City of Louisville
COLORADO • SINCE 1878

Community Development

749 Main Street • Louisville CO 80027 • 303.335.4592 • *www.louisvilleco.gov*
(fax) 303.334.4550
planning@louisvilleco.gov

OLD TOWN OVERLAY ZONING DISTRICT REGULATIONS

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TABLE OF CONTENTS

Sec. 17.12.050
Yard and bulk requirements; Old Town Overlay District 1
- A. Conflict requirements 1
- B. Building height 1
- C. Design and Slope of Roof 1
- D. Lot Coverage 1
- E. Floor area ratio 2
- F. Front yard setback 2
- G. Access and front setback requirements for garages 2
- H. Street side yard setback 2
- I. Interior side yard setback for principal uses 3
- J. Interior side yard setback for accessory uses 3
- K. Exceptions to front yard and side yard setbacks 3
- L. Rear yard setback 3

Sec. 17.12.055
Preservation zoning incentives; Old Town Overlay District 4

Sec. 17.16.050
Projections from buildings 6

Sec. 17.16.080
Exceptions to yard requirements 6

Sec. 17.16.100
Vision clearance areas 6

Sec. 17.16.130
Principal buildings on the same lot 7

Sec. 17.16.030
Accessory uses 7

Helpful Definitions 7
- Floor Area 7
- Lot coverage 7
- Building Height 8
- Building 8
- Structure 8
- Grade (ground level) 8

Underlying District Regulations 8

Old Town Overlay District Map 9

Old Town Overlay
Zoning District Regulations

Sec. 17.12.050. Yard and bulk requirements; Old Town overlay district.

A. *Conflicting requirements.* Within the area designated on the zoning district map as the Old Town overlay district, the regulations of this section shall apply in addition to any other applicable section of this title. To the extent that a specific yard and bulk requirement set forth in this section establishes a standard or requirement which conflicts with a yard and bulk requirement set forth in any other applicable section of this title, the specific requirement of this section shall control.

B. *Building height.* The maximum building height for principal uses shall not exceed 27 feet.

C. *Design and Slope of Roof*.

1. 80 percent of the roof surface area of all roofs on each structure on a property must have a pitch of 6:12 or greater.

2. The roof pitch that constitutes more than 50 percent of the roof surface area shall be considered the existing roof pitch. Additions to existing homes where the existing roof pitch is less than 6:12 shall be exempt from the requirements of subsection C.1 of this section. Such additions shall continue the existing roof pitch, or may have a lesser roof pitch as long as no more than 20 percent of the entire structure, including addition, has a roof pitch less than the existing roof pitch.

3. Additions to existing homes which remove and rebuild 50 percent or more of the existing roof must meet the requirements of subsection C.1 of this section.

4. Structures under 120 square feet are exempt from the requirements of this subsection C.

D. *Lot coverage*. The maximum lot coverage (expressed as square feet of lot area or as a percentage of lot area) shall be as follows:

1. For a lot having a lot area of less than 4,000 square feet: 40 percent.

2. For a lot having a lot area of 4,000 to 5,999 square feet: 1,600 square feet or 37.5 percent, whichever is greater.

3. For a lot having a lot area of 6,000 to 6,999 square feet: 2,250 square feet or 35 percent, whichever is greater.

4. For a lot having a lot area greater than 7,000 square feet: 2,450 square feet or 30 percent, whichever is greater.

E. ***Floor area ratio*****.** For the purposes of this subsection, the term "floor area ratio" shall not include the floor area of basements if more than one-half of the vertical distance between the basement floor and ceiling is below the grade of the site, or the floor area of unenclosed porches, balconies, canopies, decks, or patios. The maximum floor area ratio shall be as follows:

1. For a lot having a lot area of less than 4,000 square feet: 0.50.

2. For a lot having a lot area of 4,000 to 5,999 square feet: 0.45 or 1,999 square feet, whichever is greater.

3. For a lot having a lot area of 6,000 to 6,999 square feet: 0.40 or 2,699 square feet, whichever is greater.

4. For a lot having a lot area greater than 7,000 square feet: 0.35 or 2,799 square feet, whichever is greater.

F. ***Front yard setback*****.** The minimum front yard setback for principal uses shall be 20 feet unless reduced per section 17.16.080. The maximum front yard setback shall be the lesser of 25 feet or five feet plus the minimum front yard setback determined per section 17.16.080.

G. ***Access and front setback requirements for garages.*** Where a developed alley with a minimum right-of-way width of 15 feet, or a side street, adjoins a rear or side lot line of a lot, access to a garage or off-street parking space from a street adjoining a front lot line shall be prohibited. Where the only access available to a lot is from a street adjoining the front lot line, the minimum front yard setback for an attached or detached garage shall be not less than 20 feet greater than the setback between the front property line and the front building line of the dwelling.

H. ***Street side yard setback*****.** The minimum side yard setback from a street for principal and accessory uses shall be as follows:

1. For a lot having a lot width less than 30 feet: Eight feet.

2. For a lot having a lot width of 30 to 60 feet: Ten feet.

3. For a lot having a lot width greater than 60 feet: 15 feet.

I. ***Interior side yard setback for principal uses.*** The minimum side yard setback from an interior lot line or platted alley for principal uses shall be as follows:

1. For a lot having a lot width less than 30 feet: Three feet.

2. For a lot having a lot width of 30 to 60 feet: Five feet.

3. For a lot having a lot width greater than 60 feet: Seven feet.

J. ***Interior side yard setback for accessory uses.*** The minimum side yard setback from an interior lot line or platted alley for accessory use shall be three feet.

K. ***Exceptions to front yard and side yard setbacks.*** The minimum front yard setback and the minimum side yard setback from a street may be reduced as follows:

1. A covered porch attached to a principal use may extend not more than six feet into the required front yard setback and the required side yard setback from a street.

2. An addition to an existing principal structure may extend into a required side yard setback provided all of the following conditions are met:

    a. The resulting setback is not less than three feet;

    b. The resulting sum of both side yard setbacks for a lot is equal to or greater than the sum of both required side yard setbacks for a lot; and

    c. The resulting distance from any principal structure on an adjacent lot shall not be less than ten feet for lots having a lot width equal to or greater than 30 feet, and shall not be less than six feet for lots having a lot width less than 30 feet.

L. ***Rear yard setback*****.** The rear yard setback shall be as follows:

1. The minimum rear yard setback for principal uses shall be 25 feet.

2. The minimum rear yard setback from a rear lot line for accessory uses shall be three feet except that there shall be no minimum rear yard setback from a rear lot line which is a common boundary line with a platted alley, provided, however, that garages with vehicle entrances facing an alley shall have a minimum rear yard setback of 20 feet from the

right-of-way line of the alley which is opposite the rear lot line forming the common boundary with the alley.

Sec. 17.12.055. Preservation zoning incentives; Old Town overlay district.

Background:

As properties are purchased and houses are remodeled, there appears to be a trend towards scraping the existing house of the lot to allow for a larger house that maximizes the development standards which is threatening the character of the Old Town District as well as the architectural integrity of the area. In response, the Historic Preservation Program offers zoning incentives that provide property owners more square footage and FAR in exchange for the retention of the street-facing façade of the home.

Louisville City Council adopted Ordinance No. 1519, Series 2007 which:

1) *encourages and rewards the designation of properties as landmarks or districts.*
2) *encourages and rewards building activities that preserve structures and features of historic architectural significance.*
3) *encourages the preservation of houses and maintain the street level character of residential areas in the district.*

A. Notwithstanding the provisions of section 17.12.050 to the contrary, there shall be granted within the Old Town overlay district a lot coverage bonus and a floor area ratio bonus for preserving the street-facing facade or for obtaining a landmark designation pursuant to chapter 15.36 of this code. Such bonuses, referred to as the preservation bonus and the landmark bonus, shall be as set forth in subsection B of this section and shall be granted for qualifying projects as provided in subsection C of this section.

B. The preservation bonus and landmark bonus be as follows:

1. Table of Preservation and Landmark Bonuses

Lot Size	Existing Lot Coverage	Preservation Bonus Lot Coverage	Landmark Bonus Lot Coverage	Existing FAR	Preservation Bonus FAR	Landmark Bonus FAR
< 4000 sf	40%	45%	50%	.50	.55	.60
4000-5999 sf	37.5 % or 1600 sf	42.5%	47.5%	.45 or 1999 sf	.50	.55
6000-6999 sf	35 % or 2250 sf	40%	45%	.40 or 2699 sf	.45	.50
>7000 sf	30% or 2450 sf	35%	40%	.35 or 2799 sf	.40	.45

2. Additionally, for lots greater than 60 feet in width, the minimum side-yard interior setback requirement may be lowered to five feet and the minimum side-yard street setback requirement may be lowered to ten feet as a part of the preservation bonus.

3. Additionally, if the front setback on the property is nonconforming and foundation work is needed to obtain a preservation bonus or landmark bonus, then such work will not trigger the need to bring the nonconforming setback into compliance.

C. To qualify for a preservation bonus or a landmark bonus, the residential project for which such bonus is requested must meet each of the following requirements:

1. The house must be at least 50 years old.

2. The project must save and preserve the full width of the front street-facing façade of the house as well a minimum amount of the original sidewalls or other features adjoining the front street-facing façade. Such minimum amount shall be 10 feet or 25 percent of the depth of the house, whichever is less, and the project must save and preserve all walls, porches, windows, and architectural elements located partially or entirely in such minimum footage.

3. The project shall not include a new addition attaching to the front street-facing façade or to the preserved original wall or architectural elements.

4. Any second story addition to an existing structure shall be set back 12 feet from the front wall of the existing front street-facing façade.

5. The second floor square footage shall be no more than 75 percent of the total square footage of the lower floor.

6. In order to obtain a landmark bonus, a landmark designation must also be obtained pursuant to the provisions of chapter 15.36 of this code. The landmark resolution must be adopted prior to granting of any landmark bonus.

D. Nothing in this section 17.12.055 affects the requirement to obtain a landmark alteration certificate for a project, when and to the extent required by chapter 15.36 of this code. The applicant for a landmark alteration certificate may request that any approved certificate include a preservation bonus or landmark bonus as authorized by this section.

E. The planning department shall administer the provisions of this section. Projects that qualify for a preservation bonus or landmark bonus shall be granted such bonus by administrative action of planning department, which grant shall be evidence by written instrument issued by the planning department and signed by the director of planning or his designee. Reference to an approved preservation bonus or landmark bonus may also be set forth in any landmark alteration certificate(s) or building permit(s).

F. Eligibility for, receipt of, or an interest in fully utilizing any preservation bonus or landmark bonus shall not constitute grounds for the granting of a variance from any other provision of this title.

Sec. 17.16.050. Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three feet into a required yard or into required open space as established by coverage standards.

Sec. 17.16.080. Exceptions to yard requirements.

The following exceptions to the front yard requirement for dwellings abutting local streets, not including collector or arterial streets, are authorized for a lot in any district:

A. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

B. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

Sec. 17.16.100. Vision clearance areas.

A. A vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding 2 1/2 feet in height, measured from the top of the curb or existing grade, unless such structure or obstructions are more than 80 percent open.

B. The minimum distance establishing the size of the vision clearance area shall be 30 feet, except that at intersections including an alley, the minimum distance shall be 15 feet.

C. Vision clearance areas shall not be required at street intersections not including an alley in the area designated as the central business district, except with respect to fences and structures similar to fences. Vision clearance areas at intersections including an alley are required in the area designated as the central business district with respect to all the requirements of subsection A. The minimum distance establishing such vision clearance areas shall be 15 feet measured from the curb lines of the street and the right-of-way lines of the alley.

D. Where a designated recreational trail intersects a street, there shall be a vision clearance area and the minimum distance establishing such area shall be 15 feet measured from the curb lines of the street and the edge of the trail.

Sec. 17.16.130. Principal buildings on the same lot.

No part of a principal building (including eaves and overhangs) shall be located closer than five feet to any other principal building on the same lot in residential zone districts.

Sec. 17.16.030. Accessory uses.

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this title, and shall also comply with the following limitations:

A. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises.

B. A guesthouse may be maintained in a residential district accessory to a dwelling provided such guesthouse is used for the occasional housing of guests of the occupants of the principal dwelling, and so long as such guesthouse is not used for commercial purposes and no charge is made for the use of such premises.

C. The minimum rear yard setback from a rear lot line for accessory structures shall be ten feet. No part of an accessory building (including eaves and overhangs) shall be located any closer than five feet to any principal structure, either on the same lot or an adjacent lot, in residential zone districts. No part of an accessory building (including eaves and overhangs) shall be located any closer than ten feet to any principal structure, either on the same lot or an adjacent lot, in nonresidential zone districts.

D. Accessory buildings on corner lots shall be set back from the side street a distance not less than that required for the principal building.

E. Accessory structures and uses shall comply with the yard and bulk regulations applicable in the district in which they are located as set forth under chapters 17.12 and 17.13.

Helpful Definitions

Sec. 17.08.165. Floor area.

Floor area means the area included within the outside walls of a building or portion thereof including habitable tenant houses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.*

**This measurement shall not include the area within in a wall.*

Sec. 17.08.275. Lot coverage.

Lot coverage means the percentage of the total lot area available for bulk or buildings.

Sec. 17.08.045. Building height.

Building height means the vertical distance measured from grade to the highest point on the roof surface.

Sec. 17.08.035. Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

Sec. 17.08.550. Structure.

Structure means anything constructed or erected with a fixed location from the ground above grade, but does not include poles, lines, cables, or other transmission or other distribution facilities of public utilities.

Sec. 17.08.205. Grade (ground level).

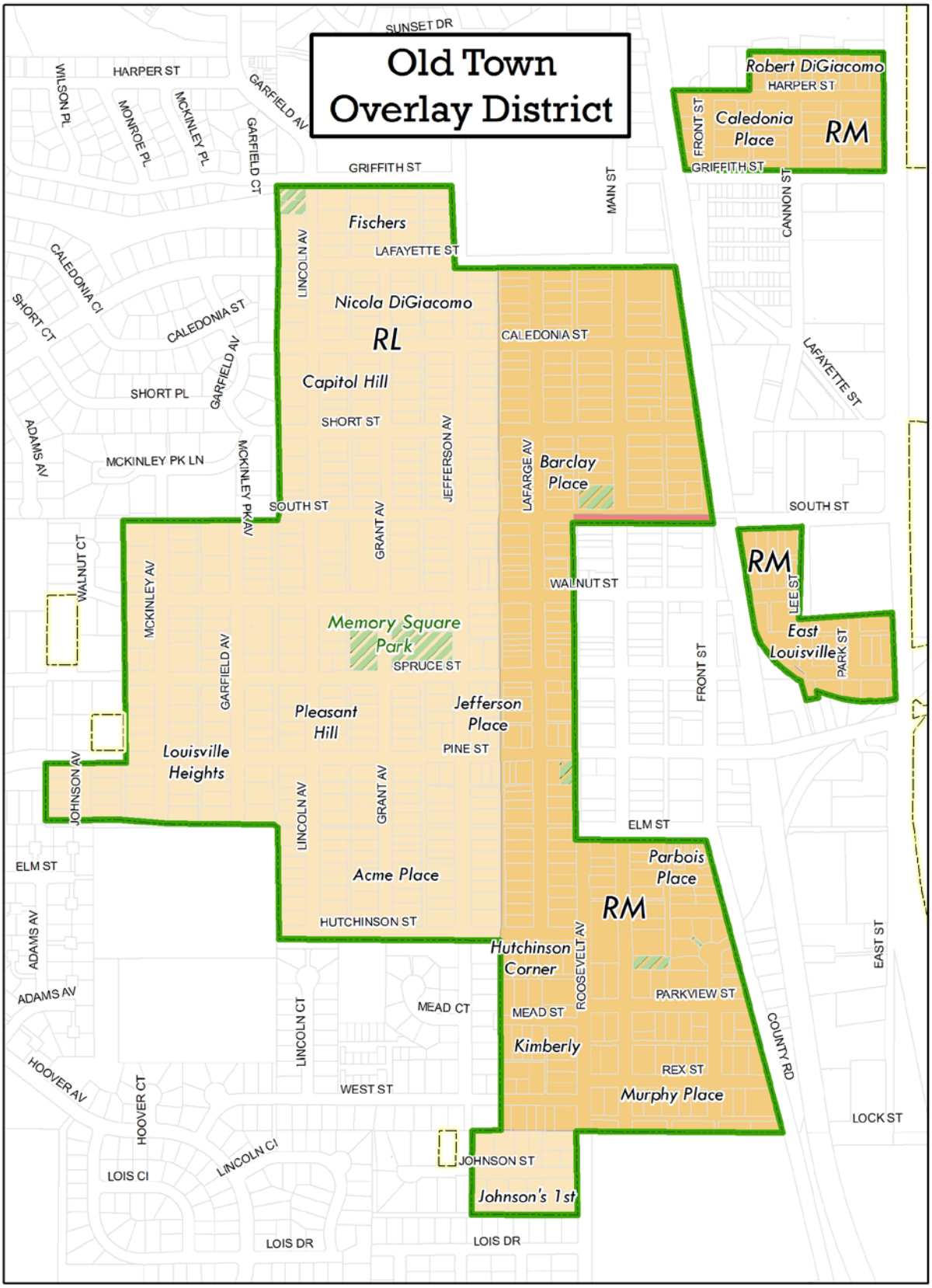
Grade (ground level) means the average of the finished grade surface elevation measured at the highest and lowest exterior corners of a structure. If fill is added to raise the surface elevation at the structure by more than one foot, then grade is determined from the finished site grade level a distance of ten feet from the structure wall, or from the property line if the property line is closer than ten feet to the structure wall.

Underlying District Regulations

Existing lots of record that do not meet the regulations listed below are considered legally nonconforming. (Sec. 17.36.090)

	RL District	RM District
Minimum lot area (SF)'	7,000	7,000
Minimum lot area per dwelling unit (SF)	7,000	3,500
Minimum lot width (ft.)	70	60
Maximum height for accessory structure (ft.)	20	20

'8,000 SF for a corner lot


Old Town
Overlay District
SUNSET DR
HARPER ST
WILSON PL
MONROE PL
MCKINLEY PL
GARFIELD AV
GARFIELD CT
GRIFFITH ST
Robert DiGiacomo
HARPER ST
Caledonia
Place
RM
FRONT ST
GRIFFITH ST
MAIN ST
CANNON ST
Fischers
LAFAYETTE ST
LINCOLN AV
CALEDONIA CI
SHORT CT
CALEDONIA ST
Nicola DiGiacomo
RL
CALEDONIA ST
LAFAYETTE ST
Capitol Hill
SHORT PL
GARFIELD AV
SHORT ST
JEFFERSON AV
ADAMS AV
MCKINLEY PK LN
MCKINLEY PK AV
LAFARGE AV
Barclay
Place
SOUTH ST
SOUTH ST
GRANT AV
RM
WALNUT CT
MCKINLEY AV
WALNUT ST
LEE ST
Memory Square
Park
SPRUCE ST
East
Louisville
PARK ST
FRONT ST
GARFIELD AV
Pleasant
Hill
Jefferson
Place
PINE ST
Louisville
Heights
JOHNSON AV
LINCOLN AV
GRANT AV
ELM ST
ELM ST
Parbois
Place
RM
Acme Place
HUTCHINSON ST
ADAMS AV
Hutchinson
Corner
ROOSEVELT AV
EAST ST
ADAMS AV
PARKVIEW ST
MEAD CT
MEAD ST
LINCOLN CT
Kimberly
COUNTY RD
HOOVER AV
REX ST
WEST ST
Murphy Place
HOOVER CT
LOCK ST
LINCOLN CI
JOHNSON ST
LOIS CI
Johnson's 1st
LOIS DR
LOIS DR