

# DEPARTMENT OF TRANSPORTATION & INFRASTRUCTURE

# RULES & REGULATIONS

OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION & INFRASTRUCTURE,  
CITY & COUNTY OF DENVER

## GOVERNING ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT OF WAY

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APPROVED AS TO FORM:



**Kristin M. Bronson**  
Attorney for the City & County of Denver

APPROVED & ADOPTED:



**Eulois Cleckley**  
Executive Director of the Department of  
Transportation & Infrastructure

**Feb 1, 2021**

Effective Date

Adopted Pursuant to Chapter 2, Article VI of the Charter of the City & County of Denver and Section 2-91 et seq. and 12-18 of the Revised Municipal Code

# ENCROACHMENTS & ENCUMBRANCES IN THE PUBLIC RIGHT-OF-WAY

<b>Authority</b>	<p>Under the authority of the Denver City Charter, Article II; the Denver Revised Municipal Code (DRMC), Chapter 49; and by other City Ordinances and Regulations, the City and County of Denver Department of Transportation &amp; Infrastructure manages the Public Right-of-Way. The Department of Transportation &amp; Infrastructure Right-of-Way Services Division is the assigned City and County of Denver division of authority to administer and regulate Encroachments and Encumbrances in the Public Right-of-Way.</p> <p>This Rule and Regulation hereby replaces and supersedes the rule and regulation entitled Encroachments in the Public Right of Way, effective December 15, 2014.</p>
<b>Purpose</b>	<p>Right-of-Way is Public property specifically dedicated for the purposes of constructing, reconstructing, owning, maintaining, and repairing public thoroughfares such as streets, alleys, sidewalks, trails, and other public ways for transportation, utilities, and other public infrastructure. Private improvements should be located on Private property. Only in cases where there are physical constraints that preclude the placement of Private improvements on Private property that an Encroachment may be considered to be located within the Right-of-Way.</p> <p>When Privately-owned improvements are proposed in the Right-of-Way (Encroachments or Encumbrances), the conditions of this document must be met at a minimum. The intent of this document is to define and categorize Encroachments and establish criteria and general conditions for placement of Encroachments in the ROW. It is the City's sole discretion whether to grant an Encroachment Permit based on any facts the City feels are relevant.</p> <p>Encroachments are categorized as one of the following: Tier I, II, or III depending on the significance of the Encroachment.</p>
<b>Encroachment Permit Information</b>	<p>An Encroachment Permit is required prior to placing an Encroachment in the Public Right-of-Way. Encroachment Permits are revocable by the City at the City's discretion. An Encroachment Permit confers no rights to the Right-of-Way. Refer to Permit Entrance Requirements for Encroachments &amp; Encumbrances in the Public Right-of-Way for the submittal process, fees, guidelines and requirements for submittals available at <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a>.</p>
<b>General Obligations</b>	<p>The General Obligations are applicable to all Encroachment Permits. Permittee agrees to the following:</p> <ol style="list-style-type: none"> <li>1. Permittee agrees to defend, indemnify, reimburse and hold harmless the City, its appointed and elected officials, agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to an Encroachment Permit and the Encroachment ("Claims"). This indemnity shall be interpreted in the broadest possible manner to indemnify City for</li> </ol>

<p><b>General Obligations (Continued)</b></p>	<p>any acts or omissions of Permittee or its subcontractors either passive or active, irrespective of fault, including City’s negligence whether active or passive.</p> <ol style="list-style-type: none"> <li>2. Permittee’s duty to defend and indemnify City shall arise at the time written notice of the Claim is first provided to City regardless of whether claimant has filed suit on the Claim. Permittee’s duty to defend and indemnify City shall arise even if City is the only party sued by claimant and/or claimant alleges that City’s negligence or willful misconduct was the sole cause of claimant’s damages.</li> <li>3. Permittee will defend any and all Claims which may be brought or threatened against City and will pay on behalf of City any expenses incurred by reason of such Claims including, but not limited to, court costs and attorney fees incurred in defending and investigating such Claims or seeking to enforce this indemnity obligation. Such payments on behalf of City shall be in addition to any other legal remedies available to City and shall not be considered City’s exclusive remedy.</li> <li>4. Insurance coverage requirements specified in an Encroachment Permit shall in no way lessen or limit the liability of Permittee under the terms of this indemnification obligation. Permittee shall obtain, at its own expense, any additional insurance that it deems necessary for the City’s protection.</li> <li>5. This defense and indemnification obligation shall survive the expiration or termination of any issued Encroachment Permit.</li> <li>6. Permittee is fully responsible for all costs to install, maintain, repair, replace, remove, and restore the Encroachment Area, including annual City Encroachment Permit Fees. A lien will be placed on the Permittee’s property for failure to remove a revoked or abandoned Encroachment for cost incurred by CCD to remove the Encroachment and restore the Encroachment Area on behalf of the Permittee.</li> </ol>
<p><b>Insurance and Indemnification</b></p>	<p><b>Tier I and Tier II Encroachments</b> Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier I or Tier II Encroachment, the Owner of such Tier I or Tier II Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier I or Tier II Encroachment; and</p> <p>Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.</p> <p><b>Tier III Encroachments</b> Pursuant to and not superseding any General Terms and Conditions, as a condition for placement of a Tier III Encroachment, the Owner of such Tier III Encroachment shall hold CCD harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the Tier III Encroachment; and</p> <p>Obtain and Maintain a Commercial General Liability insurance policy with limits of \$1,000,000 for each occurrence, \$1,000,000 for each personal and advertising injury claim, \$2,000,000 products and completed operations aggregate, and \$5,000,000 policy aggregate. A combination of primary and excess coverage may be used to meet the aggregate limit. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.</p>

<p><b>Abbreviations</b></p>	<p><b>AASHTO</b> – American Association of State &amp; Highway Transportation Officials  <b>ADA</b> – Americans with Disabilities Act  <b>ADAAG</b> – Americans with Disabilities Act Accessibility Guidelines  <b>ADA/ADAAG/PROWAG</b> – Americans with Disabilities Act and accessibility guidelines  <b>CASDP</b> – Construction Activities Stormwater Discharge Permit  <b>CCD</b> – City and County of Denver  <b>CDOT</b> – Colorado Department of Transportation  <b>CLOMR</b> – Conditional Letter of Map Revision  <b>CP</b> – Right-of-Way Construction Permit  <b>CPD</b> –Community Planning and Development, a department in the CCD  <b>DDPHE</b> – Department of Public Health and Environment, a department in the CCD  <b>DOTI</b> – Department of Transportation &amp; Infrastructure, a department in the CCD  <b>DPR</b> – Department of Parks &amp; Recreation, a department in the City &amp; County of Denver  <b>DRMC</b> – Denver Revised Municipal Code  <b>DES</b> – Development Engineering Services, a division of Right-of-Way Services  <b>DS</b> – Development Services, a division of Community Planning and Development  <b>ER</b> – Engineering and Regulatory, a section of DOTI Right-of-Way Services  <b>FDC</b> – Fire Department Connection  <b>FEMA</b> – Federal Emergency Management Agency  <b>FIRM</b> – Flood Insurance Rate Map  <b>GPS</b> – Global Positioning System  <b>LOMR</b> – Letter of Map Revision  <b>MUTCD</b> – Manual on Uniform Traffic Control Devices  <b>OCF</b> – Office of the City Forester  <b>PAR</b> – Pedestrian Accessible Route  <b>PROWAG</b> – Public Right-of-Way Accessibility Guidelines  <b>ROW</b> – Right-of-Way or Rights-of-Way  <b>ROWS</b> – Right-of-Way Services, a division of DOTI  <b>RSOP</b> – Revocable Street Occupancy Permit  <b>SCP</b> – Street Cut Permit  <b>SOP</b> – Street Occupancy Permit  <b>SSPR</b> – Storm and Sanitary Plan Review  <b>SUDP</b> – Sewer Use and Drainage Permit  <b>TCRP or TCR</b> – Street Furniture and Table Chair and Railing Permit  <b>TEP</b> – Transportation Engineering Plan  <b>UPR</b> – Utility Plan Review</p>
<p><b>Definitions</b></p>	<p><b>Advertising</b> – The activity or profession of producing or posting advertisements for commercial products or services.</p> <p><b>Advertisement</b> – A notice or announcement in a public medium promoting a product, service, or event.</p> <p><b>Amenity Zone</b> – As defined in the <a href="#">CCD Transportation Standards and Details for the Engineering Division</a>. The Amenity Zone includes the following three areas: 1) between the back of curb, or edge of pavement where no curb exists, to the street side of the Sidewalk, 2) where no Sidewalk exists, the entire area between property line and the paved portion of street or alley, and 3) where there is attached Sidewalk, the area between the back of Sidewalk and property line.</p> <p><b>Artwork</b> – Creative art in the form of paintings, murals, sculptures and other pieces or structures that is primarily aesthetic and is not intended for the purpose of Advertising.</p>

**Definitions  
(Continued)**

**Awning** – An architectural Projection as defined by DRMC Sections 49-401 through 49-410 that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An Awning is comprised of a removable or retractable, lightweight frame structure covered by a removable or retractable fabric that is removed or retracted when not in use or during inclement weather to ensure that water, snow and ice do not drain onto the Sidewalk. Awnings may not have attachments such as signs, lighting, or outdoor heating.

**Balcony** - Balconies in the ROW are only allowed if they and their Projections are placed consistent with DRMC Sections 49-341 through 49-344.

**Bollard** – Any small vertical element such as a steel or iron pole, or a short concrete column intended to allow pedestrian traffic while restricting vehicular traffic. Bollards are typically used in groups to delineate between pedestrian and vehicular areas or to protect facilities, vaults, or structures.

**Building Appendage** – Belt courses, water-tables, sills, capitals, bases, vertical or horizontal Sun Shades, and other architectural features, including Canopies and Roof Overhang, projecting from a building that are primarily aesthetic, are non-structural, and do not enclose occupiable floor area and are consistent with DRMC Sections 49-341 through 49-346.

**Canopy** –A structure or architectural Projection of rigid construction that provides weather protection, identity or decoration that is not easily removable or retractable. A Canopy is structurally independent or supported by attachment to a building on one or more sides.

**Cantilevered Roof** – A roof that extends from the building wall greater than the criteria defined for Building Appendage.

**City** – City and County of Denver, also referred to as CCD.

**Cluster Box** – A unit of individually locked mail compartments serving two or more single-family residential, duplex, multi-family, or commercial units.

**Corner Sight Triangle** – a 30-foot leg Sight Triangle located at each street corner.

**Curbside Mailbox** – A post-mounted, single mailbox unit serving one single property placed back of curb in the ROW frontage of the property being served.

**Elevated Walkway** – a pedestrian route that is Raised and exists above finished grade of the back of curb.

**Enclosed Patio** – A patio fully or partially closed in on any of the sides and above the railing by fixed or removable material such as fabric, plastic, wood, or glass to separate the patio area from being fully open to the ROW.

**Encroachment** – Privately-owned improvements that are in, or project into, the Public ROW.

**Encroachment Area** – The area in the ROW impacted from the placement of the Encroachment, including portions of ROW disturbed during installation, maintenance, repair and removal of an Encroachment.

**Encroachment Permit** – A permit issued by the City for an Encroachment pursuant to these rules and regulations.

**Encroachment Permit Fees** – Fees related to an Encroachment Permit, including, but not limited to, inspections and administration.

**Encumbrance** – See Encroachment.

**Definitions  
(Continued)**

**Executive Director of DOTI** – Manager of DOTI or their designee.

**Fire Zones** - Fire Zone 1 and 2 are the collective areas within the boundary described as follows: beginning at the intersection of East 14th Avenue and Grant Street, thence north on Grant Street to 21st Street, thence northwest on 21st Street to Blake Street, thence southwest on Blake Street to the Cherry Creek, thence southeast on the Cherry Creek to West 14th Avenue, thence east on 14th Avenue to the point of beginning. Fire Zone 3 is all areas outside of the boundary of Zones 1-2.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Flow Line** – At vertical curbs, Flow Line is defined as the base of the curb. For sloped curbs, Flow Line is defined as the base of the slope. If no curb exists, Flow Line is defined as the edge of the pavement.

**Hardscape** - Surface treatment consisting of pavement that may include standard concrete, flagstone, granite, brick pavers, paver stone, colored concrete or stamped concrete located in the Streetscape of the ROW.

**Kiosk** – A small open-fronted shelter where convenience items are sold, such as newspapers, magazines, refreshments, phone accessories, and tickets.

**Landscape Fencing** – 30 inches or less in height and more than 50% open in area for the purposes of protecting surface water quality/detention, landscape and/or tree planting areas. Easily removable, can be pushed-in or pulled-out of the ground and is not set-in concrete.

**Mail Delivery Center** – The placement of more than one Curbside Mailbox and/or one or more Cluster Boxes in a centralized mail delivery area for multiple residential or commercial properties or units served.

**Marquee** – A type of Canopy that projects from the wall of a building or its supports over the entrance to a theater or venue for live events for displaying events or other attractions and may be illuminated and/or include a monitor and is consistent with DRMC Sections 49-386 through 49-391.

**Neighborhood Book Exchange** – A post-mounted, book-sharing box, or bookcase, used by the community to leave a book or take a book. The box is no greater than 8 cubic feet and the post is no greater than 6 inches in diameter.

**Non-Portable Planters** – An affixed, cast-in-place, or constructed-in-place planter that does not meet Tree Planter criteria per the [CCD Transportation Standards and Details for the Engineering Division](#).

**Owner** – Property owner adjacent to the Easement Area, other than the City and County of Denver, that is responsible for the placement, maintenance, repair, replacement, removal, site restoration, ownership, or is otherwise responsible for the Encroachment in accordance with this document. Owner shall include the original Owner’s successors and assigns of the property adjacent to the Easement Area.

**Parklet** - The temporary repurposing of portions of the Public ROW generally between flow lines, including on-street parking spaces, otherwise unallocated street pavement, by designating areas for seating, non-vehicular parking, or platforms for public use, mingling, sitting, or activity. All uses of Parklets shall be subject to review of all proposed elements and are subject to the same terms and conditions of Encroachments and use of the Public ROW. Parklets shall not be used for loitering, camping, overnight sleeping, location of any

**Definitions  
(Continued)**

structure affixed to the ground, or any other proposed or incidental use or feature not approved by DOTI.

**Pedestrian Accessible Route** – Is a continuous, unobstructed path connecting accessible elements and spaces in the ROW. The minimum accessible route of passage within a Sidewalk or other walkway that may or may not comprise the full width of the pedestrian circulation route. Minimum PAR widths shall be per [CCD Transportation Standards and Details for the Engineering Division](#) and, unless approved otherwise by DOTI, the PAR shall be no less than 5 feet wide.

**Pedestrian Sight Triangle** – a 10-foot leg Sight Triangle located at the edge of each intersecting driveway or alley.

**Permittee** – Owner or Special District that receives an Encroachment Permit.

**Pillars** – Self-supported columns that do not support a load and are not a part of a fence.

**Plant Container** – a flower pot, plant pot, or other portable container in which flowers and other plants (excluding trees) are cultivated and displayed.

**Private** – For the purposes of this document, “Private” shall mean owned and maintained by any entity, property owner, or person other than the City and County of Denver. Special Districts, CDOT, RTD and other public entities are referred to as “Private” within this document.

**Projection** – An extension or appendage from a structure or facility into the Public ROW.

**Public** – For the purposes of this document, “Public” shall mean owned by the City and County of Denver.

**Public or Street Tree** – A tree placed consistent with DRMC Chapter 57 - Vegetation in the ROW. Public Trees are under the regulation of the OCF, but by Ordinance their maintenance is the responsibility of the adjacent property owner.

**Raised** – An item, wholly or partially, that extends to any height above finished grade of the Streetscape.

**Raised Median** – The area of Raised paving or planting typically running down the center of a street or driveway, separating the directions of traffic.

**Regulatory Floodplain** – Stormwater inundation areas shown on FEMA FIRMs.

**Right-of-Way or Rights-of-Way** – Land that is dedicated by the City and County of Denver for Public ROW, as part of the system of thoroughfares of the municipality including streets, alleys, Sidewalks, bike paths, and other public ways, for the purpose of maintaining public accessibility and constructing, operating, and managing public facilities and utilities.

**Roadway Intersection Departure Sight Triangle** – Roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.

**Roof Overhang** – Eaves or lower edge of the roof which overhang a wall or gable end wall.

**Sidewalk** – A paved path provided for use by pedestrians.

**Sight Triangle** - Specified areas along intersection approach legs and across their included corners that are clear of obstructions that might block a driver’s view of potentially conflicting vehicles or pedestrians.

**Signal Equipment Clear Zone** – As defined in the [CCD Transportation Standards and Details for the Engineering Division](#). 20-foot “Clear Zone” at intersections for the installation of existing and future traffic signal equipment. Encroachments may not be placed in this area.

<p><b>Definitions (Continued)</b></p>	<p><b>SSPR</b> – Storm and Sanitary Plan Review drawings required for Private construction of Public or Private sanitary sewers and storm drain systems.</p> <p><b>Streetscape</b> – As defined in the <a href="#">CCD Transportation Standards and Details for the Engineering Division</a>. The entire area between the Flow Line and the property line.</p> <p><b>Special District</b> – An authorized City Charter district or State statute district formed with a defined purpose of installation, operation, and maintenance of common public improvements, including approved Encroachments installed in the ROW.</p> <p><b>Sun Shade</b> – A general term for a device used as protection from the sun or weather and may be an Awning or Canopy</p> <p><b>Tree Lawn</b> – An Amenity Zone comprised of lawn or other organic softscape and often planted with trees.</p> <p><b>Tree Planters or Tree Wells</b> – A designated planting area in a hardscaped area for planting Public Trees in the ROW.</p> <p><b>Tree Protection Zone (TPZ)</b> – The area above and below ground calculated at 18 inches radially from a tree for every 1 inch of trunk diameter at 4.5 feet above soil line.</p> <p><b>Underground</b> – Any Encroachment that is located completely below finished grade.</p> <p><b>Utility Company</b> – Any company, government entity, or agency other than the City and County of Denver that owns, installs, operates, or maintains utilities in the ROW.</p> <p><b>Zone Lot</b> – Land designated as the building site for a structure and/or the site for a land use or activity by CPD. CCD uses the Zone Lot as the basic land unit for zoning review and permitting.</p>
<p><b>General Placement Criteria</b></p>	<p>Unless otherwise specifically noted within this document, the following placement criteria applies to all Encroachments. The Executive Director of DOTI may prescribe appropriate methods, specifications, placement and materials for Encroachments in the ROW in addition to, or in lieu of, requirements herein.</p> <ol style="list-style-type: none"> <li>1. Encroachments should only be located within the ROW when there are constraints or conditions that preclude the placement of the object on Private property.</li> <li>2. The Encroachment shall not operate or be construed to abridge, limit or restrict the City in exercising its right to make full use of the Encroachment Area and adjacent ROW as public thoroughfares nor shall the Encroachment operate to restrict the Utility Companies in exercising their rights to construct, remove, operate and maintain their facilities within the Encroachment Area and adjacent Rights-of-Way.</li> <li>3. Encroachments shall not conflict with ADA/ADAAG/PROWAG requirements and shall not adversely impact disabled users of the ROW.</li> <li>4. Encroachments shall not create an adverse impact on persons or property or adversely affect the public health, safety and welfare.</li> <li>5. Encroachments shall comply with CCD Transportation Standards and Details for the Engineering Division, available online at <a href="https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/documents/standards-details-manuals.html">https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/documents/standards-details-manuals.html</a></li> </ol>



**General Placement Criteria (Continued)**

6. Encroachment placement shall not interfere with the safe and efficient passage of pedestrians and vehicles and shall not impede access to utilities, traffic control devices, or between the street and the Sidewalk.
7. Encroachments shall not impact or conflict with existing utilities, including maintenance, repair, and replacement thereof.
8. All Encroachments shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.
9. Encroachments shall provide the minimum clearance from utilities prescribed by the utility.
10. Encroachments shall not be placed within the Signal Equipment Clear Zone per the CCD Transportation Standards and Details for the Engineering Division.
11. Encroachments must be placed to avoid any conflicts and damage with existing Public Trees, including maintenance, repair, and replacement thereof.
12. Raised Encroachments shall be located a minimum of 2 feet from the face of curb when not adjacent to on-street parking and loading and a minimum of 3 feet from the face of curb when adjacent to on-street parking or loading.
13. Raised Encroachments shall not be placed within 5 feet horizontal clearance of a fire hydrant or FDC.
14. Encroachments shall be placed consistent with ADA protruding object criteria.
15. Encroachments shall not preclude the minimum standard Sidewalk width for adjacent street classification.
16. Raised Encroachments or Encroachments projecting into the ROW with less than 12 feet vertical clearance shall be visible at night.
17. Any Building Appendage that projects more than 12 inches into the ROW, except for Awnings, shall have a drainage system that prevents water, snow and ice from draining directly onto the ROW.
18. Encroachments shall not block Fire Department connections, fire hydrants, access or pathways. Encroachments shall not cross or project over roadways serving as fire lanes or sidewalks serving adjacent rescue windows without Fire Department approval.
19. Encroachments shall not obstruct stormwater drainage in and through the ROW nor cause water to collect on Sidewalks, streets or alleys or conflict with DRMC Section 49-554.
20. Underground Encroachments shall be capable of withstanding an HS-20 loading in accordance with the latest AASHTO Specifications.
21. Underground Encroachments shall be constructed so that the paved section of the street/alley can be widened without requiring additional structural modifications to the Encroachment.
22. Encroachments shall be constructed so that all standard ROW infrastructure, such as pavement, sidewalk, curb and gutter, street lights, and traffic signs, can be removed and replaced without affecting the Encroachment. Minimum vertical depth requirements may be established by DOTI to enable existing or future utilities above the Encroachment.

<p><b>General Placement Criteria (Continued)</b></p>	<p>23. Encroachments cannot be attached to or damage any Public Tree. Should an Encroachment happen to damage a Public Tree, such damage shall be reported to the OCF immediately for mitigation. Encroachments that require excavating or soil disturbance of any kind within the Tree Protection Zone must be approved by the OCF.</p> <p>24. Encroachments projecting into the ROW shall meet criteria for Building Appendages.</p> <p>25. Raised Encroachments shall maintain a minimum 5-foot wide pedestrian access every 40 feet between the street and sidewalk.</p>
<p><b>General Height Criteria</b></p>	<p>Unless otherwise specifically noted within this document, the following height criteria applies to all Encroachments. The Executive Director of DOTI may prescribe appropriate methods, specifications, placement and materials for Encroachments in the ROW in addition to, or in lieu of, requirements herein.</p> <ol style="list-style-type: none"> <li>1. Encroachments shall not create sight distance problems for pedestrians, bicycles and drivers. Encroachments must comply with AASHTO and other CCD sight distance standards.</li> <li>2. Unless otherwise noted in this document, Raised or Projecting Encroachments shall meet or exceed the criteria in DRMC Section 49-341 to 49-344.</li> <li>3. Cantilevered or wall-hung Encroachments projecting from exterior walls of a building and extending into the ROW shall have fire and smoke protection features as required by the Denver Building and Fire Code.</li> <li>4. Encroachments located within 14 feet from the Flow Line shall be a maximum of 30 inches in height.</li> <li>5. Encroachments located greater than 14 feet from the Flow Line shall be a maximum of 48 inches in height.</li> <li>6. Encroachments greater than 30 inches in height are prohibited within Corner Sight Triangles.</li> <li>7. Encroachments located in Roadway Intersection Departure Sight Triangles and Pedestrian Sight Triangles that are greater than 30 inches in height shall be less than 18 inches wide.</li> <li>8. Encroachments shall be placed consistent with ADA protruding object criteria.</li> </ol>
<p><b>Official Determination</b></p>	<p>If the Tier classification of a proposed Encroachment is not clear, the applicant must submit a request for an official determination with the following division of the City &amp; County of Denver Department of Transportation &amp; Infrastructure:</p> <p>ROWS Engineering &amp; Regulatory  <a href="http://www.denvergov.org/dotipermits">www.denvergov.org/dotipermits</a>  <a href="mailto:DOTI.ER@denvergov.org">DOTI.ER@denvergov.org</a>          201 W. Colfax, Dept. 507          Denver CO 80202          Phone: (720) 865-3003</p>

**Tier I Encroachments**

Tier I Encroachments are items constructed, or placed, in the ROW that are determined in the sole judgment of DOTI to meet the following minimum criteria:

- are not a significant size;
- do not impact the safe and efficient use and operation of the ROW;
- can generally be easily removed and ROW restored within 72-hours of notice;
- the item does not extend beyond the ROW frontage of the Owner’s or Special District’s property;
- is not critical to business or property use;
- does not impact the use of the ROW; and
- is not of significant expense to construct, maintain, and remove.

Additionally, regardless if an item is listed as Tier I, DOTI reserves the right classify a proposed Encroachment as a Tier II or Tier III or deny a proposed encroachment for reasons as determined in the sole judgment of DOTI including, but not limited to: it is significant in nature, is complex, is difficult to remove, is structural, requires structural support, encloses an area, obstructs access, impacts the use of the ROW, is critical to business and property use, is costly, and/or poses a health and safety risk to the public.

**TIER I ENCROACHMENT EXAMPLES**

Tier I Encroachment types include, but are not limited to, the below examples. If a proposed Encroachment is not specifically listed herein, a request for a determination must be submitted to DOTI. A Tier I Encroachment shall meet at a minimum, but is not limited to, the criteria contained below, in addition to the General Height Criteria and General Placement Criteria:

**Bollards**

- Are not greater than 8 inches in diameter.
- Shall not impede pedestrian movements as solely determined by DOTI.
- Shall not block Fire Department access. Fire Department shall be consulted.
- Lighted Bollards shall also comply with Lighting (Accent) criteria herein.
- More than 6 Bollards adjacent to one Zone Lot or development parcel shall require prior consultation and written approval by DOTI.
- Bollards in alleys must be submitted for review to determine if they can be placed in the ROW under a Tier II or Tier III Encroachment Permit.

**Doors for Buildings**

- Doors on new buildings shall not swing into the ROW except for Doors that are used solely for access to building transformers, utilities, or equipment that are only open during maintenance activities and are not a means of egress from the building or accessible to the public. Such doors may swing out into the ROW consistent with DRMC Section 49-345.

**Electric**

- All electrical service lines to Encroachments shall not exceed 120 volts and shall be buried in conduit.
- All proposed trenching and excavation activities within TPZ of Public Trees must be pre-approved by the OCF.
- Electric boxes or junctions shall not be attached to or placed within a minimum of 36 inches horizontal clearance to any Public Tree or vegetation.
- Voltage exceeding 120 volts is considered a Private utility and must be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit and may require the additional Utility Plan Review process.

**Tier I  
Encroachments  
(Continued)**

**Landscape Fencing**

- Landscape Fencing panels shall be less than 50% solid over its entire area, 30 inches or less in height and 40 feet or less in length.
- Landscape Fencing shall be for the purposes of protecting surface water quality/detention, landscape and/or tree planting areas.
- Landscape Fencing shall be easily removable (not set in concrete and can be pulled-out by hand and without equipment) to accommodate Streetscape improvements, such as Sidewalk widening, and to maintain access to emergency services, utilities (including hydrants, meters, and valves), public accesses, or facilities that require routine maintenance.

**Lighting (Accent)**

- Includes accent lights such as string lights, sconces, and wall-mounted lights. Excludes temporary installation of holiday string lights.
- Sconces and other wall-mounted lights must be placed consistent with Building Appendage criteria herein.
- Electric service shall not exceed 120V.
- Solar components shall be integral to the light fixture.
- Lighting shall not be mounted to bridges.
- A permit from the OCF is required prior to installing lights on Public Trees.
- Lighting levels of lights placed in the ROW shall be consistent with Street Light Design Guidelines. Lighting levels not consistent with design guidelines or otherwise distract or disrupt users of the ROW or Private property shall be removed as directed by DOTI.
- Lighted Bollards shall meet both Bollard and Lighting (Accent) criteria herein.
- Pedestrian light poles and/or other pole mounted lights shall comply with the Street Light Design Guidelines and must be submitted for review to determine if it can be placed in the ROW under a Tier II or Tier III Encroachment.

**Neighborhood Book Exchanges**

- Neighborhood Book Exchanges shall not be placed in the area between the curb and gutter and a detached Sidewalk.

**Mailboxes**

- Mail Delivery Centers shall be located outside the ROW for commercial and multi-family properties, and new residential construction.
- Mail Delivery Centers for existing residential properties (single family or duplex) shall be submitted for review to determine if it can be placed in the ROW under a Tier II or Tier III Encroachment Permit. A Special District must own and maintain the Encroachment and must demonstrate that they do not have the ability to locate the facility on their property before a Mail Delivery Center can be placed in the ROW.
- Curbside mailboxes and Mail Delivery Centers shall also meet United States Postal Services standards.

**Outdoor Heating (Natural Gas, Propane, Electric)**

- Outdoor Heating placed in the ROW shall be pre-manufactured, portable, easily moveable, and not fixed to the ground in any way.
- Outdoor Heating attached to buildings shall be placed consistent with Building Appendage criteria herein.
- Outdoor electrical heating shall be compliant with the Electric Encroachment criteria defined herein and may not exceed 120-volt service.
- Any connection to a fuel source shall either be to a portable source or to a quick disconnect valve at the front-facing exterior wall of adjacent structure no higher than 6 feet vertical clearance above ground.

**Tier I  
Encroachments  
(Continued)**

- Non-portable, constructed- or cast-in-place fire pits, fireplaces, or heating appliances shall be submitted for review to determine if it can be placed in the ROW under a Tier II or Tier III Encroachment Permit.

**Parklets**

- Parklet features shall be temporary, portable, easily moveable, and not fixed to the ground in any way.
- Proposed Parklets shall have standard safety features and traffic control devices approved by DOTI separating the area from traffic.

**Patios**

- Shall be flush with the Sidewalk and not be elevated above nor sunken below grade.
- Patios require railings delineating the area per the entrance requirements for Tables, Chairs and Railings.
- Enclosed Patios and/or Patios that are elevated above grade or sunken below grade shall be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit.

**Plant Containers**

- Plant Containers placed within the ROW shall be portable, easily moveable, and not fixed to the ground in any way.
- The top of Plant Containers may not be less than 24 inches above the Sidewalk.

**Shoring**

- Shall be cut down a minimum of 5 feet below grade when abandoned in place.
- Shoring shall not encroach under any Amenity Zone.
- Shoring placed within the Tree Protection Zone must be approved by the OCF.

**Signs**

- Shall be in accordance with Development Services criteria and guidelines for Signs and shall first obtain Zoning permit and applicable Comprehensive Sign Plan and design review board and district approval(s).
- Projecting Signs
  - Maximum extension of a sign into the ROW shall not exceed 36 inches.
  - The maximum sign area allowed shall be in accordance with the Denver Zoning Code.
  - Projecting signs shall be attached to the building and shall be placed consistent with Building Appendage.
  - Applicant shall obtain DPR approval prior to any construction adjacent to a park or parkway.
- Freestanding Signs
  - New freestanding, pole-mounted signs are not allowed in the ROW.
  - Freestanding signs supported within Private property and the display extends into ROW shall follow criteria for Projecting Signs.
- Other Signs
  - Monument signs, neighborhood signs and wayfinding signs shall be submitted for review to determine if it can be placed in the ROW under a Tier II or Tier III Encroachment Permit.

**Steps for Existing Buildings**

- Shall not exceed General Height Criteria in total height above Sidewalk grade or roadway grade when the Sidewalk is elevated, shall not encroach more than 5 feet into the ROW, and shall not preclude the minimum standard Sidewalk width for adjacent street classification.

**Tier I  
Encroachments  
(Continued)**

- On local and collector streets, Steps placed next to Sidewalks narrower than 5 feet wide shall be located a minimum of 5.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
- On Arterial streets, Steps placed next to Sidewalks narrower than 8 feet wide shall be located a minimum of 8.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
- Steps shall be located a minimum of 14 feet horizontal clearance from the flowline.
- Steps shall not be placed within 10 feet horizontal clearance of a Public or Private storm or sanitary sewer line.
- Steps shall not block or impair access to emergency services, utilities (including hydrants, meters, and valves), public accesses or facilities that require routine maintenance.
- Shall be designed so that the City can excavate in front of the Steps to replace ROW infrastructure without impacting the stability of the Steps.
- Steps with railings or steps for new construction shall be submitted for review to determine if it can be placed in the ROW under a Tier II or III Encroachment Permit.

**Storm Water Quality Control Devices and Measures**

- Private Underground detention or water quality systems are not allowed in the ROW.
- Storm Water Quality Control Devices and Measures in the ROW that treat runoff from Private property shall be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit. Encroachments that treat runoff from more than one Private property must be owned, operated, and maintained by a Special District without the ability to place these facilities outside of the ROW.

**Vaults**

- Excluding Utility Company and water meter vaults, new Private vaults are not allowed in the ROW.

**Walls**

- Existing building walls, including their foundations/footings, that encroach into the ROW 12 inches or less.
- Landscape walls that are for slope dampening only, can be removed without impact to other improvements and natural slope will return to original conditions, and shall meet all of the following minimum criteria:
  - Shall not exceed General Height Criteria in total height above Sidewalk grade and shall not encroach more than 5 feet into the ROW.
  - The face of the wall shall be placed a minimum of 6 inches horizontal clearance behind the back of the Sidewalk to allow for Sidewalk maintenance.
  - On local and collector streets, landscape walls placed next to Sidewalks narrower than 5 feet wide shall be located a minimum of 5.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
  - On Arterial streets, landscape walls placed next to Sidewalks narrower than 8 feet wide shall be located a minimum of 8.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
  - A landscape wall shall be located a minimum of 14 feet horizontal clearance from the flowline.
  - Landscape walls shall not be placed within 10 feet horizontal clearance of a Public or Private storm or sanitary sewer line.
  - Landscape walls shall not block or impair access to emergency services, utilities (including hydrants, meters, and valves), public accesses or facilities that require routine maintenance.

<p><b>Tier I Encroachments (Continued)</b></p>	<ul style="list-style-type: none"> <li>○ Landscape walls shall be installed so that the City can excavate in front of the wall to replace ROW infrastructure without impacting the stability of the landscape wall.</li> <li>○ Landscape Walls between a detached walk and the curb may be allowed for existing buildings that must address grade challenges for building access resulting from a mandated higher finish floor elevation. Landscape walls between a detached walk and curb to accommodate new buildings shall be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit.</li> <li>● Fencing placed on a Landscape Wall collectively exceeding General Height Criteria above Sidewalk grade shall be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit.</li> </ul> <p><b>Window and Door Wells</b></p> <ul style="list-style-type: none"> <li>● Only for existing windows and doors of existing buildings located at below-grade levels.</li> <li>● Shall not encroach more than 5 feet into the ROW.</li> <li>● Shall have railings or protective coverings.</li> <li>● Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.</li> </ul>
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**Tier II Encroachments**

Tier II Encroachments are items that are determined in the sole judgment of DOTI to meet the following minimum criteria:

- are more significant or complex than a Tier I Encroachment;
- are not a significant size or impact to the safe and efficient use and operation of the ROW;
- are not easily removed or ROW is not easily restored within 72 hours of notice;
- do not impact the use of the ROW; and
- are not of significant expense to construct, maintain, and/or remove.

Additionally, regardless if an item is listed as Tier II, DOTI reserves the right classify a proposed Encroachment as a Tier III or deny a proposed encroachment for reasons as determined in the sole judgment of DOTI including, but not limited to: it is significant in nature, is complex, is difficult to remove, is structural, requires structural support, encloses an area, obstructs access, impacts the use of the ROW, is critical to business and property use, is costly, and/or poses a health and safety risk to the public.

**TIER II ENCROACHMENT EXAMPLES**

Tier II Encroachment types include, but are not limited to, the below examples. If a proposed Encroachment is not specifically listed herein, a request for a determination must be submitted to DOTI. A Tier II Encroachment shall meet at a minimum, but is not limited to, the criteria contained below, in addition to the General Height Criteria and General Placement Criteria:

**Artwork**

- Shall be in accordance with criteria and guidelines for art in public spaces and first obtain approval by Arts & Venues.
- Does not provide any other service or function.
- Is not construed as a sign by DOTI or the Denver Zoning Code.
- Ownership of Artwork shall be visible on the art piece (plaque or etching).
- Artwork that is ground-mounted, exceeds General Height Criteria but meets General Placement Criteria.
- Artwork that projects over a PAR or over a street shall be submitted for review to determine if it can be placed in the ROW under a Tier III Encroachment Permit.

**Awnings**

- Awnings with ground supports, poles, or support columns located within the ROW.

**Building Appendages**

- Building Appendages with ground supports, poles, or support columns located within the ROW.

**Canopies**

- Canopies with ground supports, poles, or support columns located within the ROW.

**Freestanding Facilities**

- Including, but not limited to, electric vehicle charging stations, digital kiosks, and newsstands that meet General Placement Criteria.

**Freestanding Signs**

- Monument, neighborhood, or wayfinding signs.
- New freestanding, pole-mounted signs for Private benefit are not allowed.
- Existing freestanding signs in the ROW shall be considered for permit if no sign modifications are proposed other than changes in display content.



**Tier II  
Encroachments  
(Continued)**

**Inorganic Ground Treatments**

- Artificial turf, permeable rubberized surfaces, and all other inorganic permeable surfaces or similar innovative, non-standardized solutions.
- Decomposed granite, crusher fines, cobbles, loose stones or other easily disturbed materials are NOT allowed in the ROW.

**Irrigation Elements**

- Any raised irrigation appurtenance such as cross contamination and backflow prevention devices, other surface appurtenances such as valves and irrigation boxes, or irrigation pipe greater than 3 inches in diameter without the ability to place these facilities in their private property.
- Irrigation systems that span more than one property frontage. These irrigation systems must be owned, operated, and maintained by a Special District so that a single adjacent property owner is not responsible for the facilities that happen to be in the ROW adjacent to their property.

**Kiosks**

- Includes guard/valet shelters.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Lights**

- Shall meet City and County of Denver Street Lighting Design Guidelines.
- Lighting attached to multiple buildings and shall require a written agreement between all impacted building owners.
- A series of light poles installed across multiple property frontages must be owned, operated, and maintained by a Special District.

**Mail Delivery Centers**

- Mail Delivery Centers for existing residential properties (single family or duplex).
- Mail Delivery Center must be owned and maintained by a Special District. The Special District must demonstrate that they do not have the ability to locate the facility on their property before a Mail Delivery Center can be placed in the ROW.

**Monitoring Wells**

- Placed consistent with the CCD Transportation Standards and Details for the Engineering Division and the Utility Plan Review and UPR Checklist.

**Outdoor Heating**

- Non-portable, constructed- or cast-in-place fire pits, fireplaces, and heating appliances that are placed consistent with General Placement and Height Criteria.

**Non-Portable Planters**

- Privately-owned and maintained non-portable, affixed, constructed- or cast-in-place planters that are placed consistent with General Placement and Height Criteria, including plantings.

**Permeable and Other Non-Standard Hardscape**

- Applies to inorganic materials or design elements not allowed by the CCD Transportation Standards and Details.
- Only allowed within the Streetscape Amenity Zone and shall be placed flush with Sidewalk and to maintain minimum ADA/ADAAG/PROWAG pedestrian accessible

**Tier II  
Encroachments  
(Continued)**

routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

- Shall not extend within the TPZ of existing Public trees within any Amenity Zone without approval from the OCF.

**Ramps to Existing Buildings**

- Ramps that are attached to an existing building and for the sole purpose of providing the only means of ADA accessibility to an existing building.
- Ramps may not change direction in the ROW.
- The maximum total depth of the Ramp, including railings, projecting into the ROW is 5 feet and the length may not exceed minimum length necessary to provide access compliant with ADA.
- The ramp shall not be used as a patio, deck, or any other use other than for accessibility and no Signs, Plant Containers, furniture, or other obstructions shall be allowed on the ramp, landing, or railings.
- Foundation for handrails or handrail extensions shall not impede Sidewalk area.
- The railings on ramps may extend above General Height Criteria.
- May include elevated walkways that encroach no more than 5 feet into the ROW that provided continued ADA access between doors of the same property provided there is insufficient space to install separate ramps for each door.
- May include steps to the landing.

**Sanitary Sewer Pre-Treatment Devices**

- New Construction: Grease interceptors, sand/oil interceptors, and other pretreatment devices will not be allowed in ROW for new construction. Core and shell projects with unknown future tenants shall consider the need for grease and sand/oil interceptor(s) and must provide the space for interceptor(s) within the property.
- Existing Building: Grease interceptors, sand/oil interceptors, and other pretreatment devices may be allowed in the alley when no Private property is reasonably available and depending on other utilities located in the alley, as determined during SUDP plan review. Maximum extension into the ROW is 5 feet horizontal distance from property line.

**Small Cell Poles**

- Reference the Freestanding, Privately-Owned Small Cell Antenna Pole ROW Permit Entrance Requirements.

**Snow Melt Systems**

- All mechanical components and controllers associated with such systems shall be located on Private property and any connections made via underground conduit.
- Such systems shall be designed and constructed so that the portion located in the ROW can be isolated from the rest of the system and any work in the ROW will not impact the entire system.
- Shall not extend past the back of curb towards the street.

**Underground Devices**

- Structural cell systems for tree health (e.g. Silva Cells).

**Tier III Encroachments**

Tier III Encroachments are items that are determined in the sole judgment of DOTI to meet the following minimum criteria:

- are substantial in nature;
- are more significant or complex than a Tier II Encroachment;
- are a difficult to remove expansion of Private improvements, the building, or use into the ROW
- impacts the use of the ROW;
- are critical to business or property use;
- are of significant expense to construct, maintain, or remove;
- vary from the DRMC; or
- are structurally significant.

Additionally, regardless if an item is listed as Tier I or II, DOTI reserves the right classify a proposed Encroachment as a Tier III or deny a proposed encroachment for reasons as determined in the sole judgment of DOTI including, but not limited to: it is significant in nature, is complex, is difficult to remove, is structural, requires structural support, encloses an area, obstructs access, impacts the use of the ROW, is critical to business and property use, is costly, poses a health and safety risk to the public, and/or DOTI otherwise determines the Encroachment design should be reviewed by City Council.

**TIER III ENCROACHMENT EXAMPLES**

Tier III Encroachment types include, but are not limited to, the below examples. If a proposed Encroachment is not specifically listed herein, a request for a determination must be submitted to DOTI. A Tier III Encroachment shall meet at a minimum, but is not limited to, the criteria contained below, in addition to the General Height Criteria and General Placement Criteria:

**Above-Grade Building Occupiable Floor Area**

- Shall not encroach more than 4 feet into the ROW.
- Shall not extend over any Amenity Zone.
- Shall have a drainage system that prevents water, snow and ice from draining directly onto the Sidewalk.
- Shall have a minimum of 12 feet vertical clearance above ground.
- Shall not extend over an alley.

**Aesthetic/Freestanding Walls**

- Includes Pillars, fences, masonry walls, paver walls and their columns meeting General Placement Criteria.
- Aesthetic walls may not encroach more than 5 feet into the ROW and shall not exceed General Height Criteria.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Air Locks/Vestibules**

- For existing doors on existing buildings only.
- Shall not encroach more than 5 feet into the ROW, inclusive of the of the door swing.
- Vestibule doors on existing buildings for doors identified as Means of Egress per the Denver Building and Fire Code may swing into the ROW only when the door cannot be recessed because of existing building constraints.
- When a door swing is allowed into the ROW, safety features shall be installed on either side of the door to prevent the door from becoming a hazard to pedestrians while fully

**Tier III  
Encroachments  
(Continued)**

opened, or while opening. Safety features shall comply with Means of Egress criteria of the Denver Building and Fire Code and Tier I criteria herein.

- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Artwork Projecting Over the PAR/Street**

- Artwork shall be in accordance with criteria and guidelines for art in public spaces and first obtain approval by Arts & Venues.
- Artwork projecting over a PAR shall provide a minimum of 8 feet vertical clearance.
- Artwork projecting over a street shall provide a minimum 24 feet vertical clearance above grade when there is storm or sanitary lines in the ROW and 16.5 feet vertical clearance when there are no existing or planned storm or sanitary lines in the ROW. Where there are large pipes or multiple pipes, DOTI may require additional vertical clearance.
- Artwork may not project over an alley.

**Building Walls**

- Existing building walls, including their foundations/footings, that encroach into the ROW more than 12 inches.

**Cantilevered Roofs**

- Shall not encroach more than 2/3 the horizontal distance to the curb.
- Shall not extend over any Amenity Zone.
- Shall have a drainage system that prevents water, snow and ice from draining directly onto the Sidewalk.
- Shall have a minimum of 12 feet vertical clearance above ground.
- Shall not extend over an alley.

**Elevated or Sunken Patios**

- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.
- Shall be placed consistent with the permit requirements for Tables, Chairs and Railings.

**Electrical Conduit/Connections over 120 Volts**

- Reference the Utility Plan Review and UPR Checklist for additional criteria.

**Elevated Walkways, Loading Docks, Raised Platforms**

- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.
- Shall not encroach more than 5 feet into the ROW and shall not exceed General Height Criteria. The railings may extend above General Height Criteria from Sidewalk grade.

**Enclosed Patios**

- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.
- Shall be placed consistent with the entrance requirements for Tables, Chairs and Railings.

**Fences and Gates (New and Existing)**

- Shall meet criteria established in the Denver Zoning Code.

**Tier III  
Encroachments  
(Continued)**

- Shall be placed a minimum of 6 inches horizontal clearance behind the back of the Sidewalk to allow for Sidewalk maintenance.
- On local and collector streets, fences and gates placed next to Sidewalks narrower than 5 feet wide shall be located a minimum of 5.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
- On Arterial streets, fences and gates placed next to Sidewalks narrower than 8 feet wide shall be located a minimum of 8.5 feet horizontal clearance from front (street side) edge of Sidewalk to allow for the future expansion of the Sidewalk.
- If no curb or Sidewalk exists, fences and gates shall be located a minimum of 14 feet horizontal clearance from the edge of pavement.
- Shall not be placed in the area between the curb and gutter and a detached Sidewalk.
- Shall not be placed within 10 feet horizontal clearance of a Public or Private storm or sanitary sewer line.
- Shall not block or impair access to emergency services, utilities (including hydrants, meters, and valves), public accesses or facilities that require routine maintenance.
- Gates when fully open, or while opening, shall not swing out into the ROW.
- Fences and gates may not be placed in alleys and, when fully open or while opening, gates shall not swing out into alleys.
- Powered and non-powered gates shall not impede pedestrian traffic.
- Vehicle access gates shall be placed a minimum of 20 feet horizontal clearance behind the back of the Sidewalk to allow vehicle staging without impeding pedestrians.
- Masonry fences are considered Aesthetic/Freestanding Walls and shall be submitted for review to determine if it can be placed in the ROW in accordance with Aesthetic/Freestanding Wall criteria.

**Foundation Walls or Footings**

- For the purposes of supporting above ground structures or facilities.
- Underground walls placed in the ROW for maintaining the structural integrity of facilities, such as a building, improvement or facilities such as parking, driving surfaces, pedestrian accessible routes, and storage areas.
- Shall have a minimum 5 feet vertical clearance from top of footing to finish grade.
- Shall not encroach more than 5 feet into the ROW.
- Shall not extend within the TPZ of existing Public Trees within any Amenity Zone.

**Pedestrian Bridges and Skyways**

- Shall provide a minimum 24 feet vertical clearance above grade when there is storm or sanitary lines in the ROW and 16.5 feet vertical clearance when there are no existing or planned storm or sanitary lines in the ROW. Where there are large pipes or multiple pipes, DOTI may require additional vertical clearance.
- Connected properties shall have appropriate legal documentation signed by both property owners and recorded, which identifies ownership, maintenance obligations, and what would happen to the shared Encroachment if either property is sold.

**Private Sanitary Sewer, Storm, and Water Facilities**

- Private sanitary sewer mains, storm drain mains, subgrade drainage pipes, any other private utility, and their structures in the ROW, excluding lateral service connections that are generally connecting to the utility perpendicular to the ROW line.
- Reference the Utility Plan Review and UPR Checklist for additional criteria.

**Privately-Owned Raised Medians**

- Prior to proceeding with a Tier III Encroachment application, a median requires specific written endorsement by DOTI Transportation Engineering including, but not limited to an approved TEP or written letter from the City Traffic Engineer.
- Must be owned and maintained by a Special District.

**Tier III  
Encroachments  
(Continued)**

- Median design shall be sealed and signed by a Professional Engineer licensed in the State of Colorado to ensure code compliance.

**Ramps, Stairs, Stoops, and Steps**

- Only for new structures that do not encroach more than 5 feet into the ROW and do not exceed the General Height Criteria above grade. The railings may extend above the General Height Criteria from grade.
- For existing structures that cannot be placed as a Tier I or II Encroachment due to existing site constraints.
- Properties sharing the Encroachment shall have appropriate legal documentation signed by both property owners and recorded, which identifies ownership, maintenance obligations, and what would happen to the shared Encroachment if either property is sold.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Retaining Wall Supporting Above-Ground Structures or Facilities**

- Retaining walls may not encroach more than 5 feet into the ROW (including footings) and shall not exceed the General Height Criteria above grade. The railings may extend above General Height Criteria from grade.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Small Cells**

- Reference the Freestanding, Privately-Owned Small Cell Antenna Pole ROW Permit Entrance Requirements.

**Storm Water Quality Control Devices and Measures**

- That do not solely treat runoff from the ROW.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.
- Shall not extend more than 40 feet along the street with on-street parking.

**Surface Parking Facilities**

- Any Walls, Fences, or other features to support the expansion of Private parking spaces and associated facilities into the ROW.
- Requires a separate permit from Parking Operations to allow the parking in the ROW.
- Shall maintain minimum ADA/ADAAG/PROWAG pedestrian accessible routes and Sidewalk clear zones per the CCD Transportation Standards and Details for the Engineering Division.

**Underground Structures**

- Including, but not limited to Below-Grade Building Occupiable Floor Area or Parking Structures.
- Shall have a minimum 5 feet vertical clearance from top of structure to finish grade.
- Shall not encroach more than 5 feet into the ROW.
- Shall not encroach under any Amenity Zone.
- Shall not extend within the TPZ of existing Public Trees within any Amenity Zone, including any over-excavation and shoring (temporary or abandoned-in-place) necessary to construct the underground structure(s) without the approval from the OCF.