# Denver Zoning Code Text Amendment Sunnyside Conservation Overlay District (CO-7) and Sunnyside Conservation and Brick Overlay District (CO-8)

# PLANNING BOARD DRAFT - 12/19/2022

This document is a draft of a proposed text amendment to create two conservation overlay zone districts for the Sunnyside neighborhood. A conservation overlay is a regulatory mechanism that modifies design standards for buildings in a specified area to facilitate protection of the area's existing character. This draft follows a multi-year overlay development process led by Councilwoman Amanda Sandoval (Council District 1) in close coordination with a neighborhood working group and Sunnyside residents. Councilwoman Sandoval has requested this text amendment to establish two conservation overlay zone districts and a map amendment to apply them as follows:

- The Sunnyside Conservation Overlay (CO-7) would apply to portions of the neighborhood as shown on the map on the next page of this document. The CO-7 overlay district would include design standards to ensure that development that occurs in Sunnyside is more visually compatible with existing neighborhood design patterns.
- The Sunnyside Conservation and Brick Overlay (CO-8) would apply to portions of the neighborhood as shown on the map on the next page of this document. The CO-8 overlay district would include design standards to ensure that development that occurs in Sunnyside is more visually compatible with existing neighborhood design patterns, and would include requirements that a minimum percentage of exterior walls on new buildings utilize brick materials. The CO-8 overlay is identical to the CO-7 overlay except that it contains this building material requirement not included in CO-7. The CO-8 overlay district is proposed to be added to properties as shown on the map on the next page.

Two overlays are needed to separately address areas of Sunnyside where brick building materials are consistently present today and areas where brick is less common. While two separate overlays are proposed, the design standards in the two overlays were developed in a unified manner for the Sunnyside neighborhood as a whole. The areas designated on the map as CO-8 were determined to have a generally consistent pattern of brick buildings.

#### **Redline Document Conventions**

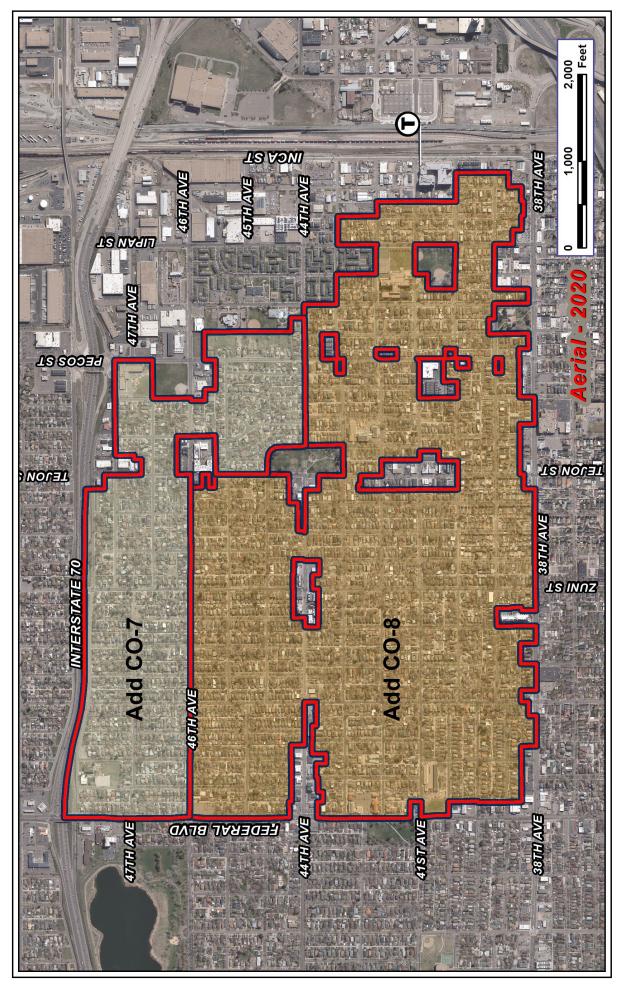
- Text in red underline is proposed new language.
- Text in red strikethrough is proposed deleted language.
- Only pages with changes relevant to this text amendment are included in the review file (with the exception of a few pages inserted for context). You may wish to look at other sections for additional 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.

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.

# WRITTEN COMMENTS WILL BE PROVIDED TO THE PLANNING BOARD AS FOLLOWS:

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

In addition to written comments, interested persons and organizations may express their concerns or support to Planning Board at the public hearing. For the latest information on how to participate, please visit: denvergov.org/planningboard





Sunnyside Conservation Overlay Zone Districts (CO-7 and CO-8) Proposed Application of Conservation Overlay Districts Planning Board Draft 12.19.22

# 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
Bungalow Conservation Overlay District	CO-6
Sunnyside Conservation Overlay District	<u>CO-7</u>
Sunnyside Conservation and Brick Overlay District	<u>CO-8</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.

# D. Building Form Standards for Zone Lots with a Historic Structure

For any zone lot occupied by a Historic Structure, as defined in Article 13, Rule of Measurements and Definitions, development of a detached accessory structure is allowed subject to the following allowances and conditions:

- 1. The structure may comply with the U-RH-2.5 Detached Garage building form standards and exceed the maximum building coverage; and
- 2. The structure may comply with the U-RH-2.5 Detached Accessory Dwelling Unit building form standards and:
  - a. May exceed the maximum building coverage,
  - b. Shall be exempt from the bulk plane, and
  - c. May exceed the maximum height in stories not to exceed two stories.
- 3. The structure shall be located in the rear one-half of the zone lot; and
- 4. The design and location of the building shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

# E. Building Form Standards for Zone Lots without a Historic Structure

For zone lots not occupied by a Historic Structure, development of a detached accessory structure is allowed using the U-RH-2.5 Detached Accessory Dwelling Unit building form, subject to the following allowances and conditions:

- 1. The structure shall be exempt from the bulk plane,
- 2. The structure may exceed the maximum height in stories not to exceed two stories,
- 3. The structure shall be located in the rear one-half of the zone lot, and
- 4. The design and location of the structure shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

# 9.4.3.8 Scottish Village Conservation Overlay (CO-3)

#### A. Creation

There is hereby created a Conservation Overlay District designated as the Scottish Village Conservation Overlay (CO-3).

#### B. Intent

To allow setback, building coverage, and lot depth building form standards that are consistent with the character of the Scottish Village.

# C. Applicability

This Scottish Village Conservation Overlay shall apply only to those areas designated as CO-3 on the Official Zone Map.

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

# 1. Side Interior Setback

The minimum side interior setback shall be 3 feet.

## 2. Building Coverage

a. Building coverage maximum per zone lot shall be 60%.

b. An exemption from the maximum building coverage shall not be given for a portion of the zone lot area occupied by a Detached Accessory Dwelling Unit or a Detached Garage form.

# 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.

#### 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.

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

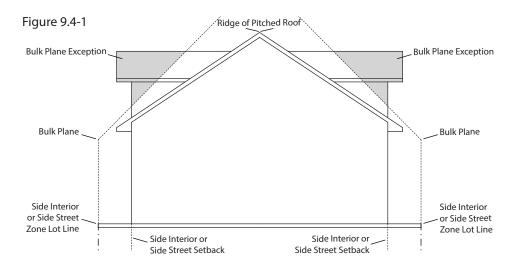
- a. In the front 65% of zone lot depth:
  - i. <u>A portion of a building with a Low-Slope Roof structures</u> shall have a maximum height of 25 feet.
  - ii. Bulk Plane shall not apply to structures having a portion of a building with a Low-Slope Roof.
- b. In the rear 35% of zone lot depth:
  - i. A portion of a building with a Low-Slope Roof structures shall have a maximum height of 14 feet.
  - ii. Bulk Plane shall not apply to structures having a portion of a building with 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:

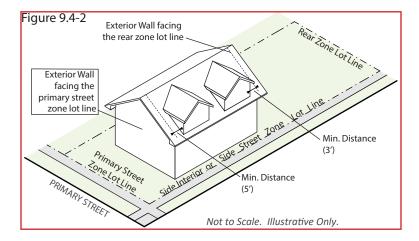
a. The highest point of the Dormer shall not exceed the height of the ridge of the pitched roof. (See Figure 9.4-1)



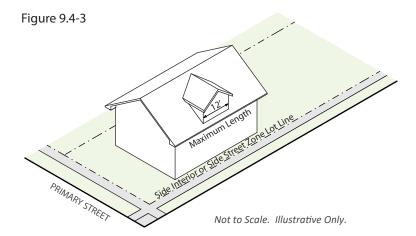


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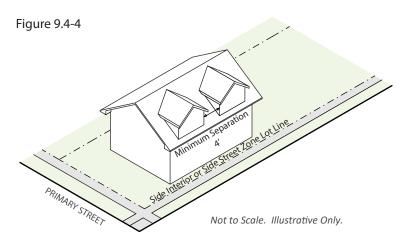
- The Dormer shall contain at least one window that faces a side interior or side street zone lot line.
- c. The Dormer shall not have a Low-Slope Roof.
- d. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the eExterior wWall of the Dormer to the edge of the roof overhang.
- e. The Dormer shall have a minimum distance of 5 feet from the building facade Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the building facade Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-2)
- f. The Dormer shall have a minimum distance of 3 feet from the <u>building facade Exterior Wall</u> located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the <u>building facade Exterior Wall</u>. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-2)



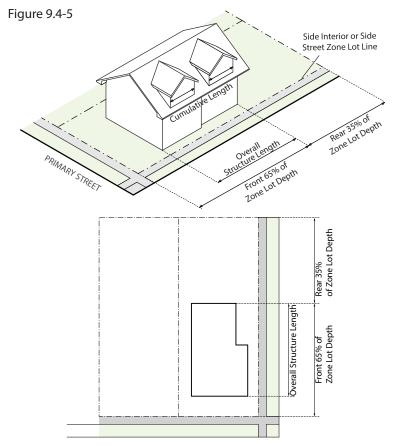
g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the <u>eE</u>xterior <u>w</u>Wall surface), measured parallel to the <u>building facade Exterior Wall</u> facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-3)



h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the eExterior wWall 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)



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 measurment) 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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# E. Primary Building Form Standards Applicable to Structures Containing Two Unit Dwelling Uses

#### 1. Applicability

- Two Unit Dwelling uses legally established and Continuously Maintained prior to July 10, 2015 shall be considered conforming uses and shall not be subject to the zone lot standards in this subsection 9.4.3.9.E. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards of the underlying zone district, provided:
  - i. The zone lot shall not be reduced, expanded, or enlarged, and
  - ii. 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.
- b. Two Unit Dwelling uses established after July 10, 2015 shall be subject to the standards in this subsection 9.4.3.9.E.

#### 2. Zone Lot Standards

#### a. Zone Lot Size

The minimum zone lot size shall be 5,500 square feet.

#### b. Zone Lot Width

The minimum zone lot width shall be 50 feet.

# F. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only

#### 1. Applicability

The following standards shall replace the side interior setback standards found in the accessory building form tables in the underlying Zone District.

#### 2. Side Interior Setbacks

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

# 9.4.3.10 Krisana Park Conservation Overlay (CO-5)

#### A. Creation

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

#### B. Intent

The intent of the Krisana Park Conservation Overlay District is to apply additional building form standards that are consistent with the established character of the Krisana Park neighborhood, while allowing some flexibility consistent with the overall character. The established character of the neighborhood includes single-story or split-level single family houses with low-pitched roof-line profiles and a strong horizontal emphasis, without rooftop decks. Additions are intended to be compatible in scale and proportion with original buildings.







# C. Applicability

This Krisana Park Conservation Overlay District shall apply only to those areas designated as CO-5 on the Official Zone Map.

#### D. Rule of Measurement for Two Base Planes

#### 1. Front Base Plane

The Front Base Plane shall be the base for measuring height in the front 50% of the Zone Lot Depth.

# 2. Rear Base Plane

The Rear Base Plane shall be the base for measuring height in the rear 50% of the Zone Lot Depth.

# E. Primary Building Form Standards Applicable to Suburban House Building Form

#### 1. Height in Stories

The maximum height in stories shall be 1.5 stories.

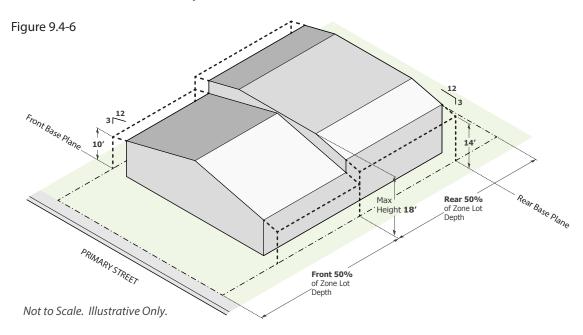
# 2. Height in Feet

- a. The maximum height in feet shall be 18 feet. (See Figure 9.4-6)
- b. There shall be no permitted height increase for lot width over 50'.

#### 3. Bulk Plane

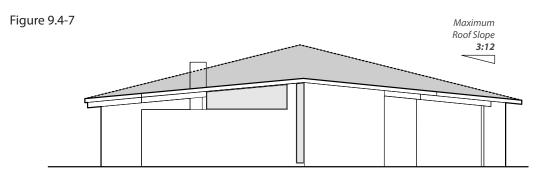
- a. In the front 50% of the zone lot depth:
  - The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 10 feet.
  - ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run). (See Figure 9.4-6)

- b. In the rear 50% of the zone lot depth:
  - i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 14 feet.
  - ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run). (See Figure 9.4-6)



#### 4. Roof Pitch

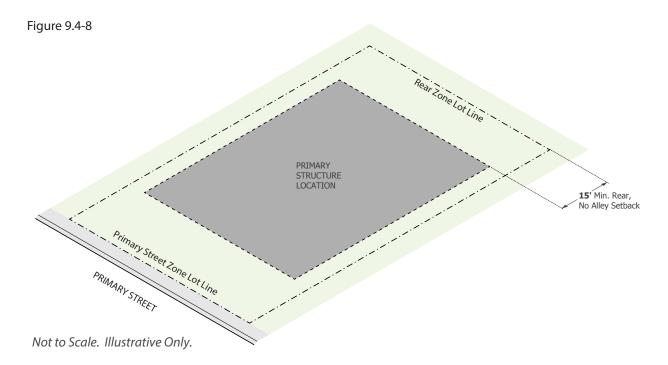
No Roof shall have a sloping plane greater than 3:12. (See Figure 9.4-7)



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#### 5. Setback, Rear, No Alley

The minimum Setback, Rear, no alley, shall be 15 feet. (See 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, including:

- 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 Unenclosed Porches along the street is maintained, that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street, and privacy issues related to upper story outdoor spaces are mitigated through application of Design Element Standards and Supplemental Design Standards.



# C. Applicability

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

D. Primary Building Form Standards Applicable to Allny Allowed Building Forms

The district-specific standards of the Underlying Zone District for allny allowed Primary Building Form are shall be 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	
See Underlying Zone District for Addition	nal Applicable Height Standards Not Listed Below	
Stories, front 65% / rear 35% of Zone Lot depth (max)	2/1	
Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roofs (max)	28′/17′	
Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roofs (max)	22'/17'	
Feet, front 65% of Zone Lot depth, permitted height increase	Not Permitted	
Feet, rear 35% of Zone Lot depth, permitted height increase	Not Permitted	
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth	14′/10′	

SITING	CO-6 Overlay District

See Underlying Zone District for Additional Applicable Siting Standards Not Listed Below

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)	3′	7′	10′	10′
Side Interior, north Side Zone Lot Line (min)	3′	3′	5′	10′
Side Interior, where no south or north Side Zone Lot Line is present (min)	3′	5′	7.5′	10′
GROSS FLOOR AREA BY ZONE LOT SIZE	<del>7,500 s</del>	<del>f or Less</del>	Greater tha	<del>n 7,500 sf</del>
Gross Floor Area (max) (for Stories which have upper surface of their floorabove the finished grade at any point)	<del>3,0</del>	<del>00 sf</del>	3,000 sf plus 4 100 sf increase ir above 7	<del>Tone Lot Size -</del>

# 3 UILDING DESIGN ELEMENTS CO-6 Overlay District

See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below

GROSS FLOOR AREA BY ZONE LOT SIZE	Zone Lot Area 7,500 sf or Less	Zone Lot Area greater than 7,500 sf	
Gross Floor Area Located Above the Front Base Plane (max)	<u>3,000 sf</u>	3,000 sf plus 40 sf for every 100 sf increase in Zone Lot Size above 7,500 sf	
BUILDING CONFIGURATION			
Rooftop and/or Second Story Decks	See Section 9.4.3.11.E.1		
Upper Story Stepback, for any portion of building with Low-slope Roof above 15', Primary Street (min)	10′		
<b>ELEVATION OF THE UPPER SURFACE OF THE FLOOR</b>			
OF THE STREET LEVEL			
Elevation (min/max)	See Section 9.4.3.12.E.2		
STREET LEVEL ACTIVATION			
Pedestrian Access, Primary Street	See Section	9.4.3.11.E.3	

USES CO-6 Overlay District

See Underlying Zone District for All Applicable Uses Standards

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.



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

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone 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

The elevation of the upper surface of the floor of the Street Level in the front 40% of the Zone Lot depth shall be no less than 12 inches and no more than 36 inches above the Front Base Plane elevation, except when a different elevation is required by the Department of Transportation and Infrastructure (DOTI). (See Figure 9.4-9)

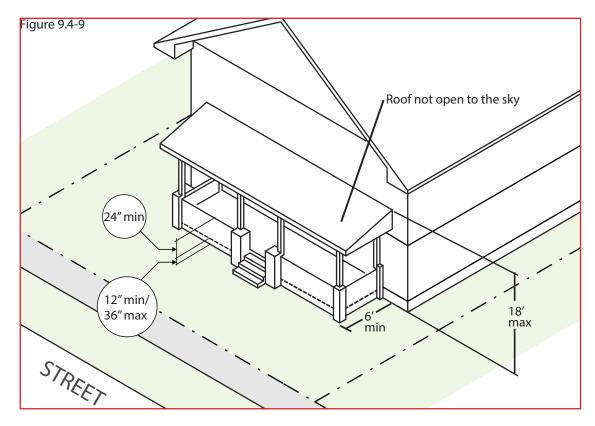
- a. The minimum elevation of the upper surface of the floor of the Street Level in the front 40% of the Zone Lot depth shall be 12 inches above the Front Base Plane elevation, except when a lower elevation is required by Denver's Department of Transportation and Infrastructure (DOTI).
- b. The maximum 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. An Unenclosed Porch shall be is required.
- b. An At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
  - i. Be located between the Primary Street-facing Zone Lot Line and the Primary Street-facing façade(s) of the Primary Structure;
  - Have an upper walking surface with a minimum area of 120 square feet, includingsive of posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to a Front Unenclosed Porch;
  - iii. Have an upper walking surface a minimum depth of 6 feet as measured perpigndicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street-facing façade to the exterior face furthest edge of the Front Unenclosed Porch includingsive 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 Unenclosed Porch (See Figure 9.4-9);
  - iv. Not be located below a Story;
  - v. 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 Unenclosed Porch a minimum of 24 inches except for a portion of the Front Unenclosed 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);

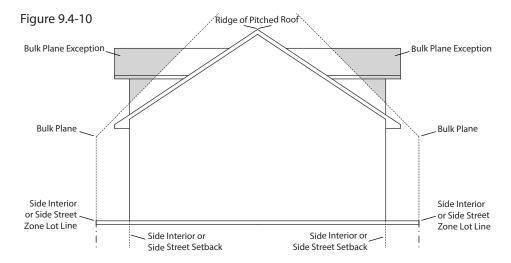


- vi. Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-9);
- vii. Be Have an upper walking surface entirely covered by an impermeable rRoof that is not open to the sky (See Figure 9.4-9); and
- Not abut more than one Exterior Wall.



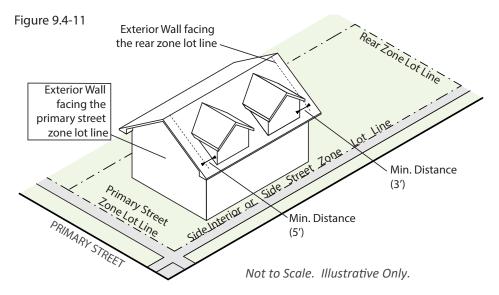
# F. Design Standard Exceptions for the CO-6 Overlay District

- 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:
  - The highest point of the Dormer shall not exceed the height of the ridge of the a. **<u>pP</u>**itched **<u>rR</u>**oof. (See Figure 9.4-10)

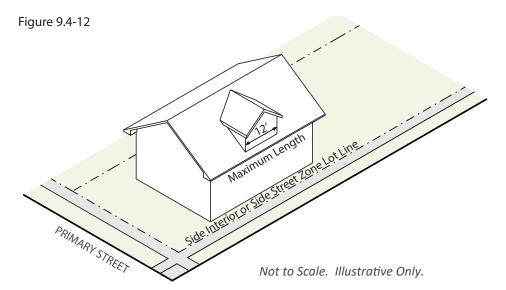


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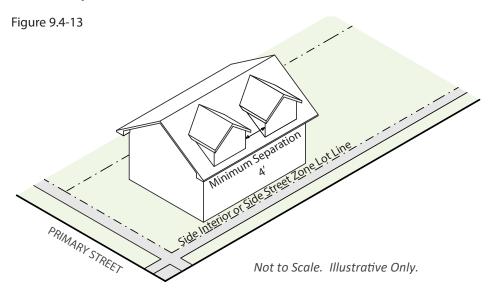
- b. The Dormer shall contain at least one window that faces a side interior or side street zone lot line.
- c. The Dormer shall not have a Low-Slope Roof.
- d. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the eExterior wWall of the Dormer to the edge of the roof overhang.
- e. The Dormer shall have a minimum distance of 5 feet from the building facade Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the building facade Exterior Wall. 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 Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the building facade Exterior Wall. 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 <u>eE</u>xterior <u>w</u>Wall surface), measured parallel to the <u>building facade Exterior Wall</u> 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)

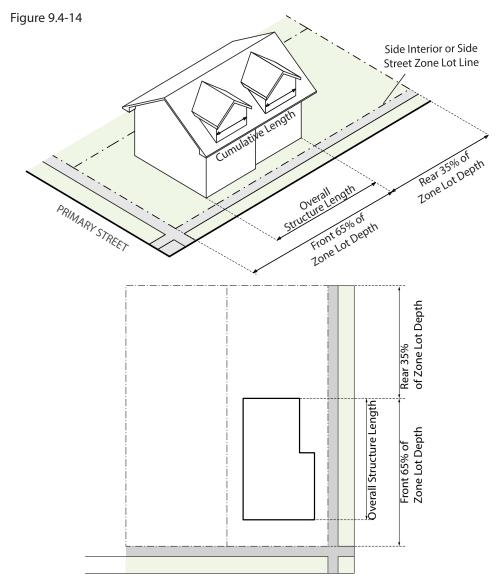


h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the exterior wall surface), measured parallel to the building facade Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum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



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. The Mmaximum 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 Figure 9.4-14)

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Not to Scale. Illustrative Only.

#### 2. Setback Exceptions Permitted Encroachments

The following Setback Exceptions are in addition to exceptions allowed within the Underlying Zone District.

#### 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. Barrier-free access structures providing access to a building may encroach any distance into a required Primary Street Setback, Side Street Setback, Side Interior Setback or Rear Setback.



# 9.4.3.12 Sunnyside Conservation Overlay (CO-7)

#### A. Creation

There is hereby created a Conservation Overlay District designated as the Sunnyside Conservation Overlay District (CO-7).

# B. Intent

<u>To promote conservation of the mass, scale and other design characteristics of residential</u> neighborhoods within single unit (SU) or two unit (TU) Underlying Zone Districts in the Sunnyside neighborhood, including:

- 1. To encourage development that is context-sensitive in scale and mass, and incorporates compatible roof forms through the application of Building Height Standards and Design Elements Standards.
- 2. To ensure a rhythm of Unenclosed Porches along the street is maintained and that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street through the application of Supplemental Design Standards.

# C. Applicability

This Sunnyside Conservation Overlay shall apply only to those areas designated as CO-7 on the Official Zone Map.



# D. Primary Building Form Standards Applicable to All Allowed Building Forms

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the following table.

HEIGHT	CO-7 Overlay District		
See Underlying Zone District for Addition	ditional Applicable Height Standards Not Listed Below		
	<u>Urban House and</u> <u>Duplex Building Forms</u>	<u>Tandem House</u> <u>Building Form</u>	
Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)	<u>2.5/1</u>	<u>2.5/2.5</u>	
Stories, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)	<u>2/1</u>	<u>2/2</u>	
Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Pitched Roof (max)	<u>30'/17'</u>	30'/24'	
Feet, front 65% / rear 35% of Zone Lot depth for a portion of a building with a Low-Slope Roof (max)	<u>22'/17'</u>	22'/22'	
Feet, front 65% of Zone Lot depth, permitted height increase	Not Permitted		
Feet, rear 35% of Zone Lot depth, permitted height increase	Not Permitted		
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot line in front 65% / rear 35% of Zone Lot depth	14′/10	<u>'</u>	
(does not apply to a portion of a building with a Low-Slope Roof)			

DESIGN ELEMENTS	CO-7 Overlay District		
See Underlying Zone District for Additional A	nal Applicable Design Elements Standards Not Listed Below		
GROSS FLOOR AREA BY ZONE LOT SIZE	Zone Lot Area 7,500 sf or Less	Zone Lot Area greater than 7,500 sf	
Gross Floor Area Located Above the Front Base Plane (max) for Urban House Building Form	<u>3,000 sf</u>	3,000 sf plus 40 sf for every 100 sf increase in Zone Lot Size above 7,500 sf	
Gross Floor Area Located Above the Front Base Plane (max) for Duplex and Tandem House Building Forms	<u>NA</u>	<u>NA</u>	
STREET LEVEL ACTIVATION			
Pedestrian Access, Primary Street	See Section 9.4.3.12.E.1		

USES <u>CO-7 Overlay District</u>

<u>See Underlying Zone District for All Applicable Uses Standards</u>

See Underlying Zone District and Sections 9.4.3.12.E and 9.4.3.12.F for Supplemental Design Standards and Design Standard Exceptions.

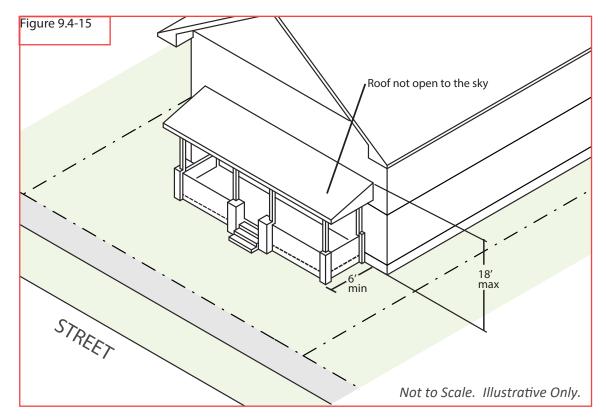


# E. Supplemental Design Standards for the CO-7 Overlay District

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone district.

# 1. Pedestrian Access, Primary Street

- a. One Unenclosed Porch is required.
- b. At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
  - i. <u>Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade(s) of the Primary Structure;</u>
  - ii. Have an upper walking surface with a minimum area of 48 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to a Unenclosed Porch;
  - iii. Have an upper walking surface with 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 façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to an Unenclosed Porch (See Figure 9.4-15);
  - iv. Not be located below a Story;
  - v. Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-15);
  - vi. <u>Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-15); and</u>
  - vii. Not abut more than one Exterior Wall.

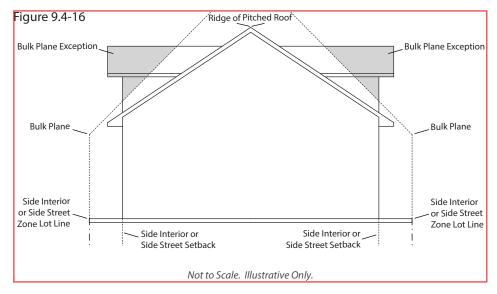


# F. <u>Design Standard Exceptions for the CO-7 Overlay District</u>

Bulk Plane Exception for Low-Slope Roof
 Bulk Plane shall not apply to a portion of a building with a Low-Slope Roof.

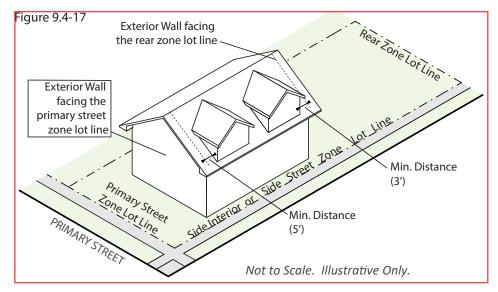
# **2.** Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth A Dormer may project beyond the bulk plane as specified in the applicable Building Form table in the front 65% of Zone Lot depth provided the projecting Dormer meets all of the following conditions:

a. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 9.4-16)

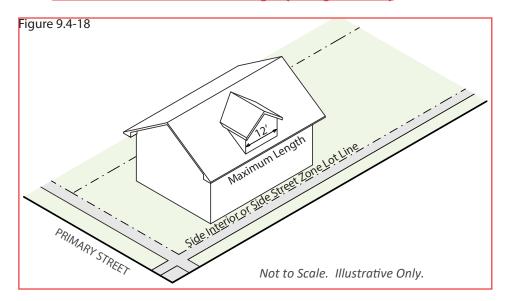


- b. The Dormer shall contain at least one window that faces a Side Interior or Side Street Zone Lot Line.
- c. The Dormer shall have a Pitched Roof.
- d. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.
- e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into this minimum distance. (See Figure 9.4-17)
- f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-17)



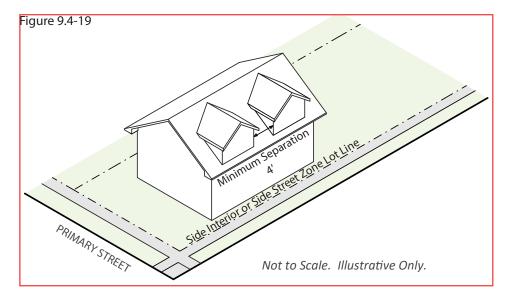


g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-18)

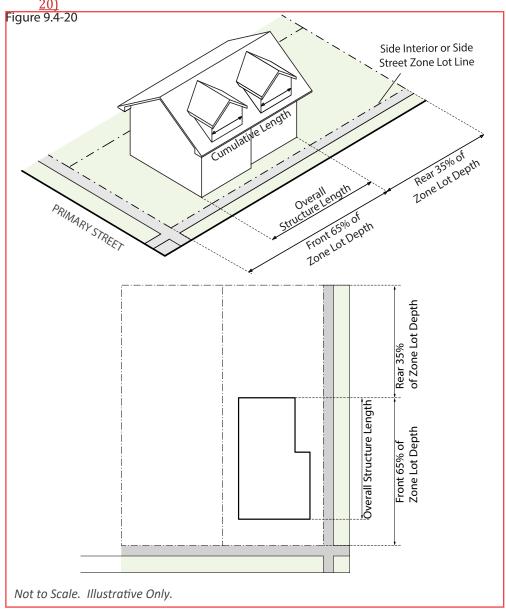


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h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-19)



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. The 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 Figure 9.4-20)



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# 9.4.3.13 Sunnyside Conservation and Brick Overlay (CO-8)

#### A. Creation

There is hereby created a Conservation Overlay District designated as the Sunnyside Conservation and Brick Overlay District (CO-8).

#### B. Intent

To promote conservation of the mass, scale and other design characteristics of residential neighborhoods within single unit (SU) or two unit (TU) Underlying Zone Districts in the Sunnyside neighborhood, including:

- 1. To encourage development that is context-sensitive in scale and mass, and incorporates compatible roof forms through the application of Building Height Standards and Design Elements Standards.
- 2. To ensure a rhythm of Unenclosed Porches along the street is maintained and that a required Unenclosed Porch along the Primary Street provides a scale transition from the primary building mass to the street through the application of Supplemental Design Standards..
- 3. To promote visual compatibility of new development with the strong pattern of existing residential structures with brick cladding while maintaining flexibility for use of additional materials.
- 4. To promote brick cladding on exterior walls of a residential structure that are most visible from the public street, while allowing additional flexibility on less publicly visible exterior walls.
- 5. To promote the use of durable materials that express a human scale.

#### C. Applicability

<u>This Sunnyside Conservation and Brick Overlay shall apply only to those areas designated as CO-8 on the Official Zone Map.</u>



# D. Primary Building Form Standards Applicable to All Allowed Building Forms

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the following table.

HEIGHT	CO-8 Overlay District		
See Underlying Zone District for Addition	ring Zone District for Additional Applicable Height Standards Not Listed Below		
	<u>Urban House and</u>	Tandem House	
	<b>Duplex Building Forms</b>	<b>Building Form</b>	
Stories, front 65% / rear 35% of Zone Lot depth	2.5/1	2.5/2.5	
for a portion of a building with a Pitched Roof (max)	<u>2.3/ 1</u>	<u>2.5/2.5</u>	
Stories, front 65% / rear 35% of Zone Lot depth	<u>2/1</u>	<u>2/2</u>	
for a portion of a building with a Low-Slope Roof (max)	2/1		
Feet, front 65% / rear 35% of Zone Lot depth	30'/17'	30'/24'	
for a portion of a building with a Pitched Roof (max)	<u>30/1/</u>		
Feet, front 65% / rear 35% of Zone Lot depth	22/12/	22'/22'	
for a portion of a building with a Low-Slope Roof (max)	<u>22'/17'</u>		
Feet, front 65% of Zone Lot depth,	Not Permitted		
permitted height increase			
Feet, rear 35% 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>	<u>)'</u>	
(does not apply to a portion of a building with a Low-Slope Roof)			

CO-8 Overlay District			
See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below			
Zone Lot Area 7,500 sf or Less	Zone Lot Area greater than 7,500 sf		
<u>3,000 sf</u>	3,000 sf plus 40 sf for every 100 sf increase in Zone Lot Size above 7,500 sf		
<u>NA</u>	<u>NA</u>		
See Section	9.4.3.13.E.1		
<u>See Section 9.4.3.13.E.2</u>			
U S E S  CO-8 Overlay District  See Underlying Zone District for All Applicable Uses Standards			
	Zone Lot Area 7,500 sf or Less  3,000 sf  NA  See Section  See Section  CO-8 Overl		

See Underlying Zone District and Sections 9.4.3.13.E and 9.4.3.13.F for Supplemental Design Standards and Design Standard Exceptions.



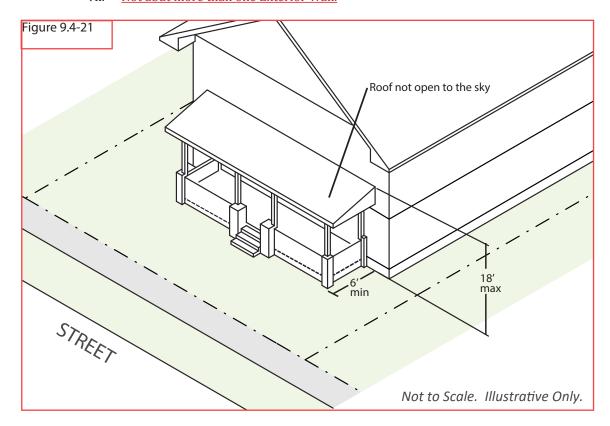
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# E. Supplemental Design Standards for the CO-8 Overlay District

The district-specific standards of the Underlying Zone District for all allowed Primary Building Forms shall be modified as set forth in the Supplemental Design Standards below. The Supplemental Design Standards in this section are in addition to Supplemental Design Standards in the underlying zone district.

# 1. Pedestrian Access, Primary Street

- a. One Unenclosed Porch is required.
- b. At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
  - i. <u>Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade(s) of the Primary Structure;</u>
  - ii. Have an upper walking surface with a minimum area of 48 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to a Unenclosed Porch;
  - iii. 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 façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to an Unenclosed Porch (See Figure 9.4-21);
  - iv. Not be located below a Story;
  - v. <u>Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-21);</u>
  - vi. <u>Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-21); and</u>
  - vii. Not abut more than one Exterior Wall.





<u>Amendment</u>

# 2. Exterior Wall Cladding

# a. Applicability

#### i. New Primary Structures

This Section 9.4.3.12.E.2 applies to Development of a new Primary Structure. This section does not apply to an Alteration, expansion or repair of an existing Primary Structure.

# ii. Exterior Walls in the Front of a Zone Lot

This Section 9.4.3.12.E.2 applies to Exterior Walls in the front 65% of Zone Lot Depth.

# iii. Street Level and Above

This Section 9.4.3.12.E.2 applies to Exterior Walls above the upper surface of the floor of the Street Level Story.

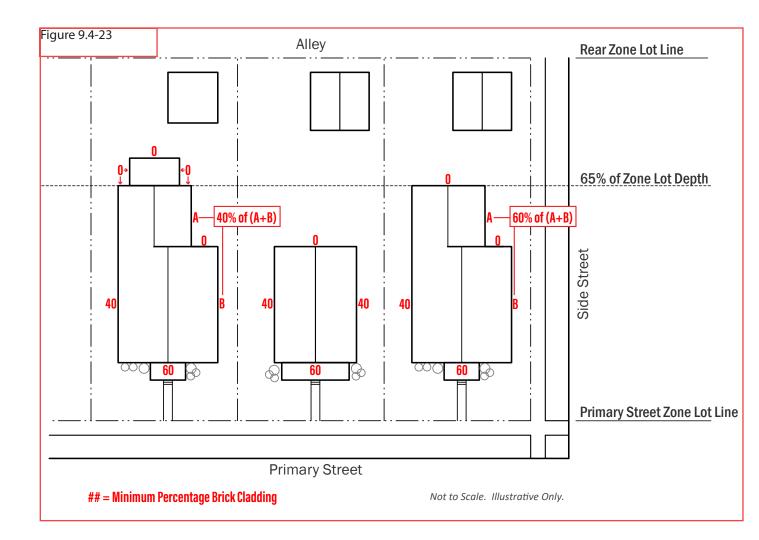
# b. <u>Design Standard</u>

A minimum percentage of the surface area of Exterior Wall(s), excluding fenestration (windows and doors), shall be clad with with a minimum amount of Brick as indicated below (see Figures 9.4-22 and 9.4-23):

- i. Primary Street Zone Lot Line Facing Exterior Walls: 60%
- ii. Side Street Zone Lot Line Facing Exterior Walls: 60%
- iii. Side Interior Zone Lot Line Facing Exterior Walls: 40%
- iv. Rear Zone Lot Line Facing Exterior Walls: No requirement



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# F. <u>Design Standard Exceptions for the CO-8 Overlay District</u>

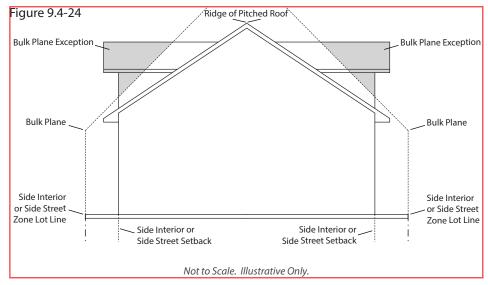
**1.** Bulk Plane Exception for Low-Slope Roof

Bulk Plane shall not apply to a portion of a building with a Low-Slope Roof

# 2. <u>Bulk Plane Exceptions for Dormers in the Front 65% of Zone Lot Depth</u>

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:

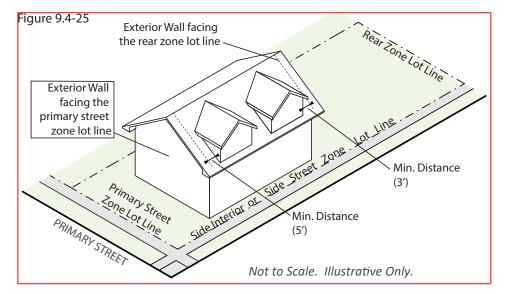
a. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 9.4-24)



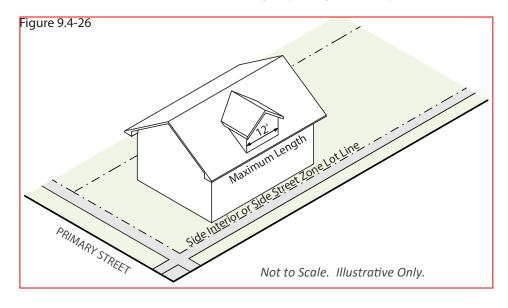
- b. The Dormer shall contain at least one window that faces a Side Interior or Side Street Zone Lot Line.
- c. The Dormer shall have a Pitched Roof.
- d. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.
- e. The Dormer shall have a minimum distance of 5 feet from the Exterior Wall located between the Dormer and the primary street zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into this minimum distance. (See Figure 9.4-25)
- f. The Dormer shall have a minimum distance of 3 feet from the Exterior Wall located between the Dormer and the rear zone lot line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. (See Figure 9.4-25)



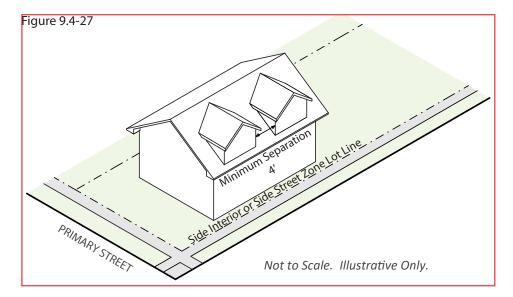
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g. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-26)

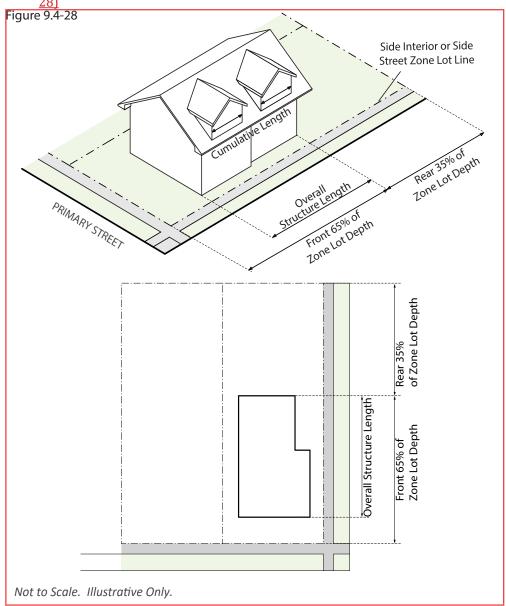


h. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the side interior or side street zone lot line. The Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-27)



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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. The 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 Figure 9.4-28)



# 13.1.6.6 Exterior Wall Types

# A. Rule of Measurement for Determining Exterior Wall Types

# 1. Primary Street Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Primary Street Zone Lot Line facing" if any portion of the Exterior Wall faces a Primary Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Primary Street Zone Lot Line, then such Exterior Wall is "Primary Street Zone Lot Line facing." See Figure 13.1-118.

# 2. Side Street Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Side Street Zone Lot Line facing" if the Exterior Wall faces a Side Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Street Zone Lot Line and no portion of said line touches the Primary Street Zone Lot Line, then such Exterior Wall is "Side Street Zone Lot Line facing." See Figure 13.1-118.

#### 3. Side Interior Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Side Interior Zone Lot Line facing" if the Exterior Wall faces a Side Interior Zone Lot Line(s), which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Interior Zone Lot Line and no portion touches a Street Zone Lot Line, then such Exterior Wall is "Side Interior Zone Lot Line facing." See Figure 13.1-118.

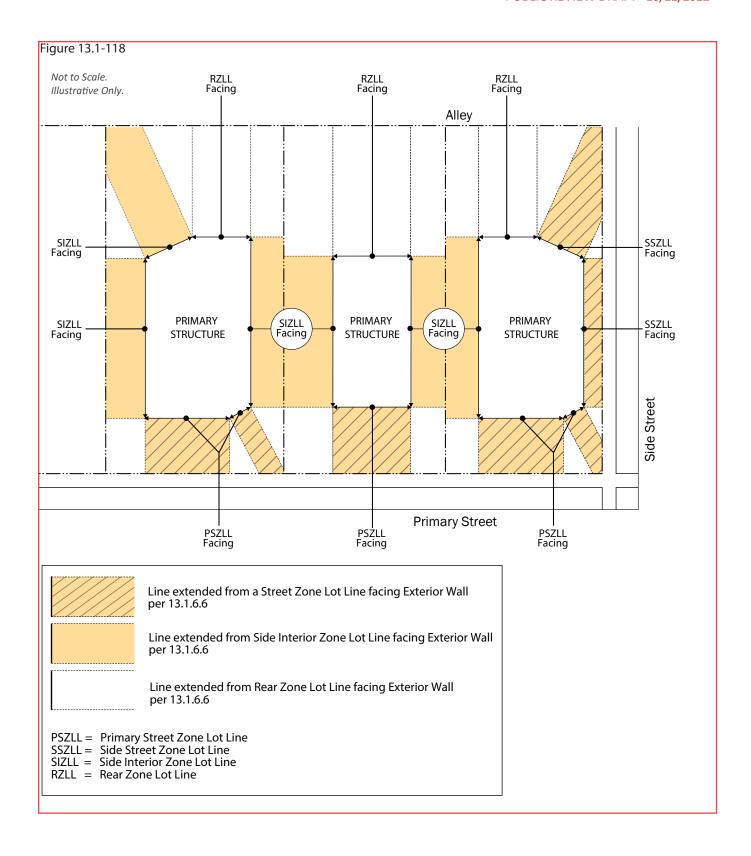
# 4. Rear Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Rear Zone Lot Line facing" if the Exterior Wall faces a Rear Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If the entireity of said line touches the applicable Rear Zone Lot Line, then such Exterior Wall is "Rear Zone Lot Line facing." See Figure 13.1-118.

#### **B.** Multiple Side Interior Zone Lot Lines

Where a Zone Lot has more than one Side Interior Zone Line or more than one contiguous series of Side Interior Zone Lot Lines, the minimum Brick cladding percentage shall be calculated for each individual Side Zone Lot Line or series of contiguous Side Zone Lot Lines for determining the requirement for a Side Interior Zone Lot Line Facing Exterior Wall(s).







**Backhaul or Backhaul Network:** The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Balcony, Exterior:** An elevated floor space projecting beyond the exterior walls of a building that is not supported on the ground by posts, columns, or similar supporting structural elements. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry.

**Base Floor Area Ratio:** The maximum floor area ratio, including all Structures on a Zone Lot, established in the Underlying Zone District to which Structures can be constructed without meeting the additional requirements set forth in the Underlying Zone District.

**Base Height:** the maximum Building Height established in the Underlying Zone District, including any Building Height limits associated with proximity to a Protected District, to which Structures can be constructed without meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

**Berm:** A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

Billboard: See "Outdoor General Advertising Device".

**Block:** A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.

**Block, Square:** A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.

**Block, Oblong:** A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.

Block Face: See definition of "Face Block."

**Brick:** For purposes of the Sunnyside Conservation and Brick Overlay (CO-8) only, Brick is a masonry architectural cladding material (including terra cotta) composed of rectilinear modular units with joints between each unit where no face of a unit exceeds 46 square inches in area. Brick shall be expressed in its natural state without stucco or other coatings. Brick may be applied as a veneer or panel system where the individual modular units are preattached with clips, mortar or other means into larger sheets that are then applied as architectural cladding. Brick does not include concrete masonry units, natural stone, stone panel systems or rain screen systems.

**Build-to:** An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a Street-facing, primary building wall must be built.

**Building:** Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.

**Building Connector:** A walkway covered by a Roof and used exclusively as a pedestrian trafficway external to the Structures it connects.

