

## **Good Fences (and other structures) make Good Neighbors**

In addition to working with the occasional request to rezone property, the Cranmer Park/Hilltop Neighborhood Association is notified when the City serves a “cease and desist” order on one of our neighbors because that neighbor has built something on their property that violates the City’s Zoning Code. Work like this was often done without a permit; hence the City has not reviewed the work and has not had an opportunity to correct any misunderstanding about the rules contained in the Code. Often the neighbor appeals the order to the City’s Board of Adjustment (BOA). The Zoning Committee’s role is to assess the violation and make a judgment regarding whether to support the original order, or the appeal. Unless adjoining neighbors don’t object to the violation and a dangerous precedent isn’t being set, we believe that our representatives at the City, (the Council, the BOA, the Planning Board and the Planning and Development Department), have written the Code with the intention of protecting everyone equally. We believe that those rules should be followed.

People’s first reaction is to claim that they weren’t aware that a permit was required. This article is an attempt to inform you when a permit is required and to provide an overview of some of the Code’s rules.

### **When is a building permit required?**

While there are a few exceptions, it’s safe to say that everything you build on your property needs to be permitted. This includes: fences, decks, sidewalks, sprinkler systems, carports, garages, sheds, porches, driveways, pergolas, patios and patio covers, retaining walls, roofing, solar panels, window replacement, and the planting of trees within the public right of way. Also, any addition to your home needs to be permitted. When in doubt, check the Code (I’ve included links at the end of this article), or contact the City.

### **You’ll likely need to get a survey**

A survey will locate your property lines and structures on your property. Get one. Your property lines may not be where you think they are. For instance; it is a common misconception that your property goes up to the curb or sidewalk in front of your house. In our neighborhood, your actual property line can be 15 feet or more into your yard. If you landscape this area, you take the risk that the City will ask you to remove it or will remove it themselves. We saw this recently when the City built handicap ramps at the intersections; some lovely landscaping was torn up.

### **The Zoning Code defines your rights, but also places limitations on you**

The Code defines where improvements can be placed, how large they can be, and even (in some cases) the materials you can use. Most of our neighborhood is designated as; E-SU-D, E-SU-Dx, or E-SU-G in the Code. The “E” stands for “Urban Edge” neighborhood. “SU” stands for

“Single Unit”. The final letter defines the predominate size of the lots in your specific area. “D” lots have a minimum size of 6,000 square feet. “G” lots have a minimum size of 9,000 square feet. The Code is a “form based” code. It defines various building forms that are allowed in a given district. An “Urban House” form is allowed in all districts in Hilltop, additionally a “Suburban House” form is allowed in the Dx and G districts.

### **Rules regarding houses**

For more specific information, you should check the City’s website, however here are some general rules regarding houses in our neighborhood:

Max. Height (in stories): 2.5 stories

Max. Height (in feet): 30’ – 35’ depending on lot width

Note: In the “D” districts, the max. height in the rear of a lot is 1 story and 17’

The City has included wonderful diagrams to describe the maximum “bulk” of a structure.

Primary Street (front) Setback: 20’ (or the lesser of your adjoining neighbors)

Side Street Setback: 5’ or 7.5’ depending on your building form

Side Yard Setback: 5’, 7.5’, or 10’ depending on your building form and lot width

Rear Setback 12’ if there’s an alley and 20’ if there’s no alley.

Rooftop and/or second story decks are prohibited in the rear of a lot.

### **Rules regarding garages**

Detached structures such as garages, carports, sheds, utility buildings, playhouses, pool houses, cabanas, gazebos, decks, pools, hot tubs, outside fireplaces and barbeques, outside eating areas, and chicken coops (to name a few) are defined as accessory structures. Here are some general rules regarding garages in our neighborhood.

Max. Height (in stories): 1

Max. Height (in feet): 17’

Side Street Setback: 5’

Side Yard Setback: 0' or 5' depending on its location

A garage must be setback a min. of 10' from the front of your house. If you have an alley, it must be accessed from it.

Rear Setback: 0' or 5' depending on its location

Other accessory structures have similar rules; however they may not exceed 15' in height.

Accessory Dwelling Units (otherwise known as carriage houses or granny flats) are not allowed in our neighborhood at this time.

### **Rules regarding Fences**

Illegal fences are the most common violations that are brought to our attention. **A permit is required to build a fence!** Here is what the code says regarding fence height:

“The maximum height when forward of any Primary street facing Primary Structure Facade shall be 4 feet and when located at or behind any Primary street facing Primary Structure Facade shall be 6 feet.”

**Please note;** just because a friend or neighbor said it was okay, or that a contractor is willing to build it for you, it doesn't mean that it's legal. Make sure a permit is approved before starting construction! Ultimately, you are responsible for what is built on your property.

At the risk of repeating myself; when in doubt check the Code or contact the City. Your Zoning Committee will appreciate it, and so will your neighbors.

Tom Hart, AIA  
Zoning Committee Chair  
Cranmer Park/Hilltop Civic Association

Here are a few useful links:

The homepage for the Denver Zoning Code:

<https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/denver-zoning-code.html>

Article Four of the Zoning Code; which describes the “Urban Edge” Zone District:

[https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver\\_Zoning\\_Code\\_Article4\\_Urban\\_Edge.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver_Zoning_Code_Article4_Urban_Edge.pdf)

Article Ten of the Zoning Code; which describes General Design Standards:

[https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver\\_Zoning\\_Code\\_Article10\\_Design\\_Standards.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver_Zoning_Code_Article10_Design_Standards.pdf)

Section 10.5.5 pertains to Fences and Walls.

Section 10.5.6 pertains to Retaining Walls.

Article Thirteen of the Zoning Code; which describes Rules of Measurement and Definitions

[https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver\\_Zoning\\_Code\\_Article13\\_ROM\\_Definitions.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver_Zoning_Code_Article13_ROM_Definitions.pdf)