



Zoning Tip Sheet # 3:

Grading standards for the Primary Street Setback Area

This tip sheet summarizes the Denver zoning rules for grading within the first 10 feet of a residential structure's primary street setback. All code references in Tip Sheet 3 are to the Denver Zoning Code (DZC). Properties located within Former Chapter 59 zoning should consult that code and CPD staff for all rules applicable to site grading and retaining walls.

Intent of the Zoning Grading Standards

The Denver zoning rules limiting site grading within the first 10 feet of the primary street setback area are intended to preserve slopes and hills (a.k.a. "the Denver hill") that often rise up from the back of the public sidewalk to the ground-floor elevation of the home. This slope or Denver Hill, found in many Denver residential neighborhoods, provides character and value, particularly to those within the Urban Edge (E-), Urban (U-), and General Urban (G-) neighborhood contexts and zone districts.

Applicable Denver Zoning Code Standards - Division 10.6: Site Grading Standards

1. **When Grading Standards Apply:** The site grading standards apply to all development subject to a Block Sensitive Primary Street Setback standard. Section 10.6.2.
 - i. Check the applicable building form standards (e.g., urban house, duplex) for your property's zone district in Articles 3-9 of the DZC, to see if your project is subject to a Block Sensitive Primary Street Setback.
2. **General Rule Limiting Grade Changes:** Grading within 10 feet of the primary street zone lot line shall not result in a difference between "original grade" and "finished grade" of more than 1 foot at any point. Section 10.6.5
 - i. See DZC, Article 13, for definition of the terms "finished grade" and "original grade".
3. **Exceptions to General Rule:**
 - i. The Zoning Administrator may allow a grade change of more than 1 foot if an applicant can prove that the grade change is necessary to provide proper site drainage and will not harm adjacent properties. Sections 10.6.5.1 and 10.6.5.2.
 - ii. Site grade may be changed by more than 1 foot to allow landscaping and retaining walls, where such improvements will place the finished grade closer to the elevation of the Front Base Plane. Section 10.6.5.3.
 - See DZC, 13.1.2.2 for the rule for measuring the Front Base Plane elevation.
 - iii. Any exception to the setback area grading standards in this Division 10.6 shall be requested in writing by the applicant, and shall include a report prepared by a Qualified Professional certifying that the exception is necessary and will not result in adverse drainage or grading impacts on abutting properties.

Applicable Denver Zoning Code Standards - Division 10.5: Retaining Wall Requirements

1. **Wall Standards:** Walls located in any area of the zone lot other than the primary street setback may be built to any height and subject to building code requirements.
 - i. Retaining walls in the Primary Street Setback area shall be built to a maximum height of 4 feet and successive walls shall be built provided that they are separated by at least 4 feet. However, this standard shall not apply to limit the height or require terracing when one or more retaining walls are used as an integral part of a below-grade window well or other basementegress area that is allowed by this Code to encroach into the Primary Street Setback area. See Section 13.1.7, Fence and Wall Height Measurement.
 - **Note:** Construction of any retaining wall over 12 inches in height requires a zoning permit (Section 12.4.1.2.A.1), and is subject to minimum design standards for retaining walls found in Section 10.5.6. Construction of any retaining wall over 4 feet requires a building permit and stamped, wet signed engineered drawings.

Note: Examples of common scenarios can be found on page 2 of this tip sheet.

www.denvergov.org/developmentservices



Example 1

Area of Grade change- fill

Area of Grade change- Cut

In this example, filling in Area 1 with dirt behind the first 4' retaining wall (raising the original grade by more than 1 foot) still complies per zoning code because the resulting landscaped, finished grade is closer to the elevation of the front base plane, per 10.10.6.5.3. Making the cut into the original grade in Area 2, which lowers the original grade, also complies per zoning code because the cut (change) is not more than 1 foot. This grading scenario complies with the DZC.

Grade at front P/L or zone lot line = 5000 ft

First 10' of PS setback area (measured from PS zone lot line) – area of concern for Sec. 10.6.5 zoning grading standards. Any wall that requires a building permit will require signed, stamped engineering drawings. Walls less than 4' do not require building permits (measured from bottom of footer). Zoning permits are required for any wall over 1' in height.

1" = 60'

Example 2

Area of Grade change- fill

Area of Grade change- Cut

In this example, cutting out Area 1 from original grade results in a change in grade of more than 1 foot, does not bring finished grade closer to the front base plane elevation, and therefore violates the zoning code, per 10.10.6.5. It is irrelevant that the first retaining wall complies with the maximum 4-foot height; the grading standard was still violated. Making the cut into the original grade in Area 2, which lowers the original grade, still complies per zoning code because the cut (change) is not more than 1 foot. This grading scenario does NOT comply with the DZC.

Grade at front P/L or zone lot line = 5000 ft

First 10' of PS setback area (measured from PS zone lot line) – area of concern for Sec. 10.6.5 zoning grading standards. Any wall that requires a building permit will require signed, stamped engineering drawings. Walls less than 4' do not require building permits (measured from bottom of footer). Zoning permits are required for any wall over 1' in height.

1" = 60'