

**MEMORANDUM**

To: Development Services staff  
 From: Tina Axelrad, Zoning Administrator  
 Date: July 31, 2018  
 Re: **Denver Zoning Code Clarification – Rule of Measurement for Upper Story Stepback, DZC §13.1.6.1.H.2**

**Summary**

This memo provides a written clarification that addresses the following question:

- In the rule of measurement for an Upper Story Stepback standard, what is meant by the phrase “building’s lower portion,” from which the horizontal distance of the Upper Story Stepback is measured?

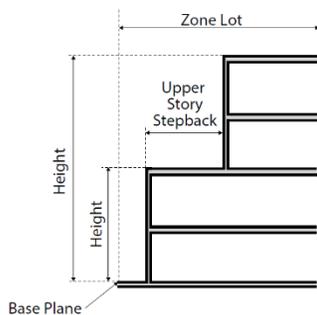
As explained below, **the phrase “building’s lower portion” means the building Story that is closest to the zone lot line that the Stepback standard references.** For example, for an Upper Story Stepback from the “Primary Street,” the horizontal distance of the Upper Story Stepback will be measured from the face of the building Story that is: (1) below the portion that needs to be stepped back and (2) closest to the Primary Street zone lot line. In addition, this standard applies to the face of the building’s lower portion that is closest to the zone lot line at any given point. Thus, the required stepback varies if the face of the building’s lower portion varies, as illustrated in example number 6 below.

**Discussion – Code Analysis**

The Denver Zoning Code (DZC) establishes a Rule of Measurement for Upper Story Stepback in Section 13.1.6.1.H.2:

“Upper Story Stepback is measured as the specified vertical distance starting at the Base Plane, and *then extending the specified horizontal distance from the face of the building’s lower portion, as shown in Figure 13.1-90.*”

Figure 13.1-90



However, this Rule does not clearly state where the specified horizontal distance from the face of the building’s lower portion should be measured *from*, because “face of the building’s lower portion” is not defined. This memo clarifies that for this Rule of Measurement, **“the face of the building’s lower portion” is the face of the building Story that is: (1) below the portion of the building that needs to be stepped back AND (2) closest to the zone lot line referenced in the Upper Story Stepback standard.** The latter will be either a Primary, Side Street, or a Side Interior Zone Lot Line.

This Rule of Measurement is applicable to building forms in Articles 3-5, specifically for any portions of buildings with a “Low-Slope Roof”, including buildings constructed under the Suburban House, Urban House, Duplex, Tandem House, Row House, Garden Court, and Apartment building forms.

## Key Terms Defined and/or Distinguished

**[Undefined Term] Face of a building:** “Face of a building” is not defined in the DZC. For purposes of this clarification, “face of a building” can be any exterior wall surface. It need not be located at Street Level (for example, it could be a cantilevered second story as shown in example number 4 below), and it need not enclose interior living space in the building (for example, a “face of a building” may enclose vehicle parking space).

**Low-Slope Roof:** “A roof or portion of roof that has no sloping plane greater than 3:12.”

**Story:** “That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.”

**Street Level:** “Any point on the first story or level in a building or structure in which the ceiling is 4 feet or more above grade at the nearest building line. The ‘building line’ shall be where the street-facing building facade meets finished grade.”

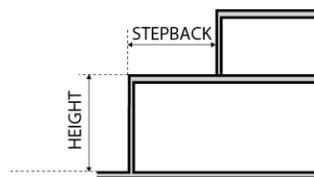
**[Distinguished Term] Façade:** as: “Any exterior wall surface located at the ground level of a building that encloses the interior of the building.” Note that the phrase “face of the building” is not the same as the defined term “Façade.” The Façade is located at the ground level, whereas the “face of the building’s lower portion,” as clarified in this memo, is not always at the ground level.

## Applicable Denver Zoning Code Sections

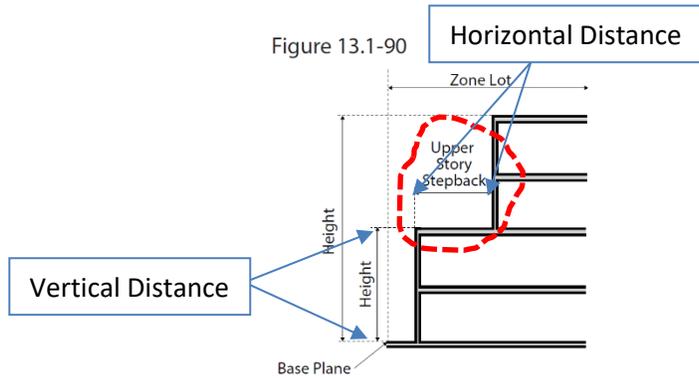
Rule of Measurement for Upper Story Stepback:	DZC, Section 13.1.6.1.H.2
Rule of Measurement for Upper Story Stepback for Low-Slope Roof:	DZC, Section 13.1.6.G.2.c.
Definitions of Key Terms “Story”, “Street Level”, “Roof, Low-Slope”:	DZC, Division 13.3
Height in Stories - Rule of Measurement	DZC, Section 13.1.2.3.B.2

## Examples

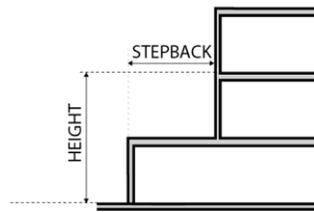
1. For a **two story-building** with a required Upper Story Stepback, the application of the Rule of Measurement is straightforward: The “face of the building’s lower portion” is the face of the exterior wall of the first story at the point closest to the zone lot line (Primary Street, Side Street, or Side Interior) referenced in the Stepback standard. Measure the Upper Story Stepback horizontal distance from that point.



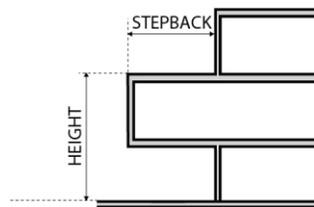
- For **buildings with more than two stories**, where the faces of all the lower Stories are in the same vertical plane, DZC, Figure 13.1-90 (below), demonstrates how to apply this Rule.



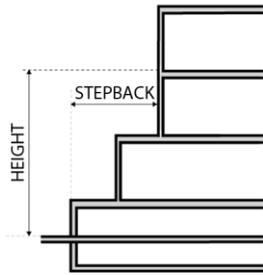
- For a **three-story building**, where the second Story is already stepped back from the first Story, the Upper Story Stepback from the Primary Street zone lot line for the third Story is measured horizontally from the face of the first Story, not from the stepped-back second Story, because the first Story is closest to the referenced Primary Street zone lot line.



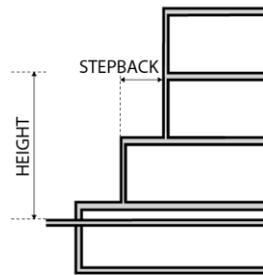
- For a **three-story building**, where the second Story is cantilevered over the first Story, the Upper Story Stepback from the Primary Street zone lot line for the third story is measured horizontally from the face of the second Story, not from the first story, because the second Story face is closest to the referenced Primary Street zone lot line.



- For a building with a **basement level partially above Street Level**, the basement portion will be considered only if it is a “Story” for purposes of measuring building height according to DZC, Section 13.1.2.3.B.2 (Height in Stories Rule of Measurement; see also Figures 13.1-13 and 13.1-14). If the basement level partially above Street Level is considered a Story for purposes of measuring building height, then the Upper Story Stepback could be measured horizontally from the face of the basement Story if it is the Story closest to the zone lot line referenced in the Upper Story Stepback standard.

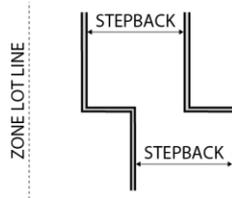


If basement is a story



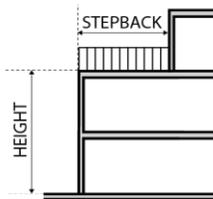
If basement isn't a story

- For any example above, this standard applies to the face of the building's lower portion that is closest to the zone lot line at any given point. Thus, the required stepback varies if the face of the building's lower portion varies, as illustrated in the plan view below.

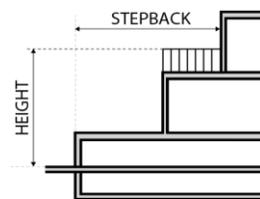


### Related Provisions – Encroachments/Projections into Upper Story Stepback

- Please note that projections or encroachments into an Upper Story Stepback area are absolutely **prohibited**. The Stepback area must remain open to the sky, with no exceptions. For example, a deck railing or parapet wall cannot encroach into a required Upper Story Stepback area, nor could a projection off the building's upper story (such as a balcony). A deck, balcony, railings, parapet wall, etc., located *below* the vertical distance required for the Upper Story Stepback may be possible in some cases.



Not allowed



May be allowed