-21-08)

Sec. 59-118. Limitations.

The following define the limitations enumerated in the use chart in section 117:

L12 Such residence shall have a minimum of seven hundred fifty (750) square feet of land area for each dwelling unit or rental room, and shall provide an unobstructed open space area at least one-half of the total area of the zone lot.

L13 Limited to parish house.

L98 Limited to landing and take off area for police rotorcraft, not including maintenance, repair, fueling or hangar facilities, not permitted in the R-2-B.

L103 Parking of vehicles for parish house, school and, in the R-2-A district only, historic structures when the board of adjustment has granted an exception under section 59-54(3)f.; shall not be enclosed and provided that all portions of said use shall comply with all specifications for maintenance hereinafter required for off-street parking space.

L115 Limited to water reservoir, need not be enclosed.

L117 Electric substation excluded.

L130 Limited to a child care center:

- a. Located within a structure operated by and used as a church or within an existing non-residential structure which meets all of the requirements of section 59-120 for a school, or a structure used or formerly used as an elementary and/or secondary school meeting all the requirements of the compulsory education laws of the state;
- b. That allows children on site for care only from 6:00 a.m. to 7:00 p.m. Parent/teacher/staff meetings may continue until 10:00 p.m. Staff may be present at other hours. May have up to three (3) special events a year later in the evening than above limitations; and
- c. That does not have as its primary population children being treated for substance abuse, sexual behavior problems or children who are convicted felons.

L131 Limited to a child care center:

- a. Located in a structure operated by and used as a church; or
- b. Located within an existing non-residential structure which meets all of the requirements of section 59-120 for a school, or a structure used or formerly used as an elementary and/or secondary school meeting all the requirements of the compulsory education laws of the state.

L137 Community center must be owned or operated by a governmental agency. Senior center not allowed, except in R-2 and R-2-B districts, provided that such center is located within a church or school facility as permitted in the district or in a structure which was formerly used as a church or school as permitted in the district. In either situation such facility must have been operated as a church or school prior to December 31, 1965. Proposed centers shall be reviewed by the zoning administrator who shall examine the proposed use for possible negative effects on adjoining residential properties.

L141 Limited to art museum, public.

L153 Not providing residential accommodations.

L200 Multiple-unit dwelling uses that were legally established and are legally maintained on a zone lot prior to the lot being zoned R-0 or R-1, shall be considered conforming uses in these districts. A structure containing such a multiple-unit dwelling use may be modified or demolished and rebuilt in conformity with the R-2 zone district standards in this Code, provided: (a) the zone lot shall not be expanded and (b) the number of dwelling units on the zone lot shall not be increased above the number of dwelling units that were legally established and maintained prior to the lot being zoned R-0 or R-1. Variances may be granted in conformity with section 59-54(2) provided, however, no variance may be granted to the requirement for three thousand (3,000) square feet of zone lot area per dwelling unit.

(Ord. No. 137-08, § 2, eff. 3-21-08; Ord. No. 467-08, § 1, eff. 9-12-08)

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 340-06, §§ 6, 7, eff. 6-9-06)

Sec. 59-119. Limitations on external effects of uses.

External effects of uses shall be regulated by section 59-92.
(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-120. Permitted structures.

(a) *Zone lot for structures:*

- (1) *Zone lot requirements.* 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, in the R-2, R-2-A and R-2-B districts, 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.
- (2) *Lot width and area requirements.* Except as regulated below, 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.
 - a. In the R-2 and R-2-B districts, the zone lot shall contain an additional area of three thousand (3,000) square feet for each dwelling unit in excess of the two (2) dwelling units allowed on a six thousand (6,000) square feet lot.
 - b. In the R-2-A district the zone lot shall contain an additional area of two thousand (2,000) square feet for each dwelling unit in excess of the three (3) dwelling units allowed on a six thousand (6,000) square feet lot, provided, however, that in a planned building group, conforming to the provisions of section 59-120(a)(5) and to the provisions of article VIII of this chapter, the land area may be reduced to one thousand five hundred (1,500) square feet per dwelling unit.
 - c. "Flag" lots allowed in the R-0 and R-1: The required lot width may be reduced to twenty (20) feet at the front property line of a zone lot containing a width of fifty (50) feet or more for a depth of at least forty (40) feet but the required six thousand (6,000) square feet of area shall not include any portion of the lot less than thirty (30) feet in width. Before any lot that is in excess of one hundred fifty (150) feet in depth is approved pursuant to this paragraph 1, it must be approved by the city fire department, which may impose conditions upon its approval.
 - d. Exception for certain zone lots. The minimum lot width may be reduced to thirty-seven (37) feet on a zone lot for a structure used as a single unit dwelling 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. In this situation the minimum lot area require-

ment may be reduced to four thousand (4,000) square feet, provided, however, in the R-2-A district, the requirement as to minimum size may be waived altogether.

e. For corner lots, the shorter dimension of the lot shall be the width of the lot.

(3) *Limitation on the subdivision of large lots in the R-0 and the R-1 zones.*

- a. In the R-0 zone, where a zone lot as designated as of January 23, 1984 has any existing structures located on the zone lot and has both an area greater than twenty-three thousand (23,000) square feet but no more than forty-three thousand five hundred sixty (43,560) square feet and a depth of greater than one hundred eighty (180) feet, then said zone lot may not be amended into more than three (3) zone lots, either by one (1) amendment or by a series of amendments, without the approval of the board of adjustment. Where a zone lot as designated as of the above date has any existing structures located on the zone lot and has both an area greater than forty-three thousand five hundred sixty (43,560) square feet and a depth greater than one hundred eighty (180) feet, then said

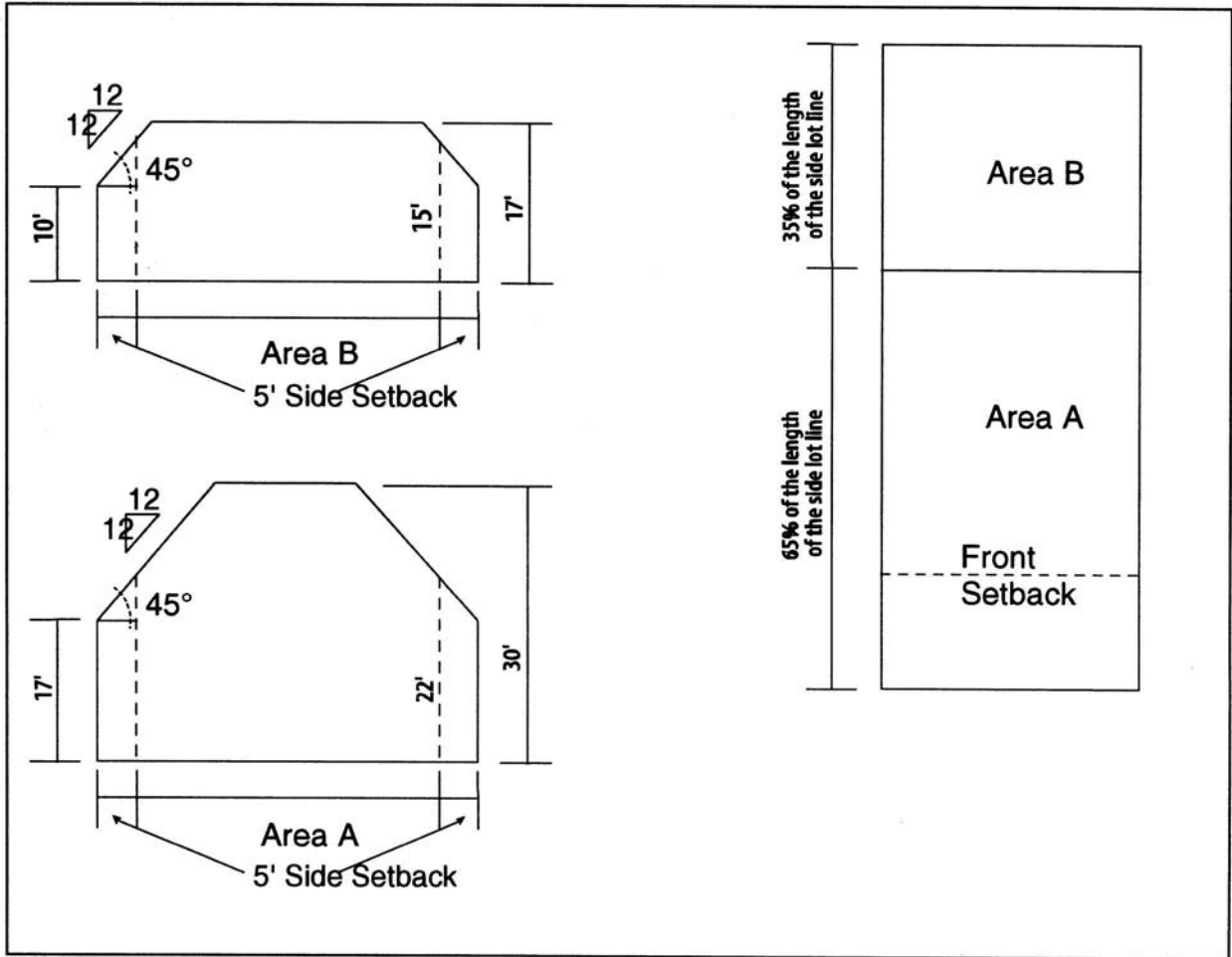
zone lot may not be amended into more than four (4) zone lots, either by one (1) amendment or by a series of amendments, without the approval of the board of adjustment.

- b. In an R-1 zone, where a zone lot as designated as of October 1, 2001 has both an area equal to or greater than eighteen thousand (18,000) square feet, but no more than thirty six thousand (36,000) square feet and a depth of greater than one hundred seventy five (175) feet, then said zone lot may not be amended into more than two (2) zone lots, either by one amendment or by a series of amendments, without the approval of the board of adjustment. Where a zone lot as designated on October 1, 2001 has both an area greater than thirty-six thousand (36,000) square feet and a depth of greater than one hundred seventy five (175) feet then said zone lot may not be amended into more than four (4) zone lots, either by one (1) amendment or by a series of amendments without the approval of the board of adjustment.
- c. Application to the board of adjustment.
 1. Any application to the board of adjustment for review shall include a conceptual plan drawn to scale that identifies the land use arrangements, the open space, setbacks, building locations and landscaping scheme.
 2. All applications under this paragraph c. shall be reviewed for completeness by the department of zoning administration, and, if found to be complete, shall be transmitted to the planning office and to any other city agency which might be affected by approvals of such applications. Any such agency may transmit a recommendation to the board of adjustment. The board shall schedule a hearing neither earlier than sixty (60) days nor later than ninety (90) days after an application is filed, unless it has received a written recommendation from the planning office. Any approval by the board may establish necessary conditions and limitations and any approvals shall be based upon the following standards.
 - (i) Approval will not adversely affect the essential character of the neighborhood in which the subject property is located.
 - (ii) Approval will not substantially or permanently injure the appropriate use of adjacent property.
 - (iii) Adequate provision has been made for design of safe and convenient pedestrian circulation, driveways, and roadways, including the requirement that a minimum of two (2) off-street parking spaces be provided for each single unit dwelling.
 - (iv) Adequate arrangement of buildings and access is provided within the site and with regard to adjacent zone lots to reduce the impact on adjoining properties.

- (v) The application has been reviewed and approved by the Denver Fire Department and the applicant agrees to any conditions imposed by the Fire Department.
 - d. Demolition of an existing structure subsequent to January 23, 1984 will not exempt a zone lot from the requirements of this paragraph c.
 - e. Any amendment of an existing zone lot pursuant to this paragraph c. which does not require board of adjustment approval must otherwise comply with all requirements and standards of the R-0 or R-1 district, whichever is applicable.
- (4) *Required open space in the R-0, R-1 and R-2 districts.*
- a. *Zone lot requirements.* The zone lot for the following structures shall contain at least the following amounts of unobstructed open space; except for a single unit dwelling on a zone lot containing less than three thousand five hundred (3,500) square feet, in which case the open space requirement shall be fifty (50) percent of the area of the zone lot:
 - 1. Single unit dwelling or multiple unit dwelling, sixty-two and one-half (62.5) percent of the area of the zone lot.
 - 2. Child care center, three thousand (3,000) square feet.
 - b. *Requirement for rear portion of zone lot.* Area B, as defined in section 59-120(a)(4)c, of any zone lot occupied by a single unit dwelling or a multiple unit dwelling shall contain at least the following amounts of unobstructed open space:
 - 1. For zone lots containing five thousand (5,000) square feet or more, sixty (60) percent rear open space.
 - 2. For zone lots containing less than five thousand (5,000) square feet, fifty (50) percent rear open space.
 - c. *Determination of rear portion of zone lot.* For purposes of determining the open space requirement set forth in sections 59-120(a)(4)a and b, Area B of the zone shall mean the area bounded by the rear line of the zone lot, the two side lines of the zone lot, and an imaginary line connecting two points on the side lines, each point representing sixty-five (65) percent of the length of the side line as measured from the front line of the zone lot. (See "Area B" as depicted in Illustration 1.) For corner zone lots, the zoning administrator shall determine the front, rear, and side lines of the zone lot as provided in section 59-2(126). For flag lots as provided in section 59-120(a)(2)c., the calculation of the length of the side lot line shall not include any portion of the flag lot that is less than thirty (30) feet in width. For other irregularly shaped lots, Area B of the zone lot shall be established by the zoning administrator, consistent with the purpose of this requirement to promote the preservation of open space in the rear portion of zone lots, the centering of residential structures in relation to the depth of zone lots, and the harmonious location of new residential construction in relation to existing, adjacent residential structures. The remainder of the lot shall be termed

"Area A". For purposes of determining and applying the open space requirements set forth in this section 59-120(a)(4), if the front setback requirement on the zone lot is more than thirty (30) feet, then the depth of Area A as depicted in Illustration 1 shall be increased one (1) foot for every one (1) foot the required setback exceeds thirty (30) feet, and the depth of Area B shall be correspondingly decreased.

- d. *Incentive for detached garages.* A credit toward the amount of unobstructed open space required by paragraphs 59-120(a)(4)a. and b. shall be given for a portion of the area of the zone lot occupied by any detached garage. The credit shall be in the amount of one-half of the area of the zone lot occupied by the detached garage, up to a maximum credit of five hundred (500) square feet. In order to qualify for the credit, the detached garage shall be separated by at least fifteen (15) linear feet from the dwelling on the zone lot and shall be located as close to the rear line of the zone lot as may be permitted by applicable laws or regulations.
(Ord. No. 625-05, § 7, eff. 9-2-05)
- e. *Incentive for front porches.* Except as otherwise provided in this subparagraph e, a credit toward the amount of unobstructed open space required by section 59-120(a)(4)a. shall be given for all or a portion of the area of the zone lot occupied by any unenclosed porch facing the front line of the zone lot, regardless of whether the porch is covered by a roof. The credit shall be in the amount of the actual area of the zone lot occupied by the porch, up to a maximum credit of four hundred (400) square feet. No credit shall be given for any portion of a porch located directly beneath any enclosed habitable room or story of the dwelling, nor shall any credit be given for any portion of the porch that qualifies as unobstructed open space.



- (5) *Required open space in the R-2-A district.* In the R-2-A district the zone lot for the following structures shall provide at least the following amount of unobstructed open space:
- a. Single unit dwelling, three thousand (3,000) square feet unless the zone lot contains less than six thousand (6,000) square feet, in which event an area equal to at least one-half the area of the zone lot;
 - b. Pre-school, three thousand (3,000) square feet;
 - c. For each dwelling unit in a multiple unit dwelling not part of a planned building group as provided in article VIII of this chapter, one thousand (1,000) square feet;
 - d. Planned building groups meeting the requirements of article VIII of this chapter and having two thousand (2,000) square feet or more of land area for each dwelling unit shall have a minimum of one thousand (1,000) square feet of unobstructed open space for each dwelling unit;

- e. Planned building groups meeting the requirements of article VIII of this chapter and having less than two thousand (2,000) square feet of land area for each dwelling unit shall have a minimum of one thousand (1,000) square feet of unobstructed open space for each dwelling unit, provided, however, that for each parking space that is enclosed within or under residential structures the total required unobstructed open space for the site may be reduced by one hundred (100) square feet. A minimum of seven hundred fifty (750) square feet of the unobstructed open space for each dwelling unit shall be landscaped; provided, however, that the minimum landscaped area may be reduced to six hundred fifty (650) square feet for each dwelling unit when agreed to by the applicant only if at least fifty (50) percent of the total dwelling units in the development, but not necessarily in each phase of the development, are sold and/or rented to low and moderate income and/or lower-middle income individuals or families. Lower-middle income is defined as being one hundred thirty (130) percent of the median family income officially established for the metropolitan area. The landscaped area herein required shall consist of any combination of living plant materials such as trees, shrubs, vines, ground covers, flowers and lawn, and may include natural features such as rock, stone and structures such as fences, walls and benches. At least fifty (50) percent of the required landscaped area shall be composed of living plant materials and/or water features; and
 - f. Nursing home, one-half of the total area of the zone lot.
- (6) *Required open space in the R-2-B district.* In the R-2-B district the zone lot for the following structures shall provide at least the following amount of unobstructed open space:
- a. Single unit dwelling or multiple unit dwelling, fifty (50) percent of the area of the zone lot.
 - b. Child care center, three thousand (3,000) square feet.
 - c. *Incentive for front porches.* Except as otherwise provided in this paragraph 3, a credit toward the amount of unobstructed open space required by paragraph 1 shall be given for all or a portion of the area of the zone lot occupied by any unenclosed porch facing the front line of the zone lot, regardless of whether the porch is covered by a roof. The credit shall be in the amount of the actual area of the zone lot occupied by the porch, up to a maximum credit of four hundred (400) square feet. No credit shall be given for any portion of a porch located directly beneath any enclosed habitable room or story of the dwelling.
- (7) *Amending zone lot boundaries.* 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.

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

(1) *Front setback.*

- a. *In the R-0, R-1, R-2 and R-2-B districts.* For situations not covered by the following two (2) paragraphs, the zoning administrator shall establish the front setback requirement. Also the administrator shall establish the front setback requirement in historic districts designated for preservation according to chapter 30 where the majority of structures were built with less than a twenty-foot setback.
 1. Long dimension of the block: All structures shall be set in a distance of not less than twenty (20) feet from each front line of the zone lot facing the long dimension of any block oblong in shape; provided, however, that if the front setbacks of the residential structures abutting on either side of the proposed structure are greater than twenty (20) feet, the minimum front setback of the proposed structure shall be the average of the front setbacks of those abutting structures. If a proposed structure is to be located on a corner lot and the residential structure abutting the proposed structure is greater than twenty (20) feet, the minimum front setback of the proposed structure shall be the average of the setbacks of the abutting structure and the residential structure located on the next zone lot to the abutting structure on the same face block as the subject zone lots. In calculating the front setback, the following shall be disregarded: structures located in the rear one-half ($\frac{1}{2}$) of the lot, structures with zero (0) setbacks, structures with illegal front additions or porch enclosures, and structures for which front setback variances have been obtained.
 2. Shorter dimension of the block: 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 the longer dimension of the block and to ten (10) feet for structures which face on the shorter dimension of the block.
- b. *In the R-2-A district.* All structures shall be set in a distance of not less than twenty (20) feet from each front line of the zone lot; provided, however:
 1. 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 to ten (10) feet for structures which face on either shorter dimension; and provided further,
 2. That detached accessory structures, except those detached accessory structures used as garages or for recreational or outdoor cooking and eating purposes or 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 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 one-half the dimension of the corner zone lot, measured perpendicularly from the side street right-of-way; and provided further,

3. That in a planned building group conforming to the provisions of article VIII of this chapter, the average front setback of structures shall not be less than fifteen (15) feet, but in no case shall any structure have less than a ten-foot front setback.
4. 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.

(2) *Rear setback.* If a zone lot has more than one (1) rear line by reason of abutting alleys, the setbacks listed below shall be required for 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:

1. Use by right structure with no rear alley	20 feet
With an alley, setback measured to alley centerline.	20 feet
2. Attached or detached garage or carport with no alley	5 feet
With an alley and doors opening directly onto the alley	5 feet
With an alley but with no doors opening directly onto the alley . . .	0 feet
3. Detached accessory structures and fixtures with no alley	5 feet
With an alley but with no doors opening directly onto the alley . . .	0 feet
Fixtures for the disposal of trash and garbage	0 feet
4. Electric substations, gas regulator stations and utility pumping stations which do not have a rear entrance	0 feet
Such substations and stations which have a rear entrance	5 feet

(3) *Side setback.* The following are minimum requirements: Note: An attached garage shall be considered detached for the purpose of compliance with side and rear setback requirements: See definition section 59-2(90).

- a. On narrow lots under 30 ft. in width, all structures, except for detached accessory structures as regulated below, shall be set back 3 feet
- b. On lots 30 ft. or greater in width, all structures, except for detached accessory structures as regulated below, shall be set back according to their use as follows:
 1. Structures designed or used, either wholly or partly, for residential occupancy 5 feet
 2. Electric substations, gas regulator station 5 feet
 3. Any structure occupied as a church or school in the R-0 or R-1 district if the abutting zone lot contains a residential use . . . 50 feet
 - If the abutting zone lot contains no residential use 10 feet

- 4. Any structure containing any permitted use other than that listed in (3)b.1., 2. or 3. above 10 feet
- 5. Any structure containing an accessory use 5 feet
- c. Regardless of lot width, detached accessory structures, however in the R-2-A district this includes only detached garages or carports, may be located as follows:
 - 1. On lots 125 feet or less in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is more than 40 feet from the rear line 0 feet
 - 2. On lots more than 125 feet in depth with the accessory structure located entirely on the rear one-third of the lot and no part of such structure is less than 85 feet from any front line of the zone lot 0 feet
- d. In the R-2-A district the above side 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) *Permitted encroachment on setback space:*

- 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, 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, ten (10) feet into rear setback space and three (3) feet into side 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.
- d. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
- e. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback space.
- 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, ten (10) feet into rear setback space and three (3) feet into side setback space. In the R-0, R-1, R-2 and R-2-B districts, projecting windows may not project into the setback spaces.

- g. In the R-2-A district, 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 any setback space.
- h. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
- i. Gas and electric meters may project eighteen (18) inches into any setback space. Utility pedestals, transformers or other similar equipment excluding mechanical equipment may be installed in any setback area providing they do not exceed a height of three (3) feet.
- j. Basketball goals on a fixed post may encroach any distance into the setback spaces.
- k. Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, may be permitted in a required side or rear setback subject to administrative review and approval by the zoning administrator as provided in subsection 59-38(14).

(Ord. No. 695-07, § 4, eff. 11-30-07)

- l. Ground mounted air conditioning units or other similar mechanical equipment, except ground mounted evaporative coolers, may be permitted in a required side or rear setback subject to administrative review and approval by the zoning administrator as provided in subsection 59-38(14). 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.

2 (Ord. No. 695-07, § 5, eff. 11-30-07)

- m. Flush mounted solar panels may encroach any distance into the setback space.

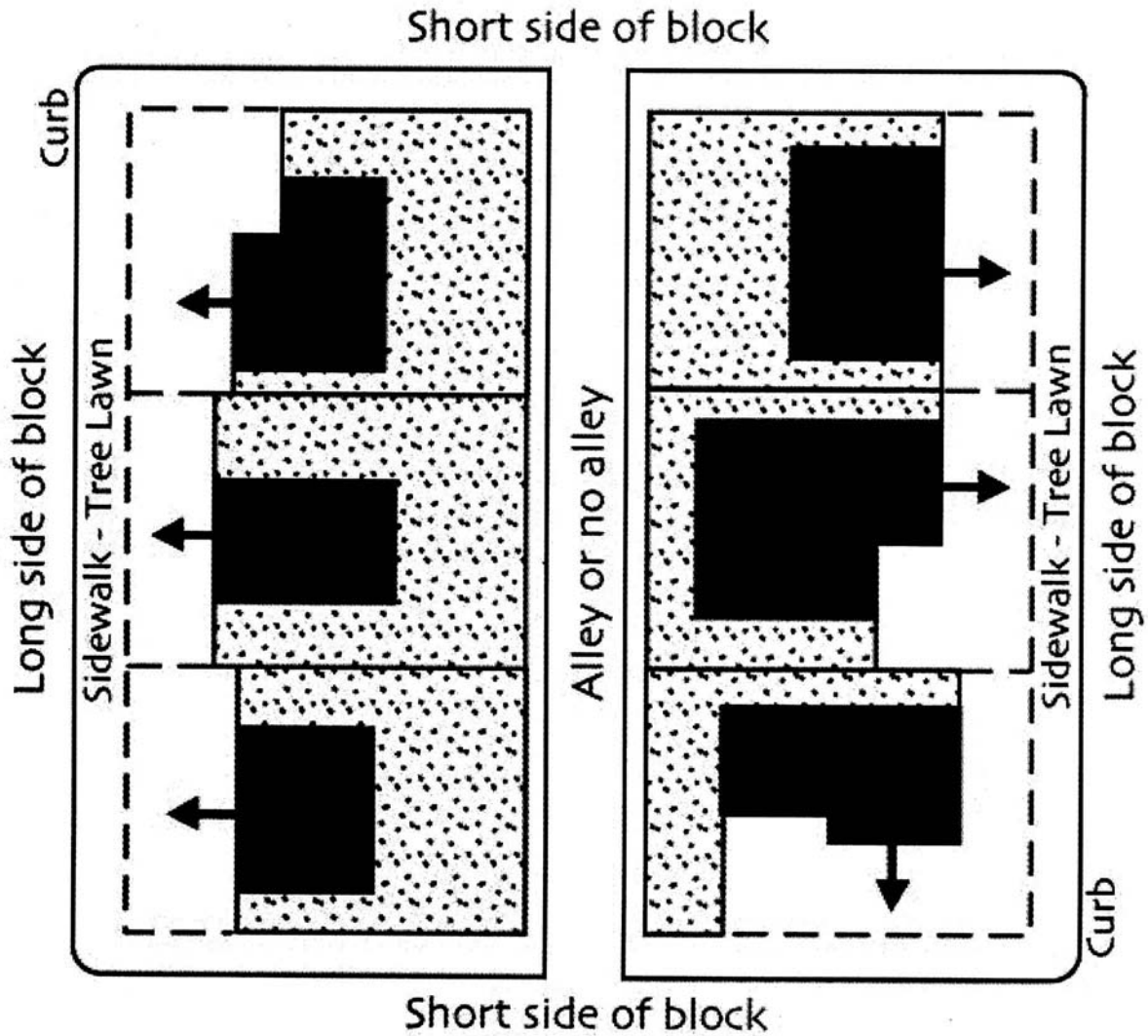
(Ord. No. 53-08, § 8, eff. 2-8-08)

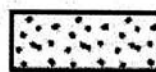


(5) *Fences, walls and retaining walls.*

- a. *Determination of height.* See section 59-2(112.1) fence and wall height measurement.
- b. *Permitted height and location.* 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).
 - 1. 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;

2. 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;
3. Fences not exceeding six (6) feet in height on a corner lot where a 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 59-120(b)(5) and the accompanying illustration;

Oblong Block



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

4. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot; and

- c. *Materials.* 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, corrugated or sheet metal, and other materials designated by the administrator shall 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.

(Ord. No. 363-06, § 5, eff. 6-16-06; Ord. No. 605-06, § 3, eff. 9-22-06)

(c) *Bulk of structures.* With the exception of eaves, church spires, church towers, flag poles, antennas, chimneys, flues, vents, flush mounted solar panels and evaporative coolers, no part of any structure including elevator penthouses, air conditioners, and other mechanical equipment shall project through bulk planes which shall be applied as follows:

(Ord. No. 695-07, § 6, eff. 11-30-07; Ord. No. 53-08, § 9, 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, street center 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 at the original grade, prior to any grading or construction, and said original grade shall be documented by the applicant in a form satisfactory to the zoning administrator.

(2) *In the R-0, R-1, and R-2 districts:*

- a. Within Area A of the zone lot, the bulk plane shall begin at a horizontal line which is located directly above the side lot line and which passes through a point seventeen (17) feet above the midpoint of such lot line. (See Illustration 1.)
- b. Within Area B, the bulk plane shall begin at a horizontal line which is located directly above the side lot line and which passes through a point ten (10) feet above the midpoint of such lot line. (See Illustration 1), provided, however, for a detached garage that is located as close to the rear line of the zone lot as may be permitted by applicable laws or regulations, the bulk plane shall begin at a horizontal line which is located directly above the side lot line and which passes through a point ten (10) feet above the midpoint of that portion of said side lot line between the lines of the front and rear of the garage extended to said side lot line.

(3) *In the R-2-A district the starting line for bulk planes shall be as follows (see Illustration 3):*

- 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 ten (10) feet above the midpoint elevation of such side lot line;

- b. 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 ten (10) feet above the midpoint elevation of such rear lot line; 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 ten (10) feet above the midpoint elevation of such center line between the boundary lines of the zone extended.
- (3.5) In the R-2-B districts:
- a. Within the front eighty (80) percent of the zone lot (Area A), the bulk plane shall begin at a horizontal line which is located directly above the side lot line and which passes through a point fourteen (14) feet above the midpoint of such lot line. (As shown in Illustration 2.)
 - b. Within the rear twenty (20) percent of the zone lot (Area B), the bulk plane shall begin at a horizontal line which is located directly above the side lot line and which passes through a point ten (10) feet above the midpoint of such lot line. (As shown in Illustration 2.)
- (4) All of the above bulk planes shall extend from the above described horizontal lines over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each one (1) foot additional setback).
- (5) For purposes of determining the bulk planes as required by this subsection, Area A shall mean the area bounded by the front line of the zone lot, the two side lines of the zone lot, and an imaginary line connecting two points on the side lines, each point representing sixty-five (65) percent or, in the R-2-B district, eighty (80) percent of the length of the side line as measured from the front line of the zone lot. (See "Area A" as depicted in Illustrations 1 and 2.) Area B shall mean the area bounded by the rear line of the zone lot, the two side lines of the zone lot, and an imaginary line connecting two points on the side lines, each point representing sixty-five (65) percent or eighty (80) percent of the length of the side line as measured from the front line of the zone lot. (See "Area B" as depicted in Illustrations 1 and 2.) For corner zone lots, the zoning administrator shall determine the front, rear, and side lines of the zone lot as provided in section 59-2(126). For flag lots as provided in section 59-120(a)(2)c, the length of the side lot lines shall not include any portion of the flag lot that is less than thirty (30) feet in width. For other irregularly shaped lots in the R-0, R-1, and R-2 districts, Areas A and B shall be established by the zoning administrator, consistent with the purpose of this requirement to promote the preservation of open space in the rear portion of lots, the centering of residential structures in relation to the depth of zone lots, and the

harmonious location of new residential construction in relation to existing, adjacent residential structures. For irregularly shaped lots in the R-2-B district, Areas A and B shall be established by the zoning administrator, consistent with the purpose of this requirement to promote the harmonious location of new residential construction in relation to existing, adjacent residential structures.

- (6) For purposes of determining and applying the bulk plane requirements set forth in this section 59-120(c) as they pertain to the R-0, R-1, and R-2 districts, if the front setback requirement on the zone lot is more than thirty (30) feet, then the depth of "Area A" as depicted in Illustration 1 shall be increased one (1) foot for every one (1) foot the required setback exceeds thirty (30) feet and the depth of Area B correspondingly reduced.

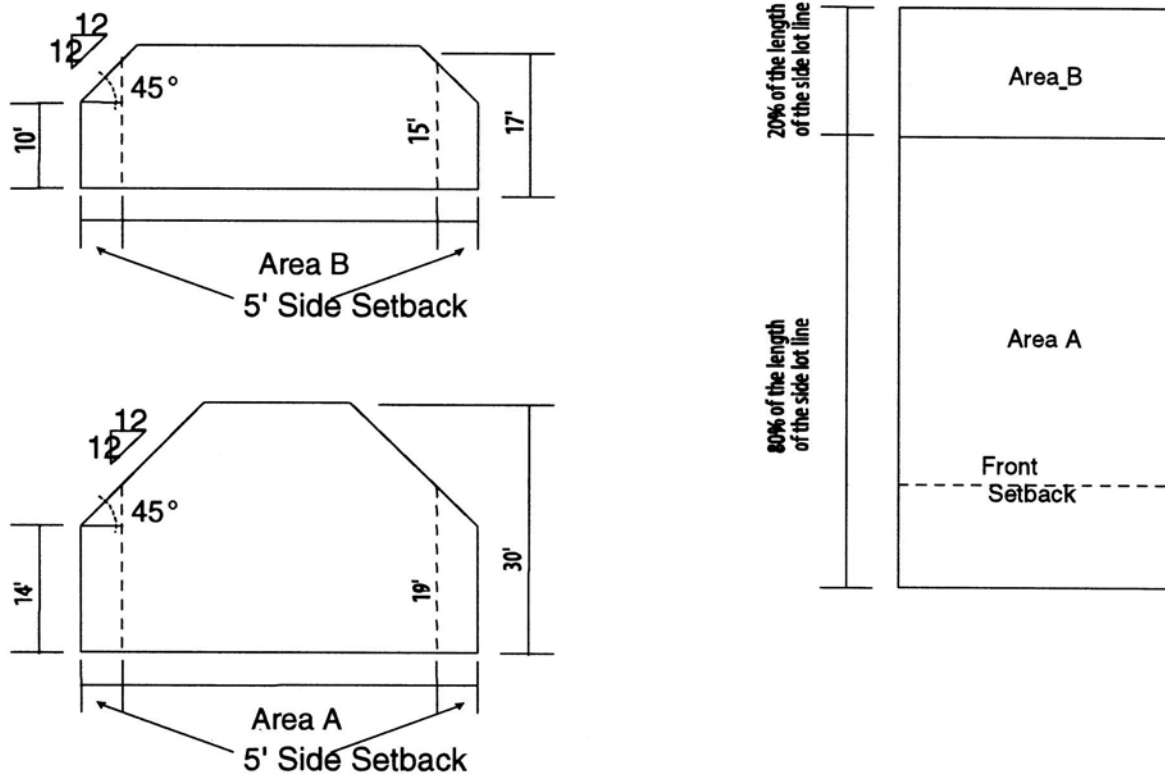


Illustration 2. Determining Front and Rear Portion of Zone Lot and Bulk Plane in the R-2-B District

(d) *Minimum size of dwellings.* 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.

(e) *Height of structures in the R-0, R-1 and R-2 districts.*

- (1) Area A, no part of any residential structure (except eaves, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, or evaporative coolers) shall exceed

thirty (30) feet in height on zone lots having a width of fifty (50) feet or less. On zone lots wider than fifty (50) feet, the height of the residential structure may exceed thirty (30) feet by one (1) foot for every five foot increase in lot width over fifty (50) feet up to a maximum height of thirty-five (35) feet. For purposes of this section 59-120(e)(1) only, the height of the structure shall be the vertical distance measured from the highest point of the building as described in section 59-2(52) to the average elevation of the corners of the building located in Area A at the finished grade.

- (2) In Area B, no part of any residential structure (except eaves, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or evaporative coolers) shall exceed seventeen (17) feet in height; provided, however, that the permitted height shall be increased an additional one foot, to a maximum of nineteen (19) feet, for every additional three (3) feet the residential structure is located away from any side lot line in excess of the standard side setback requirement. For purposes of this section 59-120(e)(1) only, the height of the structure shall be the vertical distance measured from the highest point of the building as described in section 59-2(52) to the average elevation of the corners of the building located in Area B at the finished grade. Within Area B, no residential structure shall exceed one story above ground level and no deck, patio, terrace, porch or balcony shall be located upon any roof.
- (3) No part of any nonresidential structure (except church spires, church towers, flagpoles, chimneys, antennas, flues, vents, flush mounted solar panels or evaporative coolers) shall be constructed higher than thirty-five (35) feet except that no part of any detached garage shall be constructed higher than fifteen (15) feet. The height of a detached garage that is located as close to the rear line of the zone lot as may be permitted by applicable laws or regulations shall be the vertical distance measured from the highest point of the garage as the highest point is described in section 59-2(52), to the average elevation of the alley or, if there is no alley, the rear line of the zone lot immediately adjacent to the garage.
- (4) For purposes of applying the height limitations set forth in this section 59-120(e), Areas A and B shall be determined as provided in section 59-120(c)(5), subject to the adjustment provided in section 59-120(c)(6). (See Illustration 1.)

(Ord. No. 695-07, § 7, eff. 11-30-07; Ord. No. 53-08, § 10, eff. 2-8-08)

(f) *Height of structures in the R-2-A district.* In the R-2-A district no part of any structure shall be constructed higher than one hundred ten (110) feet.

(g) *Height of structures in the R-2-B district.*

- (1) In Area A, no part of any residential structure (except eaves, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or evaporative coolers) shall exceed thirty (30) feet in height on zone lots having a width of fifty (50) feet or less. On zone lots wider than fifty (50) feet, the height of the residential structure may exceed thirty (30) feet by one (1) foot for every five foot increase in lot width over fifty (50) feet up to a maximum height of thirty-five (35) feet. For purposes of this section 59-120(g)(1)

only, the height of the structure shall be the vertical distance measured from the highest point of the building as described in section 59-2(52) to the average elevation of the corners of the building located in Area A at the finished grade.

- (2) In Area B, no part of any residential structure (except eaves, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or evaporative coolers) shall exceed seventeen (17) feet in height; provided, however, that the permitted height shall be increased an additional one foot, to a maximum of nineteen (19) feet, for every additional three (3) feet the residential structure is located away from any side lot line in excess of the standard side setback requirement. For purposes of this section 59-120(g)(2) only, the height of the structure shall be the vertical distance measured from the highest point of the building as described in section 59-2(52) to the average elevation of the corners of the building located in Area B at the finished grade. In Area B, no residential structure shall exceed one story above ground level.
- (3) No part of any nonresidential structure (except church spires, church towers, flagpoles, chimneys, antennas, flues, vents, flush mounted solar panels and evaporative coolers) shall be constructed higher than thirty-five (35) feet except that no part of any detached garage shall be constructed higher than fifteen (15) feet.
- (4) For purposes of applying the height limitations set forth in this subsection (4), Areas A and B shall be determined as provided in section 59-120(c)(6). (See Illustration 2.) (Ord. No. 695-07, § 8, eff. 11-30-07; Ord. No. 53-08, § 11, eff. 2-8-08) (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, §§ 14—17, eff. 12-2-03; Ord. No. 580-04, §§ 2—13, eff. 8-30-04)

Sec. 59-121. 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. 361-03, § 3, eff. 5-23-03)

Sec. 59-122. Vehicular access and parking in the R-0, R-1, R-2 and R-2-B districts.

(a) *In general.* In addition to the requirements set forth in this section, vehicular access to zone lots, parking of vehicles, and requirements for garages in the R-0, R-1, R-2 and R-2 B districts shall be governed by the applicable provisions of section 59-88, section 59-93 and article VI of this chapter. In the event of any conflict between the requirements of this section and any requirement set forth elsewhere in this chapter, the stricter provision shall control.

(b) *Vehicular access from alley required; exceptions.* On and after January 1, 2002, any newly constructed driveway, driving aisle, garage, carport, or other parking facility accessory to a single unit dwelling or multiple unit dwelling shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

- (1) The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

- (2) The alley is less than twelve (12) feet in width;
- (3) At least sixty (60) percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a street; or
- (4) The department of public works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely accommodate additional vehicular traffic.

(c) *Front garage width.* On and after January 1, 2002, the width of the doors on any newly constructed garage accessory to a single unit dwelling or a multiple unit dwelling and accessed directly from a street shall not exceed thirty-five (35) percent of the entire width of the facade of the dwelling or sixteen (16) feet, whichever is greater. This subsection shall not apply if the garage is located entirely in the rear one-half of the zone lot.

(d) *Front garage projection.* On and after January 1, 2002, any newly constructed garage accessory to a single unit dwelling or a multiple unit dwelling and accessed directly from a street shall not project closer to the front line of the zone lot than does any other part of the facade of the dwelling. This subsection shall not apply if at least sixty (60) percent of the existing dwelling units on the same face block are served by garages that are accessed directly from a street and project closer to the front line of the zone lot than do any other part of the facades of the dwellings to which they are accessory.

(e) *Limitations on vehicular uses in front setback.* On and after January 1, 2002, any newly constructed driveways, driving aisles, or unenclosed parking spaces accessory to a single unit dwelling or multiple unit dwelling shall not occupy more than one-third ($\frac{1}{3}$) of the front setback area of the zone lot, as determined pursuant to section 59-120(b)(1).

(f) *Definition of facade.* For purposes of this section, the term "facade" shall mean any exterior wall surface located at the ground level of a dwelling that faces the front line of the zone lot and encloses the interior of the dwelling.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-123. Of street parking requirements in the R-2-A district.

The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in the R-2-A district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-124. 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. 361-03, § 3, eff. 5-23-03)

Sec. 59-125. Special zone lot plan for planned building groups.

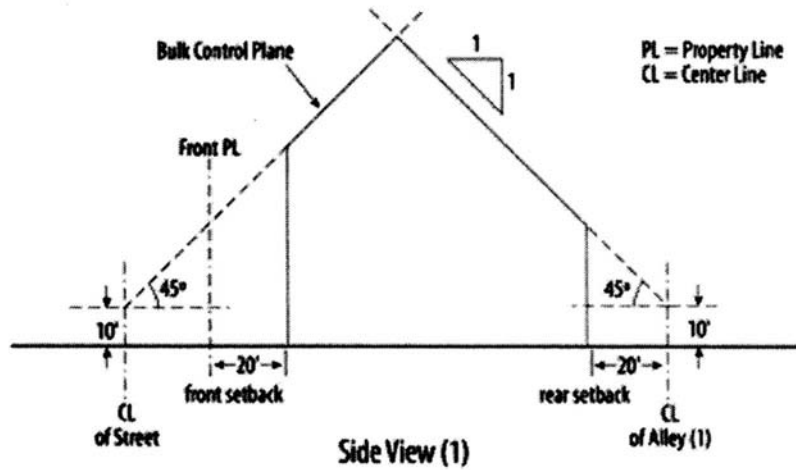
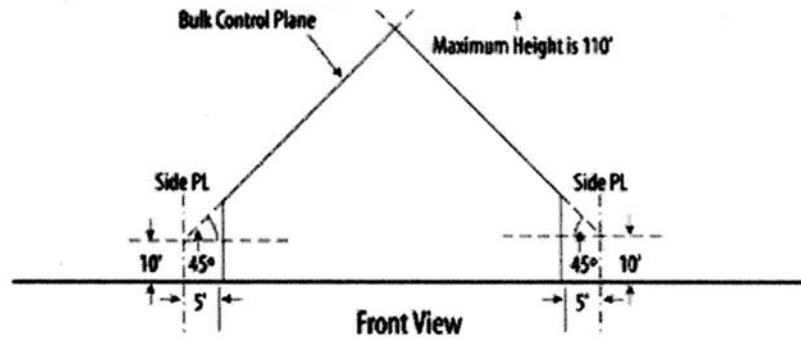
(a) *R-0 zone.* The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be of no force and effect in this district.

(b) *R-1, R-2, R-2-A, and R-2-B zones.* 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.

(c) *Special provisions for planned building groups in R-1, R-2 and R-2-B zones.* Notwithstanding any other provision of this division 2 or of article VIII of this chapter, planned building groups in the R-1, R-2 and R-2-B zone districts shall be subject to the following requirements:

- (1) *Bulk of structures.* With the exception of eaves, church spires, church towers, flag poles, antennas, chimneys, flues, and vents, no part of any structure including elevator penthouses, air conditioners, and other mechanical equipment shall project through bulk planes which start as follows:
 - a. The elevation at the midpoint of a specific zone lot line shall be as close as possible to the original grade of the midpoint, and 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;
 - b. For the side area of the zone lot: at a horizontal line which is located directly above the side lot line and which passes through a point ten (10) feet above the midpoint of such side lot line;
 - c. For zone lots on the corner of oblong blocks: at a horizontal line which is located directly above the front lot line facing the shorter dimension of any block oblong in shape and which passes through a point fifteen (15) feet above the midpoint of such lot line; and
 - d. 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 ten (10) feet above the midpoint of such rear lot line; 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 pass through a point ten (10) feet above the midpoint elevation of such center line.
 - e. These bulk planes shall extend over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback); provided, however, that where the side lot is located on the northerly side of the zone lot, the bulk plane angle shall change from forty-five (45) degrees at a point thirteen (13) feet in from the side line to twenty-six (26) degrees thirty-four (34) minutes with respect to the horizontal (a pitch of six (6) inches additional rise for each additional foot of distance from the side line). For a zone lot with a side line located on the map north/south axis, the bulk plane shall extend over the westerly side of the zone lot in the same manner as described above for the northerly side. (See Illustration No. 4.) For lot

arrangements not covered by the provisions of this subsection, the administrator shall determine the appropriate side to apply this lower pitch or solar access bulk plane.

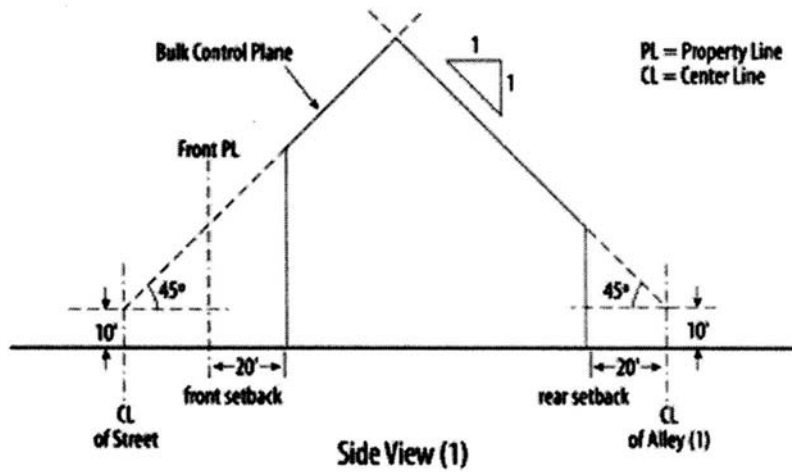
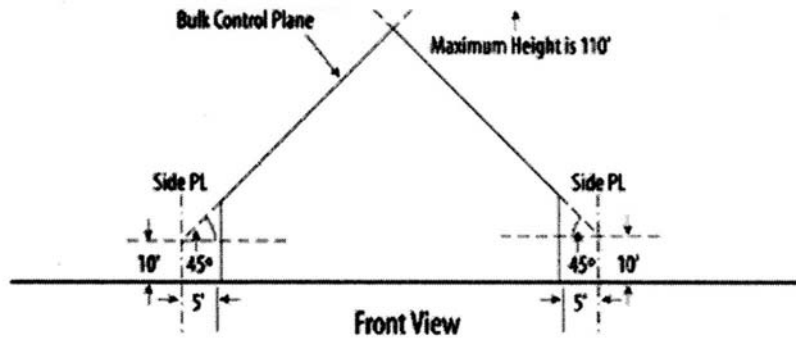


(1) If no alley exists, the setback is 20' from the rear property line. The bulk control plane, then, passes through a point 10' above the rear property line.

R-2-A Bulk Plane

Note: The sketch above generally illustrates the Setback and Bulk Regulations for most buildings containing a use by right. However, for specific applications to individual properties, interested parties are advised to contact the Zoning Administration office.

Illustration 3, R-2-A Bulk Plane



(1) If no alley exists, the setback is 20' from the rear property line. The bulk control plane, then, passes through a point 10' above the rear property line.

R-2-A Bulk Plane

Note: The sketch above generally illustrates the Setback and Bulk Regulations for most buildings containing a use by right. However, for specific applications to individual properties, interested parties are advised to contact the Zoning Administration office.

Illustration 3, R-2-A Bulk Plane

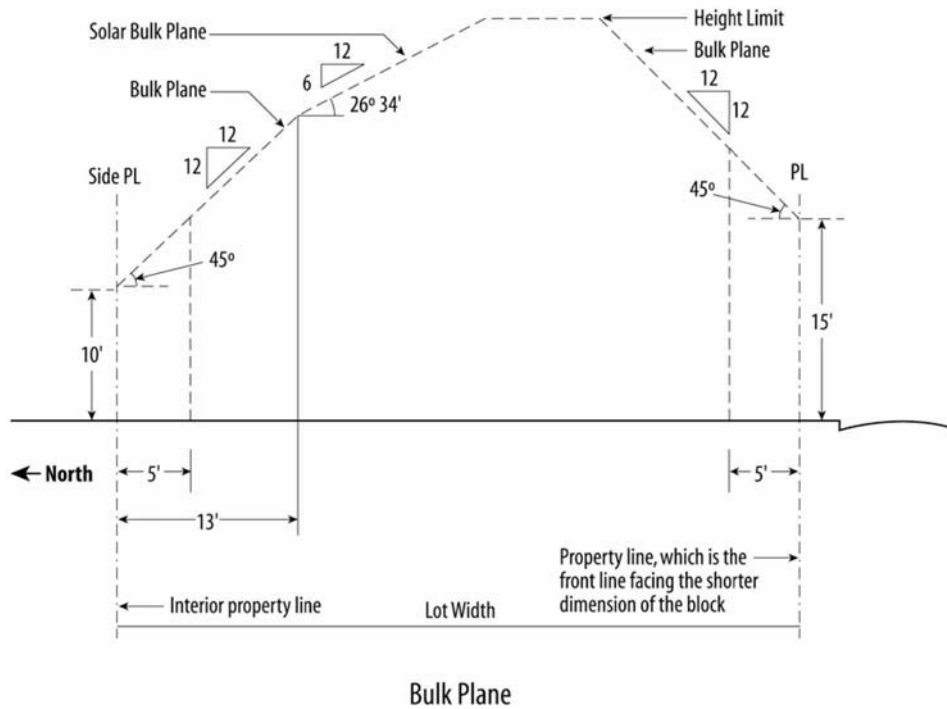


Illustration 4, Bulk Limits for R-1 and R-2 PBG'S

Note: The sketch above generally illustrates the setback and bulk regulations for most buildings containing a use by right. However, for specific applications to individual properties, interested parties are advised to contact the zoning administration office.

(Ord. No. 895-03, § 18, eff. 12-2-03)

- (2) *Required open space.* The zone lot for the following structures shall provide at least the following amounts of unobstructed open space:
- a. R-1 District: Three thousand (3,000) square feet for each single unit dwelling.
 - b. R-2 District: Fifty five (55) percent of the zone lot; provided, however, that for zone lots that have multiple unit dwellings, the land area used for open parking spaces shall not count as unobstructed open space.
 - c. R-2-B District: Fifty (50) percent of the zone lot; provided, however, that for zone lots that have multiple unit dwellings, the land area used for open parking spaces shall not count as unobstructed open space.
 - d. Incentive for front porches. Except as otherwise provided in this subparagraph d, a credit toward the amount of unobstructed open space required by subsection 59-125(c)(2) shall be given for all or a portion of the area of the zone lot occupied by any unenclosed porch on the front elevation of the dwelling, regardless of whether the porch is covered by a roof. The credit shall be in the amount of the

actual area of the zone lot occupied by the porch, up to a maximum credit of four hundred (400) square feet. No credit shall be given for any portion of a porch located directly beneath any enclosed habitable room or story of the dwelling, nor shall any credit be given for any portion of the porch that qualifies as unobstructed open space.

(Ord. No. 471, § 1, eff. 9-14-07)

- (3) *Building height.* No part of any structure (except church spires, church towers, flag poles, antennas, chimneys, flues, and vents) shall be constructed higher than thirty-five (35) feet, except that no part of any detached accessory structure shall be constructed higher than fifteen (15) feet.

(Ord. No. 459-06, § 7, eff. 7-21-06)

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-126. Preservation of certain trees during demolition or new construction.

(a) *Duty to preserve established trees in front setback.* As a condition of any permit to demolish or construct any single unit dwelling or multiple unit dwelling in the R-0, R-1, R-2 or R-2-B district, the owner of the zone lot shall be required to preserve any established tree within the front setback area of the zone lot as determined according to section 59-120(b)(1)a.

(b) *Preservation measures required.* In order to protect an established tree from damage or destruction and to enhance the tree's chance of survival after construction activities on the zone lot are completed, the owner shall take and maintain throughout the course of demolition or construction the following measures:

- (1) Erect and maintain temporary fencing surrounding the area beneath the tree in order to mitigate the chance of impact injuries to the tree during demolition or construction;
- (2) Refrain from operating construction equipment or storing construction materials beneath the canopy of the tree or engaging in other activities that would cause the undue compaction of the soil in the tree's root zone; and
- (3) Refrain from any excavation beneath the canopy of the tree that would cause undue destruction of the tree's roots.

(c) *Permit for tree removal.* The owner may be relieved from the requirements of this section only upon obtaining a permit for tree removal from the city forester according to the provisions of sections 57-20(b) and 57-25.

(d) *Definition of "established tree."* For purposes of this section, "established tree" shall mean any live, self-supporting woody perennial plant which has a trunk diameter of six (6) inches or more measured at a point four and one half (4 ½) feet above ground level and which normally obtains a height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-127. Nursing homes, hospices in the R-2-A districts.

In the R-2-A districts, nursing homes, hospices are allowed 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 such uses 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 existing on March 7, 1994 shall be considered to be legal, conforming uses. Additions to existing nursing homes need not comply with this section.

(Ord. No. 895-03, § 19, eff. 12-2-03; Ord. No. 468-05, § 10, eff. 7-15-05; Ord. No. 57-09, § 3, eff. 1-30-09)

Secs. 59-128—59-130. Reserved