



Denver Zoning Code Text Amendment Bungalow Conservation Overlay (CO-6) and Associated Amendments CITY COUNCIL DRAFT - 2/19/2021

This document contains the draft of a proposed text amendment to the Denver Zoning Code to create the Bungalow Conservation Overlay (CO-6) and associated amendments in Articles 11 and 13. It also includes non-substantive amendments to improve clarity of the Potter Highlands Conservation Overlay (CO-4). Councilwoman Amanda Sandoval has requested this amendment along with a map amendment to apply the Bungalow Conservation Overlay to SU zoned properties in the Harkness Heights area within the Berkeley neighborhood.

This City Council Draft includes proposed amendments to Article 9 (regulations for the CO-6 and clarifications in CO-4), Article 11 (clarification of the application of overlay districts applicability to use limitations for Two Unit Dwellings in SU zone districts), and Article 13 (zone lot line determinations, clarification to Rooftop and/or Second Story Deck definition, and addition to the Compliant Structure definition).

Redline Document Conventions

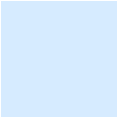
- Text in red underline is proposed new language.
- Text in ~~red strikethrough~~ is proposed deleted language.
- Text in ~~blue strikethrough~~ is being moved from one section/location to another.
- Text in blue, no strikethrough, has been moved from another section/location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments. The final, “clean” version of the text amendment that is filed for adoption by City Council will be updated to reflect the other adopted text amendments.

Visit www.denvergov.org/textamendments to learn more about this proposed text amendment. Please send any questions or comments to Brad Johnson at brad.johnson2@denvergov.org.

Other Denver Zoning Code Text Amendments in Progress

The text in this document reflects changes to the Denver Zoning Code as amended through November 12, 2020. The changes indicated here do not reflect the 2021 Bundle Text Amendment.

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PUBLIC HEARING BEFORE CITY COUNCIL.



ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS

**DZC TEXT AMENDMENT #10 – BUNGALOW CONSERVATION OVERLAY AND ASSOCIATED AMENDMENTS
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3. All Other Design Standards

All other development and design standards applicable to new development in the underlying zone district may be modified.

9.4.3.4 Conservation Overlay Districts Established

The following conservation overlay zone districts are established:

CONSERVATION OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Hilltop Heritage Conservation Overlay District	CO-1
Curtis Park Conservation Overlay District	CO-2
Scottish Village Conservation Overlay District	CO-3
Potter Highlands Conservation Overlay District	CO-4
Krisana Park Conservation Overlay District	CO-5
<u>Bungalow Conservation Overlay District</u>	<u>CO-6</u>

9.4.3.5 Effect of Approval

A. Zoning Map Designator

Each Conservation Overlay District shall be shown on the official map by an “CO-#” designator and an appropriate number placed after the underlying zone district designation.

B. Limitation on Permit Issuance

No zoning permit for development or for a use within a Conservation Overlay District shall be issued by Community Planning and Development unless the development or use meets the standards set forth in the adopted Conservation Overlay District.

9.4.3.6 Hilltop Heritage Conservation Overlay District (CO-1)

A. Creation

There is hereby created a conservation overlay zone district designated as Hilltop Heritage Conservation Overlay District CO-1.

B. Limitation on the Establishment of Zone Lots in the Overlay District

Any zone lots in this overlay zone district that existed on July 21, 2000, may be amended or subdivided only if each of the zone lots that are created or result therefrom is not less than 75 feet wide at any street (Side Street or Primary Street) setback line for structures and are not less than 9,300 square feet in lot size.

C. Exceptions Inapplicable

The exceptions from zone lot width and area requirements for zone lots in Section 1.2.3.3, Flag Zone Lots, shall not apply in this overlay zone district, provided however, zone lots containing at least 27,900 square feet existing on March 7, 2000, may be amended into zone lots in compliance with the zone lot width reduction for flag lots contained in Section 1.2.3.3, Flag Zone Lots, if the resultant zone lots contain at least 9,300 square feet.

9.4.3.7 Curtis Park Conservation Overlay District (CO-2)

A. Creation

There is hereby created a Conservation Overlay District designated as the Curtis Park Conservation Overlay District.

B. Intent

Accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.

C. Applicability

This Curtis Park Conservation Overlay District shall apply only to zone lots zoned to an -RH zone district.

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3. Shallow Lot Standards

a. Applicability

- i. Zone lots established prior to July 10, 2015 where at least one side interior or side street zone lot line is 90 feet or less deep, measured from the intersection of the primary street zone lot line and a side interior or side street zone lot line to the intersection of a zone lot line opposite the primary street.

b. Standards

- i. Rooftop and/or Second Story Decks are allowed in 100% of zone lot depth.
- ii. The following underlying zone district primary building form height standards applicable in the front 65% of zone lot depth shall apply to 100% of zone lot depth:
 - a) Height in stories;
 - b) Height in feet;
 - c) Allowable height increase; and
 - d) Bulk plane vertical height at side interior and side street zone lot line.

E. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only

1. Side Interior Setback

- a. The minimum side interior setback shall be 0 feet.
- b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

9.4.3.9 Potter Highlands Conservation Overlay (CO-4)

A. Creation

There is hereby created a Conservation Overlay District designated as the Potter Highlands Conservation Overlay District.

B. Intent

To apply additional building form standards that are consistent with the established character of the Potter Highlands Historic District.

C. Applicability

This Potter Highlands Conservation Overlay shall apply only to those areas designated as CO-4 on the Official Zone Map.

D. Primary Building Form Standards Applicable to Urban House, Duplex, and Tandem House Building Forms

1. Side Interior Setbacks

- a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 5 feet.

2. Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines

- a. For zone lots 30 feet or less in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 15 feet.
- b. For zone lots greater than 30 feet in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 13 feet.

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3. Rooftop and/or Second Story Decks

Rooftop and/or Second Story Decks located on or above the roof of any story other than the Street Level Story are prohibited.

- a. ~~Rooftop deck on roof of second story or above~~
 - i. ~~Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the second story or on the roof of any story above the second story of a structure shall be prohibited in 100% of zone lot depth.~~
- b. ~~Rooftop deck on roof of Street Level story~~
 - i. ~~Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the Street Level story of a structure shall be permitted in the front 65% of zone lot depth.~~

4. Low-Slope Roof Height Limit and Bulk Plane Exception

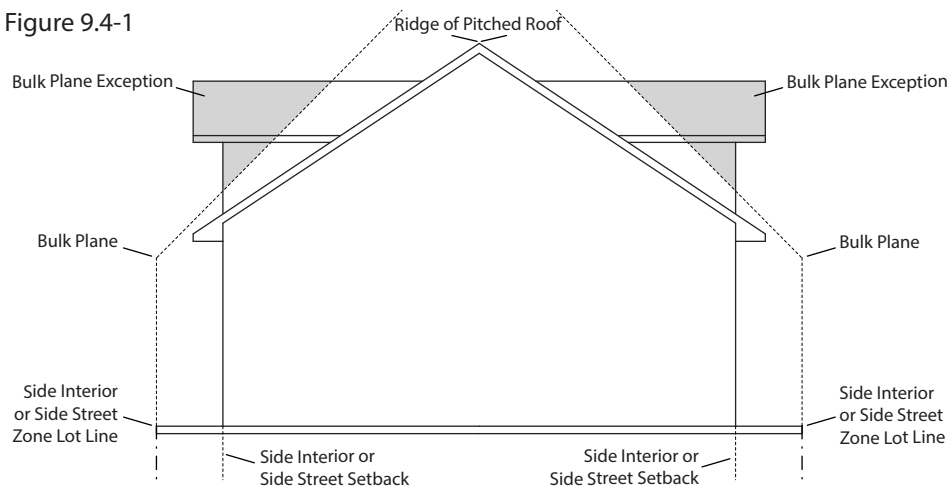
- a. In the front 65% of zone lot depth:
 - i. Low-Slope Roof structures shall have a maximum height of 25 feet.
 - ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.
- b. In the rear 35% of zone lot depth:
 - i. Low-Slope roof structures shall have a maximum height of 14 feet.
 - ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.

5. Bulk Plane Exception for Dormers in the Front 65% of Zone Lot Depth

A Dormer may project beyond the bulk plane in the front 65% of the Zone Lot Depth provided the projecting Dormer meets all of the following conditions: Any portion of structures extending through and exceeding bulk plane standards shall be subject to the following limitations:

- a. The highest point of ~~an exception~~ the Dormer shall not exceed the height of the ridge of the pitched roof. (See Figure 9.4-1)

Figure 9.4-1

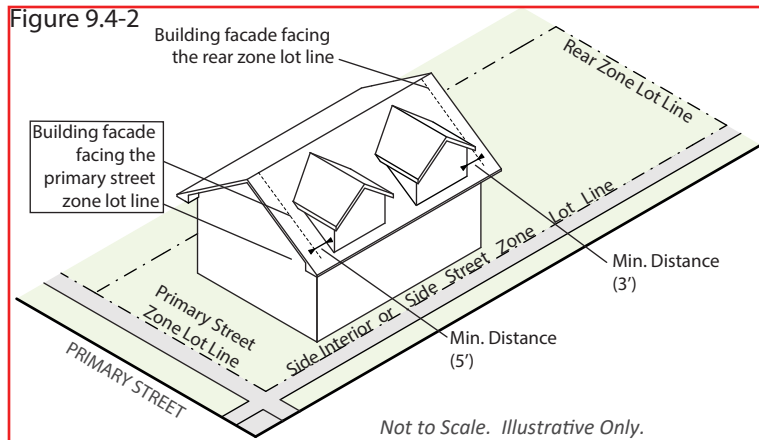


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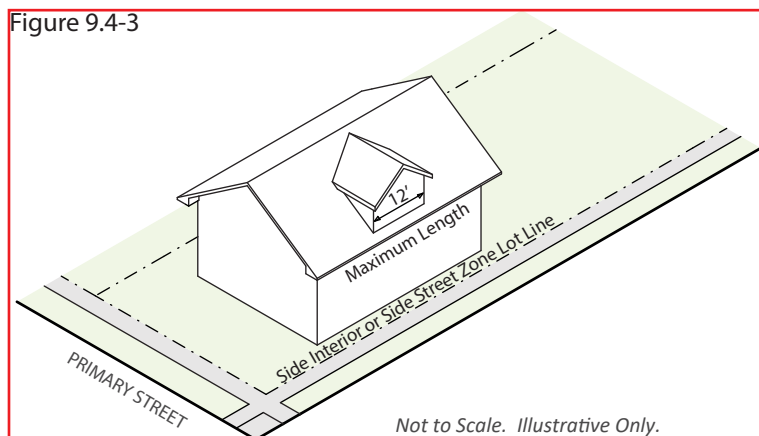
- b. ~~An exception~~ The Dormer shall contain at least one window that faces a side interior or side street zone lot line.
- c. ~~An exception may only project through and exceed bulk plane standards in the front 65% of zone lot depth.~~
- d. ~~An exception~~ The Dormer shall not have a Low-Slope Roof.

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- e. ~~An exception's~~ The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the exterior wall of the ~~exception-Dormer~~ to the edge of the roof overhang.
- f. ~~An exception-The Dormer~~ shall ~~step-back have~~ a minimum distance of 5 feet from the building facade located between ~~an-exception the Dormer~~ and the primary street zone lot line, measured perpendicular from ~~an-exception the Dormer~~ to the building facade. Roof overhangs may encroach into the ~~stepback minimum distance~~. (See Figure 9.4-2)
- g. ~~An exception-The Dormer~~ shall ~~step-back have~~ a minimum distance of 3 feet from the building facade located between ~~an-exception the Dormer~~ and the rear zone lot line, measured perpendicular from the ~~exception Dormer~~ to the building facade. Roof overhangs may encroach into the ~~stepback minimum distance~~. (See Figure 9.4-2)

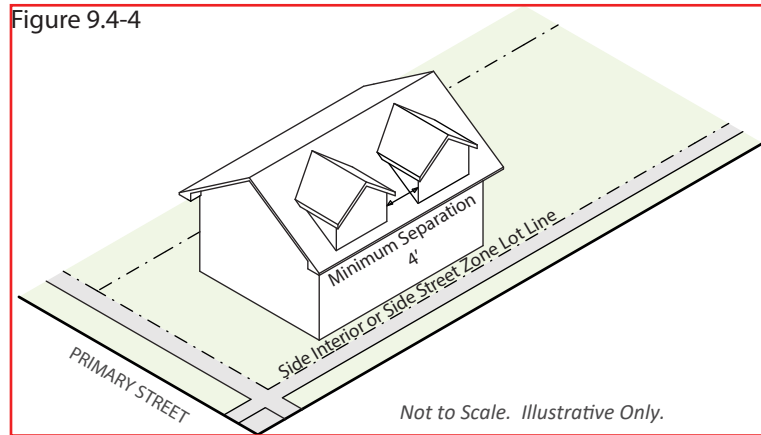


- h. The maximum length of an individual ~~exception projecting Dormer~~ shall be 12 feet (length is measured from the exterior wall surface), measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-3)

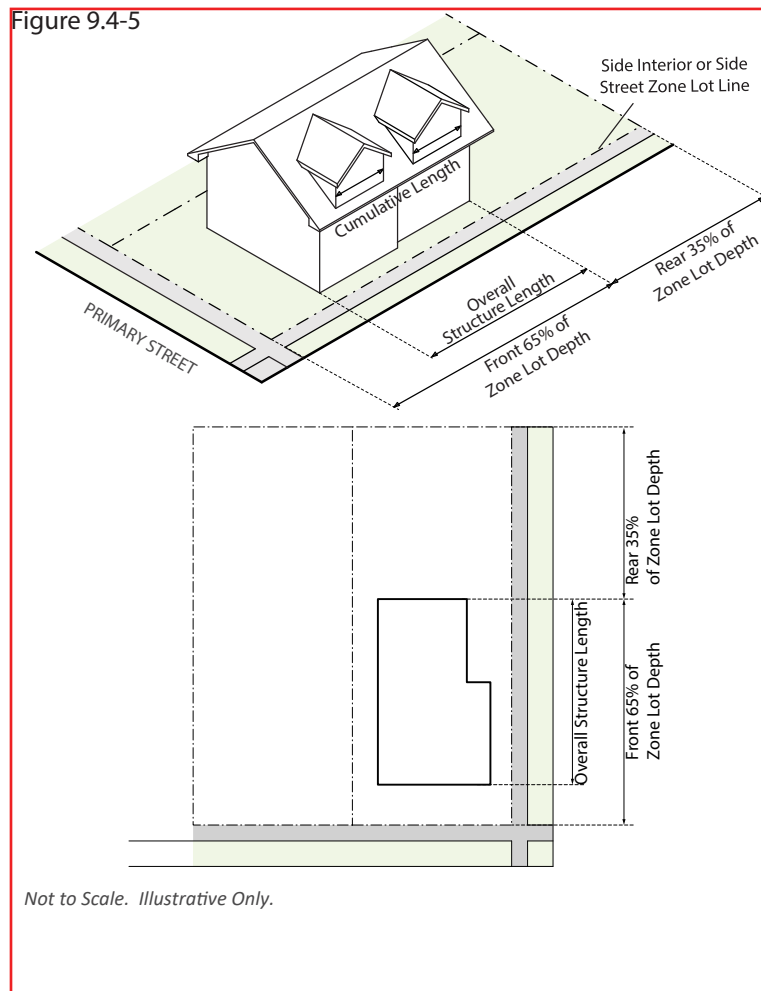


- i. The minimum separation between ~~exceptions projecting Dormers~~ shall be 4 feet (separation is measured from the exterior wall surface), measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-4)

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- j. The maximum cumulative length of all **exceptions projecting Dormers** shall not exceed 50% of the overall structure length facing the side interior or side street zone lot line within the front 65% of zone lot depth. Maximum cumulative length shall be calculated using the sum of the length of all **exceptions projecting Dormers** divided by the **Overall sStructure HLength** (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-5)

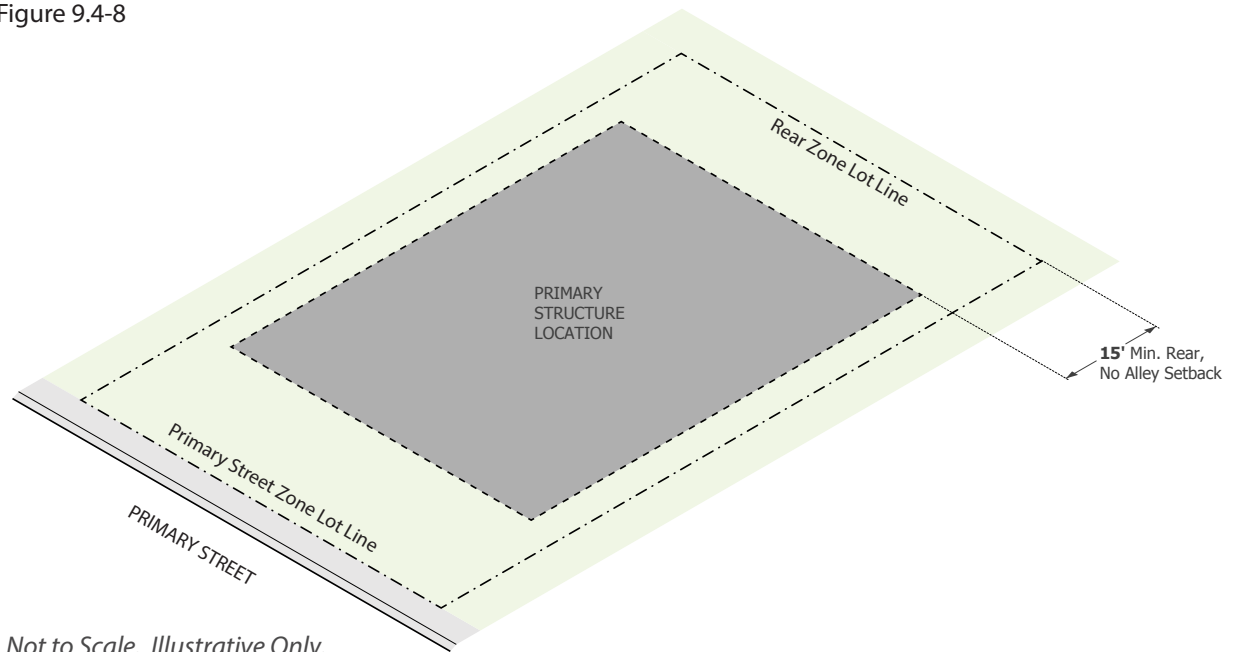


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5. Setback, Rear, No Alley

The minimum Setback, Rear, no alley, shall be 15 feet. See Figure 9.4-8.

Figure 9.4-8



6. Rooftop and/or Second Story Decks

Rooftop and/or Second Story Decks are prohibited on the entirety of the zone lot.

9.4.3.11 Bungalow Conservation Overlay (CO-6)

A. Creation

There is hereby created a Conservation Overlay District designated as the Bungalow Conservation Overlay District (CO-6).

B. Intent

To promote conservation of the mass, scale and other design characteristics of low-scale residential neighborhoods comprised primarily of one and two story 'bungalow' structures within single unit (SU) or two unit (TU) Underlying Zone Districts in the Urban Edge and Urban Neighborhood contexts.

C. Applicability

This Bungalow Conservation Overlay shall apply only to those areas designated as CO-6 on the Official Zone Map.

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D. Primary Building Form Standards Applicable to Any Allowed Building Form

The district-specific standards of the Underlying Zone District for any allowed building form are modified as set forth in the following table.

1. Intent

- a. To encourage development that is compatible in scale and mass, has raised foundations and incorporates compatible roof forms through the application of Building Height Standards and other Supplemental Design Standards.
- b. To encourage spacing between buildings that reflect the existing pattern of generous and offset (larger to the south and more narrow to the north on east-west oriented Zone Lots) setbacks through the application of Siting Form Standards.
- c. To ensure low-slope roof forms are compatible with existing context, the rhythm of porches along the street is maintained, porches provide a scale transition to the street and privacy issues related to upper story outdoor spaces are mitigated through application of Design Element Standards and Supplemental Design Standards.

HEIGHT		CO-6 Overlay District			
<u>See Underlying Zone District for Additional Applicable Height Standards Not Listed Below</u>					
Stories, front 65% / rear 35% of Zone Lot depth (max)		<u>2/1</u>			
Feet, front 65% / rear 35% of Zone Lot depth for Pitched Roofs (max)		<u>28'/17'</u>			
Feet, front 65% / rear 35% of Zone Lot depth for Low-Slope Roofs (max)		<u>22'/17'</u>			
Feet, front 65% of Zone Lot depth, permitted height increase		<u>Not Permitted</u>			
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth		<u>14'/10'</u>			
SITING		CO-6 Overlay District			
<u>See Underlying Zone District for Additional Applicable Siting Standards Not Listed Below</u>					
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH	30' or Less	Greater than 30' and up to 45'	Greater than 45' and up to 75'	75' or Greater	
Side Interior, south Side Zone Lot Line (min)	<u>3'</u>	<u>7'</u>	<u>10'</u>	<u>10'</u>	
Side Interior, north Side Zone Lot Line (min)	<u>3'</u>	<u>3'</u>	<u>5'</u>	<u>10'</u>	
Side Interior, where no south or north Side Zone Lot Line is present (min)	<u>3'</u>	<u>5'</u>	<u>7.5'</u>	<u>10'</u>	
GROSS FLOOR AREA BY ZONE LOT SIZE	7,500 sf or Less		Greater than 7,500 sf		
Gross Floor Area (max) (for Stories which have upper surface of their floor above the finished grade at any point)	<u>3,000 sf</u>		<u>3,000 sf plus 40 sf for every 100 sf increase in Zone Lot Size above 7,500 sf</u>		
DESIGN ELEMENTS		CO-6 Overlay District			
<u>See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below</u>					
BUILDING CONFIGURATION					
Rooftop and/or Second Story Decks	<u>See Section 9.4.3.11.E.1</u>				
Upper Story Stepback, for any portion of building with Low-slope Roof above 15', Primary Street (min)	<u>10'</u>				
STREET LEVEL ACTIVATION					
Pedestrian Access, Primary Street	<u>See Section 9.4.3.11.E.3</u>				
USES		CO-6 Overlay District			
<u>See Underlying Zone District for All Applicable Uses Standards</u>					
<u>See Underlying Zone District and Sections 9.4.3.11.E and 9.4.3.11.F for Supplemental Design Standards and Design Standard Exceptions.</u>					

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E. Supplemental Design Standards for the CO-6 Overlay District

1. Rooftop and/or Second Story Decks

- a. Rooftop and/or Second Story Decks located on or above the roof of any story other than the Street Level story are prohibited.
- b. Rooftop and/or Second Story Decks projecting from the building above the Street Level are prohibited.

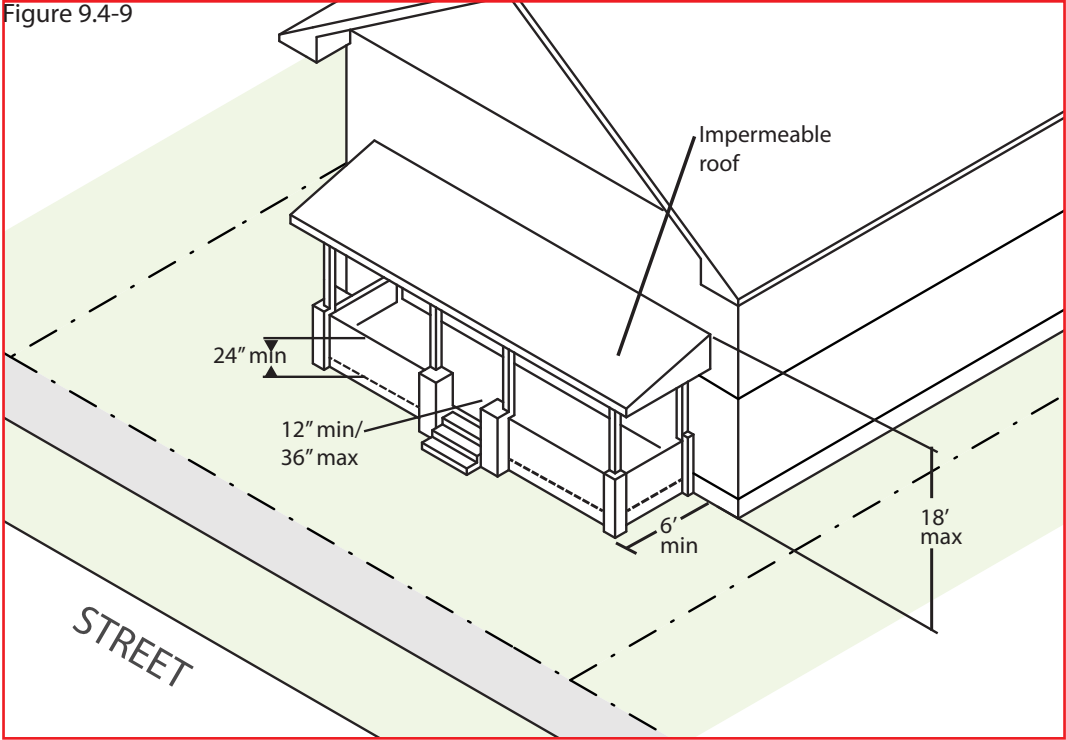
2. Elevation of the Upper Surface of the Floor of the Street Level

- a. The minimum elevation of the upper surface of the floor of the Street Level in the front 40% of the Zone Lot depth shall be 12 inches above the Front Base Plane elevation, except when a lower elevation is required by Denver's Department of Transportation and Infrastructure (DOTI).
- b. The maximum elevation of the upper surface of the floor of the Street Level in the front 40% of the Zone Lot depth shall be 36 inches above the Front Base Plane elevation, except when a higher elevation is required by Denver's Department of Transportation and Infrastructure (DOTI).

3. Pedestrian Access, Primary Street

- a. A Front Porch shall be required.
- b. A Front Porch shall:
 - i. have an upper walking surface a minimum area of 120 square feet, inclusive of posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to a Front Porch.
 - ii. have an upper walking surface a minimum depth of 6 feet as measured perpendicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street Facing Facade to the exterior face of the Front Porch inclusive of posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to a Front Porch. See Figure 9.4-9
 - iii. not be located below a Story.
 - iv. have partial height walls, railings or guards at its perimeter. Such walls, railings or guards shall extend vertically above the upper walking surface of the Front Porch a minimum of 24 inches except for a portion of the Front Porch where access for persons is provided. The width of such access shall not exceed 50 percent of the total linear distance of all required partial height walls, railings or guards. See Figure 9.4-9
 - v. have a maximum height of 18 feet as measured from the Front Base Plane. See Figure 9.4-9
 - vi. be covered by an impermeable roof. See Figure 9.4-9
 - vii. not abut more than one Exterior Wall.

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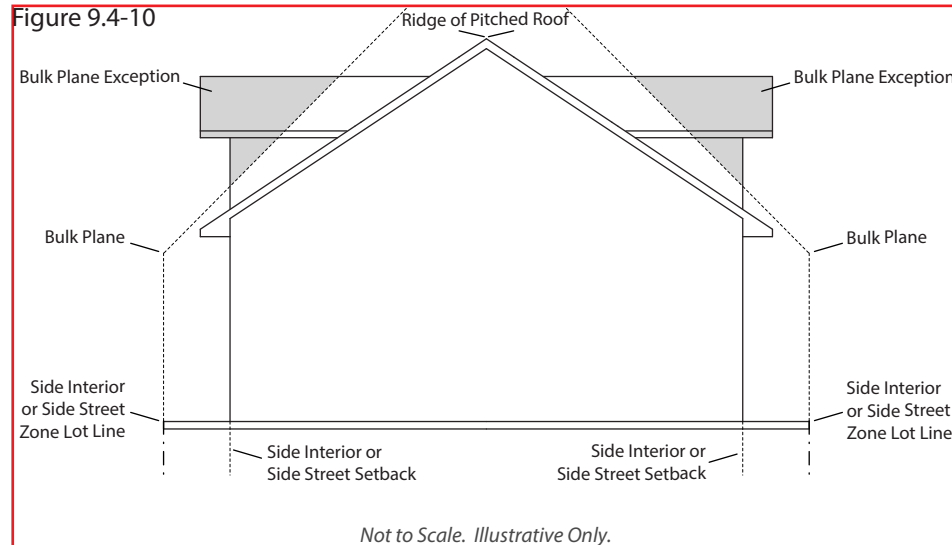
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F. Design Standard Exceptions for the CO-6 Overlay District

1. Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth

A Dormer may project beyond the bulk plane as specified in the applicable Building Form table in the front 65% of Zone Lot depth provided the projecting Dormer meets all of the following conditions:

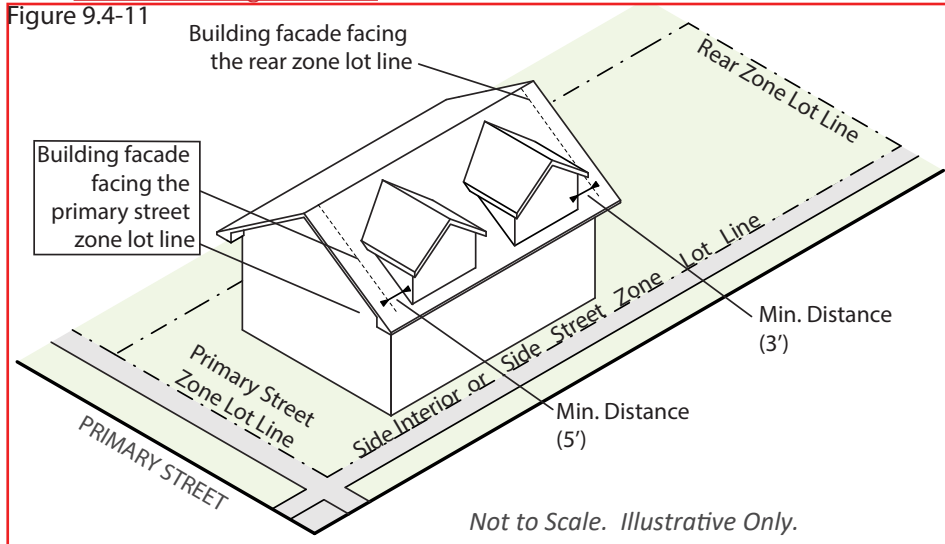
- a. The highest point of the Dormer shall not exceed the height of the ridge of the pitched roof. See Figure 9.4-10



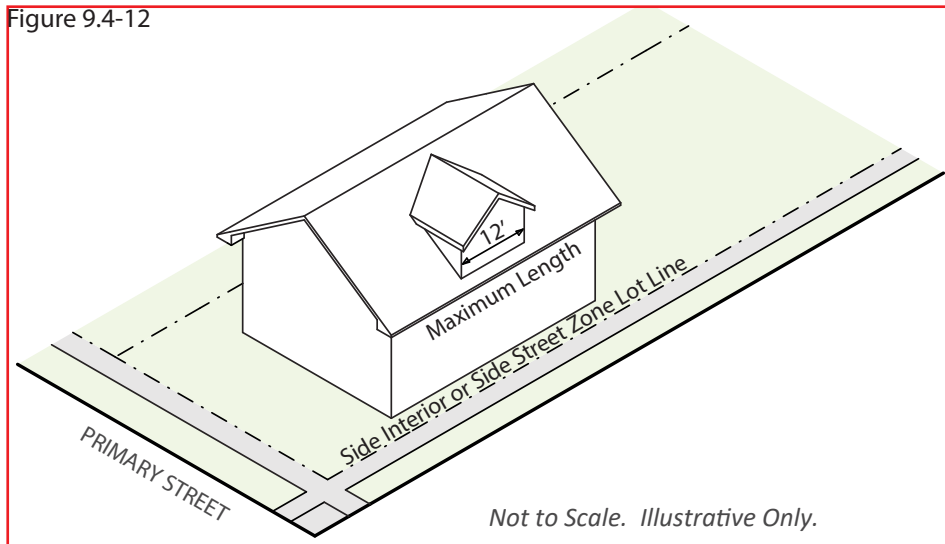
- b. The Dormer shall contain at least one window that faces a side interior or side street zone lot line.
- c. The Dormer shall not have a Low-Slope Roof.
- d. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the exterior wall of the Dormer to the edge of the roof overhang.

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- e. The Dormer shall have a minimum distance of 5 feet from the building facade located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the building facade. Roof overhangs may encroach into this minimum distance. See Figure 9.4-11
- f. The Dormer shall have a minimum distance of 3 feet from the building facade located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the building facade. Roof overhangs may encroach into the minimum distance. See Figure 9.4-11

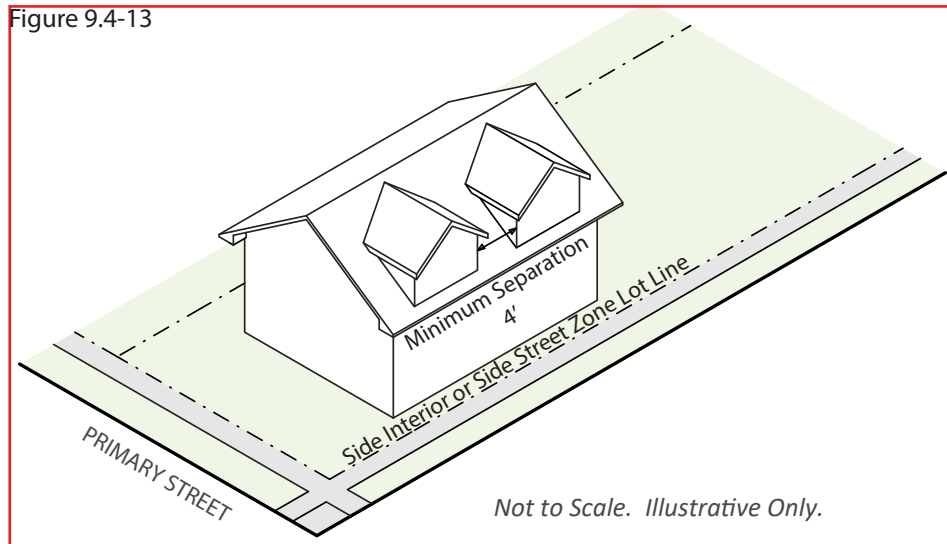


- g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the exterior wall surface), measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. See Figure 9.4-12



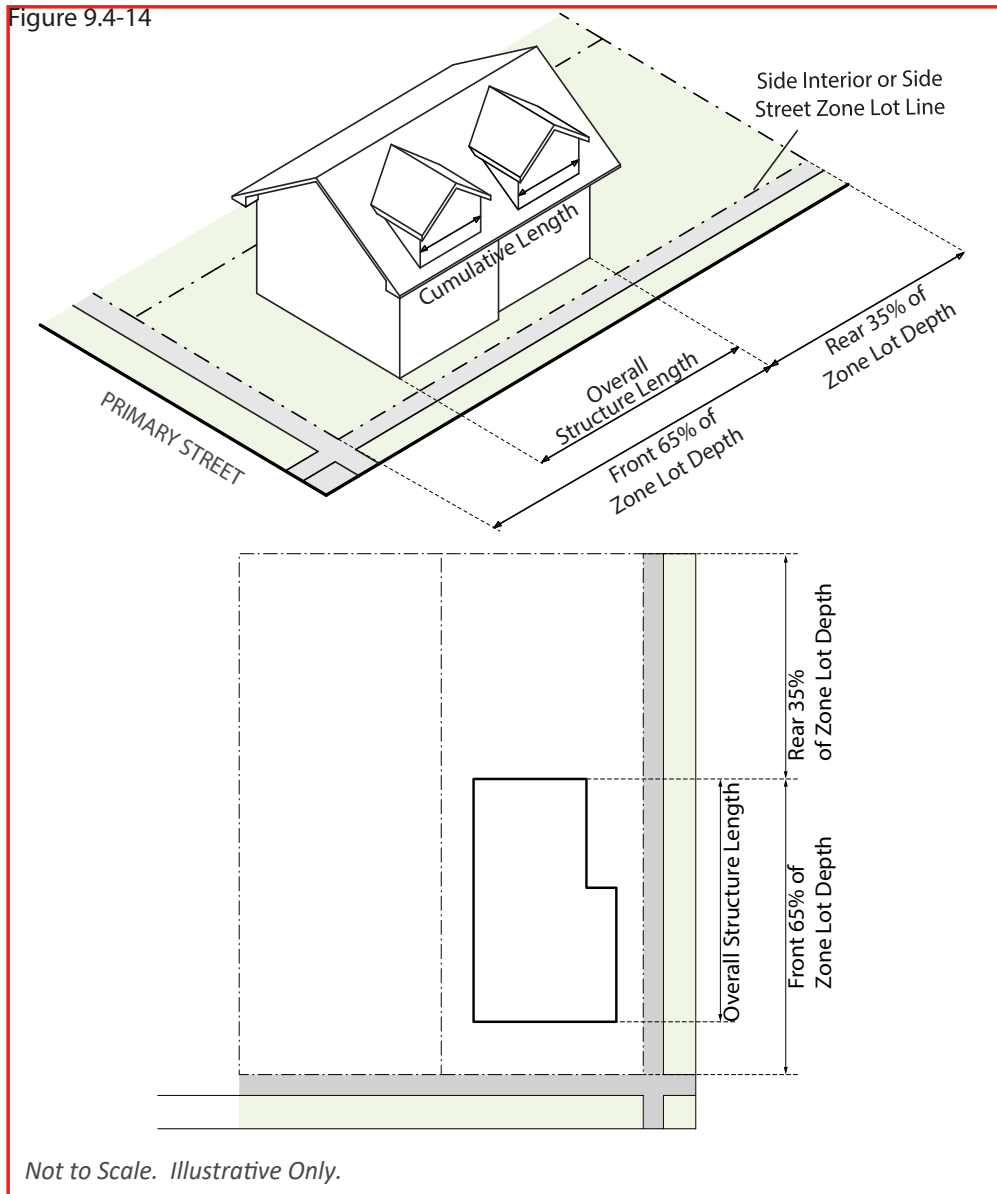
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- h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the exterior wall surface), measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. See Figure 9.4-13



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- i. The maximum cumulative length of all projecting Dormers shall not exceed 50% of the Overall Structure Length facing the side interior or side street zone lot line within the front 65% of zone lot depth. Maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Article 13 for rule of measurement) in the front 65% of zone lot depth facing the side interior or side street zone lot line. See Figures 9.4-14.



2. Setback Permitted Encroachments

- a. **Intent**
To provide flexibility in the location of barrier-free access structures providing access to any building.
- b. **Standard**
Barrier-free access structures providing access to a building may encroach into a required setback area any distance.

ARTICLE 11. USE LIMITATIONS AND DEFINITIONS

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DIVISION 11.2 RESIDENTIAL PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to primary residential uses permitted across multiple zone districts and neighborhood contexts.

HOUSEHOLD LIVING USE CATEGORY

SECTION 11.2.1 DWELLING, SINGLE UNIT

11.2.1.1 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, single unit dwellings uses are permitted subject to compliance with the following limitations:

- A. There is an existing structure that was erected for single unit dwelling use prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.
- B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the single unit dwelling shall comply with the provisions of the Denver Zoning Code as it applies to the urban house form in the U-SU-C zone districts.
- C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by the Denver Zoning Code as it applies to a single unit dwelling use in the U-SU-C zone districts.
- D. The external effects of such uses shall be regulated by Division 10.10, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.
- E. The zone lot containing a single unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

SECTION 11.2.2 DWELLING, TWO UNIT

11.2.2.1 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

- A. Two Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.
- B. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards allowed in the subject SU zone districts and all applicable overlay districts without regard to the building form's use restrictions, or alternately in conformity with the duplex building form standards applicable in the U-TU-C zone districts and all applicable overlay districts, provided:
 1. The zone lot shall not be reduced, expanded or enlarged, and
 2. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.
- C. Variances may be granted according to Section 12.4.7, Variance.

11.2.2.2 U-SU-A2, -B2, -C2 Zone Districts

In U-SU-A2, -B2, -C2 zone districts, where permitted with limitations, new Two Unit Dwelling uses may be established only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

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One-tenth of 1 foot = 0.10

For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times
(75 divided by 25 = 3)

$.10 * 3 = .30$

75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.

75 feet plus .30 feet = 75.3 feet, , which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. General Provisions

1. Intent

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

2. General Requirements

- a. A primary street zone lot line or a side street zone lot line may abut a zone lot line abutting a private street if approved by the Zoning Administrator.
- b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

3. Criteria for Zoning Administrator Determinations

- a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:
 - i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
 - ii. Block and lot shape;
 - iii. The functional street classification of all abutting streets as adopted by the Public Works Department;
 - iv. The future street classification of all abutting streets as adopted in Blueprint Denver;
 - v. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
 - vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.
 - vii. [Design intent language in an overlay district where South Side Zone Lot Lines and North Side Zone Lot Lines are distinguished.](#)

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- b. The Zoning Administrator shall have authority to designate a Zone Lot's Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:
 - i. The Zone Lot contains a Historic Structure, and
 - ii. The Zone Lot is located within a Residential Zone District, and
 - iii. The strict application of Section 13.1.5.2 will result in adverse impacts on the established development pattern within the subject property's Existing Neighborhood (as defined in Section 12.4.7.5.D), and
 - iv. The resulting Primary Street Zone Lot Line(s) will be more compatible with an established pattern of setbacks for buildings on the same face block(s) containing the subject property.

B. Determination of Zone Lot Lines

1. Interior Zone Lots: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines

On an interior zone lot, the following figures shall be used to determine the Primary Street or Block Sensitive Primary Street ("P"), Side Street ("SS"), Side Interior zone lot line ("SI"), and Rear zone lot line ("R") . See Figure 13.1-34.

- a. The Primary Street shall be the zone lot line abutting the name or numbered street.
- b. The Rear shall be the zone lot line opposite the Primary Street.
- c. The remaining zone lot lines shall be Side Interior.
- d. There shall be no Side Street designation.
- e. For zone lots which have unique conditions such as, but not limited to, more than four zone lot lines, two or more abutting alleys, or irregular shaped lots, the Zoning Administrator may designate the zone lot lines, following criteria listed above. See Figure 13.1-35.
- f. Where an applicable overlay district specifies South Side Zone Lot Lines and North Side Zone Lot Lines for determining the required Interior Side Setbacks on a Zone Lot, the Zoning Administrator shall determine each Side Interior Zone Lot Line is either a South Side Zone Lot Line or North Side Zone Lot Line.

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Figure 13.1-34

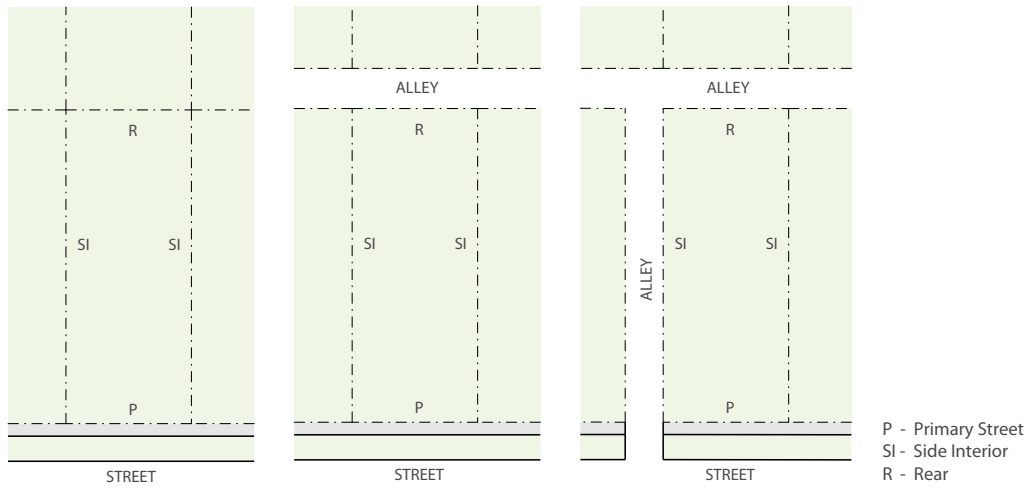
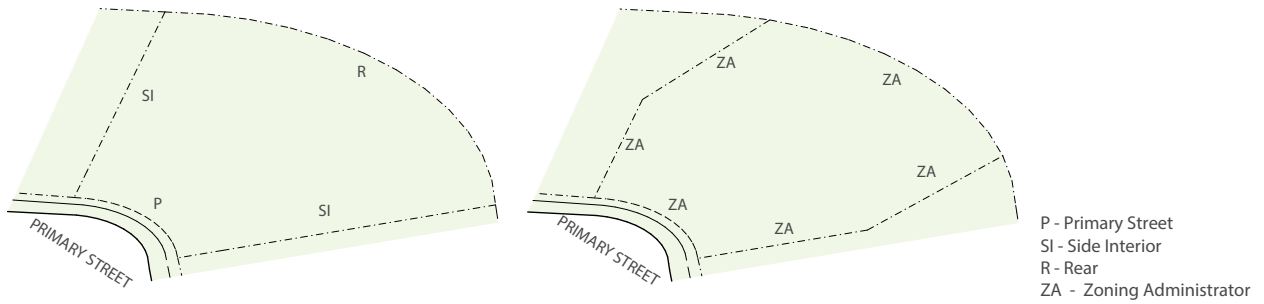


Figure 13.1-35



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2. Corner Lots: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines

a. Corner Zone Lots of Oblong Blocks

- i. The zone lot line abutting the “long side of an oblong block” shall be the Primary Street and the zone lot line abutting the “short side of an oblong block” shall be the Side Street, with the following exceptions:
 - a) The zone lot line abutting the “short side of the oblong block” may be the Primary Street if;
 - a. Three or more existing zone lots, including the subject property, are present along the short side of the oblong block; and
 - b. The zone lot line abutting the short side of the oblong block is 50% or less of the length of the other zone lot line abutting the long side of the block
 - b) The applicant may request an Administrative Adjustment to designate the zone lot line abutting the “long side of the block” as the Side Street. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.
 - c) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.A.3.b.
- ii. The Rear shall be the zone lot line opposite the shorter of the two zone lot lines parallel and abutting a street.
 - a) If they are of equal length, the Zoning Administrator shall designate the rear zone lot line.
 - b) The applicant may request the Zoning Administrator designate a different zone lot line as the Rear, following criteria in Section 13.1.5.2.A.3.a.
 - c) In no case shall a zone lot line parallel and abutting a street be determined as the Rear.
- iii. The remaining zone lot lines shall be designated Side Interior. See Figure 13.1-36
- iv. Where an applicable overlay district specifies South Side Zone Lot Lines and North Side Zone Lot Lines for determining the required Interior Side Setbacks on a Zone Lot, the Zoning Administrator shall determine each Side Interior Zone Lot Line is either a South Side Zone Lot Line or North Side Zone Lot Line.

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Retail: Sale to the ultimate consumer for direct consumption or use and not for resale.

Retaining Wall: A wall which is designed to, and in fact does, retain the earth on one side at a higher elevation than the earth on the other side. Only that portion of the wall that actually retains earth shall be considered a retaining wall; the remainder shall be a fence or wall and be measured as set forth in Section 13.1.7.

Rezoning: An amendment to the Official Zoning Map.

Roof: The structure forming the upper covering of a Completely Enclosed Structure or Partially Enclosed Structure.

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

Roof, Pitched: A roof or portion of roof that has a sloping plane greater than 3:12.

Roof Line: The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

Roof top and/or Second Story Deck: ~~For purposes of a Supplemental Design Standard within Articles 3-5:~~ Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element either located on the roof of a primary or detached accessory structure or projecting from the building above the Street Level.

Roof Overhang: For purposes of setback encroachments: Eaves or the lower edge of the roof which overhang the walls. This includes the eave or edge of the roof which overhangs the gable end walls.

Room: Any enclosed division of a building containing over 70 square feet of floor space and commonly used for living purposes, not including lobbies, halls, closets, storage space, bathrooms, utility rooms and unfinished attics, cellars or basements. An enclosed division is an area in a structure bounded along more than 75 percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.

Rotocraft: Any aircraft deriving its principal lift or support in the air from one (1) or more rotors or from the vertical component of the force produced by rotating airfoils.

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Structure, Compliant: A legally established structure that meets one of the following conditions:

1. The legally established structure does not comply with one or more of the following Building Form Standards in this Code:
 - a. Height Standards
 - i. Minimum, feet
 - ii. Maximum, feet and stories
 - iii. 3rd Avenue CCN bulk plane
 - b. Siting Standards
 - i. Building setback standards, including Block Sensitive Primary Street setback standards
 - ii. Required build-to
 - iii. Location of surface parking for vehicles
 - c. Design Element Standards
 - i. Street Level activation standards
 - ii. Upper-story setback standards
 - iii. Overall structure length
 - iv. Pedestrian access, primary structure
 - v. Private open space
 - vi. Mass reduction
 - vii. Limitation on Visible Parking Above the Street Level
 - viii. [Elevation of the Upper Surface of the Floor of the Street Level](#)
 - ix. [Upper Story Stepback in the CO-6 Overlay District](#)
 - d. Use Building Form Standards
2. The legally established structure was conforming under Former Chapter 59 on June 24, 2010, but does not currently comply with Denver Zoning Code “building height standards,” “siting form standards,” or “design element form standards,” as those terms are defined in Article 13.

Structure, Nonconforming: A structure or building that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming structure or a compliant structure in the zone district in which such structure or building is located.

Structure - Group C:

Structure, Accessory: A subordinate structure located on the same zone lot with the primary building, structure, or use, and which is incidental and customary to the primary building, structure, or use. Accessory structures include man-made structures with walls and roofs, along with man-made structures with no walls or no roofs, including, but not limited to detached garages, fences, walls, gazebos, decks and patios.

Structure, Detached: Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.

Structure, Permanent: A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a period of time.