

ARTICLE IV. ZONE DISTRICTS

DIVISION 1. RS-4 AND R-X DISTRICTS

Sec. 59-101. Generally.

The provisions of this division apply to all lands, uses and structures in RS-4 R-X districts. (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-102. Description of the R-X district.

The R-X district is intended to provide for and encourage the appropriate residential use of the land included. A diversification of the municipal zoning plan will be permitted without in any way jeopardizing or reducing zoning standards promoting the public safety, convenience, health, general welfare and the preservation of the comprehensive plan. The limitations imposed on the district are designed to protect and maintain the integrity and character of the established adjacent neighborhood, at the same time conserving and enhancing property values. An integral requirement of the R-X district is the submission of a complete development plan delineating precisely the proposed and permitted development. (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-103. Uses allowed in these districts.

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

<i>KEY: P = Permitted L = Uses permitted with limitations * = Need not be enclosed (blank) = not permitted</i>		
Use	RS-4	R-X
Residential		
Dwelling, multiple unit		L9
Dwelling, single unit	P	P
Residential, institutional/special	L13	
Industrial, wholesale, transportation, utilities		
Railway right-of-way*	P	
Utility, major impact	L115*	
Utility, minor impact	L117	
Arts, entertainment, recreation, institutions		
Church, religious institution	P	
Parks, public, open space, associated buildings*	P	

<i>KEY: P = Permitted L = Uses permitted with limitations * = Need not be enclosed (blank) = not permitted</i>		
School, elementary or secondary	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)		

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-104. Limitations.

The following define the limitations enumerated in the use chart in section 59-103:

L9 Limited to cluster multiple unit.

L13 Limited parish house.

L115 Limited to water reservoir, need not be enclosed.

L117 Electric substation excluded.

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

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-105. Limitations on external effects of uses.

External effects of uses, as regulated by section 59-92 and parking of vehicles on private property, as regulated by section 59-93(b).

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-106. Permitted structures in the RS-4 district.

(a) *Zone lot for structures in the RS-4 district.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use by right and a subordinate structure or structures containing only accessory uses. The zone lot for each structure designed or used, either wholly or partly, for residential occupancy shall be not less than seventy-five (75) feet wide at the front setback line for structures and shall contain not less than twelve thousand (12,000) square feet; provided, however, that the minimum width may be reduced to fifty-six (56) feet and/or the requirement as to minimum size may be waived altogether 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

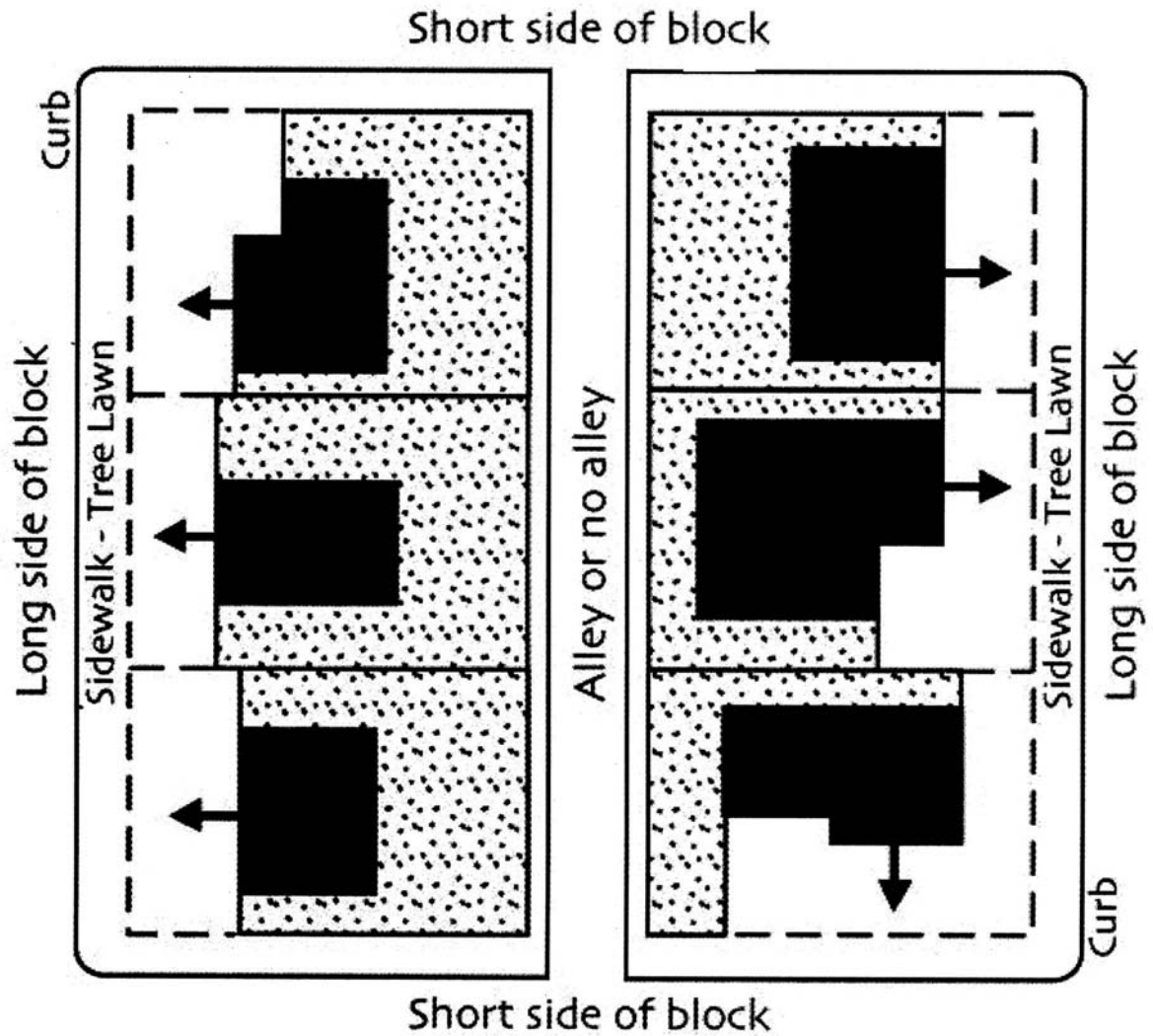
zone lot with a structure or structures thereon. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

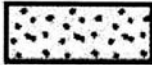


(b) *Location of structures in the RS-4 district.* All structures shall be set in a distance of not less than twenty (20) feet from each front line of the zone lot, not less than ten (10) feet from each side line of the zone lot and not less than five (5) feet from each rear line of the zone lot. The space resulting from the foregoing setbacks shall be open and unobstructed except as follows:

- (1) Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
- (2) Cornices, eaves and gutters may project three (3) feet into front setback space, five (5) feet into rear setback space and three (3) feet into side setback space.
- (3) Outside stairways may project five (5) feet into front setback space, five (5) 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.
- (4) Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
- (5) Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, rear and side setback space.
- (6) 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, five (5) feet into rear setback space and three (3) feet into side setback space.
- (7) 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.
- (8) Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space. Utility pedestals, transformers or other similar equipment may be installed in any setback area providing they do not exceed a height of three (3) feet.
- (9) Fences and walls not exceeding four (4) feet in height (see 59-2(112.1) fence and wall height measurement) 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).
 - a. Retaining walls in the front setback may be built to a height of four (4) feet and successive walls may be built provided that they are separated by at least four (4) feet. In any area of the zone lot other than the front setback, retaining walls may be built to any height;

- b. Fences located on top of retaining walls in the front set back must be fifty (50) percent or more open for any portion of the fence that is more than four (4) feet above the lowest grade at the base of the retaining wall;
- c. Fences not exceeding six (6) feet in height on a corner lot where a 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 exceeding four (4) feet in height but not exceeding six (6) feet in height may only be placed in the areas described in this section 59-106(b)(9) and the accompanying illustration;

Oblong Block



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

- d. Schools, public parks and/or playgrounds may erect open-mesh fences to any height on any part of the zone lot; and
- e. The materials used for fences or walls shall consist of wood, brick, masonry, wire mesh, metal bars not exceeding one and one-half (1.5) inches in diameter or other materials which may be approved by the zoning administrator. Salvaged doors and corrugated or sheet metal 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, § 4, eff. 6-16-06; Ord. No. 605-06, § 2, eff. 9-22-06)

(10) Ground mounted evaporative coolers may project three (3) feet into the side setback, provided:

- a. The equipment is located behind the front of the residential structure and screened from adjacent properties and public rights-of-way; and
- b. The noise standards of section 36-6 of the Denver Revised Municipal Code are not exceeded.

(Ord. No. 695-07, § 2, eff. 11-30-07)

(11) Flush mounted solar panels may encroach any distance into the setback space.

(Ord. No. 53-08, § 6, eff. 2-8-08)

(c) *Bulk of structures in the RS-4 district.* No part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers or accessory water tanks) shall project up through bulk limits which are defined by planes starting at horizontal lines which are co-directional to the front, rear and side lines of the zone lot and pass through points ten (10) feet above the midpoint of each such front, rear and side line and which planes extend up 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). In addition to the above limitations, no part of any nonresidential structures, except the bracketed items listed in the first sentence above, shall be constructed higher than thirty-five (35) feet.

(Ord. No. 695-07, § 3, eff. 11-30-07; Ord. No. 53-08, § 7, eff. 2-8-08)

(d) *Minimum size of single unit dwellings in the RS-4 district.* Each single unit dwelling shall contain a gross floor area of not less than six hundred (600) square feet.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-107. Permitted development in the R-X district.

(a) *Limitations in the R-X district.* No land shall be used or occupied and no structure shall be erected, altered, used or occupied in the R-X district until there has been submitted to the city council a plan for the development and use of the land and for the erection, alteration, use or occupancy of structures thereon and the plan has been approved by the city council. Each and every plan filed hereunder shall provide the following:

- (1) A separate outside entrance for each dwelling unit, which entrance shall be at or within three (3) feet of grade level.
- (2) A minimum of one thousand (1,000) square feet of gross floor area for each dwelling unit.
- (3) A minimum of seven thousand five hundred (7,500) square feet of land area for each existing and each proposed dwelling unit; provided that upon qualifying under the provisions of article IV, chapter 27 (affordable housing), a minimum of six thousand seven hundred and fifty (6,750) square feet of land area for each dwelling unit shall be provided.

(b) *Filing.* The plan shall be filed by the owner or owners of the land area included, the owner or owners of all structures then existing thereon and all holders of encumbrances of both the land area and structures, hereinafter jointly called the applicants, accompanied by sufficient evidence to establish that the applicants are all the owners and all holders of encumbrances of the designated land and structures.

(c) *Contents.* The plan shall be certified by the applicants, shall include all land area owned by the applicants in the same segment of the R-X district and shall show in exact and final detail the following details drawn to scale:

- (1) The land area included in the plan, the land area of all abutting districts and the zoning classification thereof, all public and private rights-of-way and easements bounding and intersecting the district and the abutting districts which are proposed to be continued, created, relocated and/or abandoned;
- (2) The proposed finished grade of the district, shown to contour intervals of not to exceed two (2) feet;
- (3) A description of the proposed zone lot or zone lots;
- (4) The location of each existing and each proposed structure in the district, the use or uses to be contained therein, the number of stories, gross floor area and the location of entrances and loading points therefor;
- (5) The location of all outside facilities for waste disposal;
- (6) All curb cuts, driving lanes, parking areas, loading areas, public transportation points and illumination facilities for the same;
- (7) All pedestrian walks, malls and open areas for use by tenants or members of the public;

- (8) The location and height of all walls, fences and screen planting;
- (9) The location, size, height, orientation and illumination of all signs;
- (10) The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;
- (11) The location of fire hydrants.

(d) *Review.* No plan filed hereunder shall be adopted or approved by the city council until the plan has been examined by the planning office or planning board and the recommendations of the office or board have been received by the city council; provided, however, that the city council may use the advice and assistance of any other municipal agency or any other source deemed desirable.

(e) *Disposition.* After completing its review of a plan, the city council shall either adopt and approve such plan by an appropriate ordinance or shall disapprove such plan by any procedure deemed suitable; provided, however, that no plan submitted hereunder shall be adopted or approved unless the city council finds that the plan is in accordance with the municipal comprehensive plan, is designed to lessen congestion in the street, to promote the health and general welfare, to provide adequate light and air and to prevent the overcrowding of land.

(f) *Registration and recording.* All approved plans shall be registered and recorded by the city council and a copy of the plan shall be transmitted to the department of zoning administration.

(g) *Effect of registration and recording.* All plans registered and recorded hereunder shall be binding upon the applicants therefor, their successors and assigns, either with or without notice thereof, shall limit and control the issuance and validity of all zoning permits and zoning certificates and shall restrict and limit the construction, location, use and operation of all land and structures included within such plans to all conditions and limitations set forth in such plans; provided, however, that upon application to and approval by the department of zoning administration, based only and strictly upon a showing of engineering and/or architectural necessity therefor, minor changes in the location of structures or accessory facilities may be permitted if such minor changes will not cause any of the following circumstances to occur:

- (1) A change in the character of the development;
- (2) An increase in the ratio of the gross floor area in structures to the area of any zone lot;
- (3) An increase in the intensity of use;
- (4) A reduction in the originally approved separations between buildings;
- (5) A change causing problems of circulation, safety and utility;
- (6) An increase in the external effects on adjacent property;
- (7) A reduction in the originally approved setbacks from property lines;
- (8) An increase in ground coverage by structures;

(9) A change in the subject, size, lighting, flashing, animation or orientation of originally approved signs.

(h) *Amendment.* All plans registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-108. Permitted signs.

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

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-109. Off-street parking requirements.

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

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-110. 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 the RS-4 district, but shall be of no force and effect in the R-X district.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-111. Special zone lot plan for planned building groups.

The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be of no force and effect in these districts.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Secs. 59-112—59-115. Reserved.