



TO: Denver City Council
FROM: Steve Nalley, Senior City Planner
DATE: July 6, 2015
RE: Denver Zoning Code – Text Amendment to create a Design Overlay District, DO-4.
(Case# 2015I-00070)

I. CPD Recommendation

Based on the review criteria for a text amendments stated in the Denver Zoning Code (DZC), 12.4.11 (Text Amendment), CPD staff recommends that City Council approve the Side Interior Setback Design Overlay, DO-4, Denver Zoning Code Text Amendment.

II. Summary and Purpose

The Highland Neighborhood generally developed in the late 1800’s and has a dense residential development pattern with narrow setbacks. Councilwoman Judy Montero initiated this text amendment to the Denver Zoning Code to create a new Design Overlay for large portions of the Highland Neighborhood to better align the zoning standards with the unique narrow setback design feature that exists in the neighborhood.

DZC Section 9.4.5.1 states that Design Overlay Districts are intended to provide a vehicle to implement land use and urban design recommendations and standards set forth in neighborhood or small area plans; to provide uniformity in the design standards applicable to arterial street or river corridors, for example, having varied underlying zoning; and to reinforce the desired character for newly redeveloping areas. The proposed Side Interior Setback Design Overlay, DO-4 Denver Zoning Code text amendment, if approved by City Council, will modify underlying zone district building form standards by allowing narrower setbacks. A summary of the proposed text amendment is provided in the following table (Also see the proposed text amendment enclosed).

Summary of Denver Zoning Code Text Amendment	
Code Location	Proposed New Design Overlay Text
Article 9 – Special Contexts and Districts Division 9.4.5.3 – Design Overlay Districts Established	Primary building form standards: <ul style="list-style-type: none"> • 3 foot minimum side interior setback for zone lots greater than 30 feet and up to 40 feet in width. Detached Accessory Dwelling Unit standards: <ul style="list-style-type: none"> • 0 foot minimum side interior setback.

III. Public Process

Below is a summary of the public process for this amendment.

October 2013	Highland United Neighbors, Inc (HUNI) submitted an initial proposal to CPD. The proposal contained problem statements, photos, graphics, maps, and proposed overlay language.
2013-2015	Additional discussions took place with HUNI, CPD and Judy Montero’s office.
November 11, 2014	HUNI hosted a public meeting in the Highland neighborhood to present and seek input on zoning overlays.
December 11, 2014	HUNI hosted a follow-up public meeting in the Highland neighborhood to seek additional input on zoning overlays.
January 9, 2015	Denver City Councilwoman Judy Montero initiated the proposed amendment.
January -March	CPD drafted proposed overlay language.
February 10, 2015	CPD attended the HUNI PCD meeting to discuss the amendment.
February 28, 2015	CPD presented a summary of the amendment to Inter-Neighborhood Cooperation Zoning and Planning committee.
March 30, 2015	Draft of the amendment posted to CPD website for public and City agency review; email notice was sent to all Registered Neighborhood Organizations (RNOs) noticing the scheduled Planning Board public hearing, with link to updated draft and summary.
April 14, 2015	CPD attended the HUNI PCD meeting to discuss comments on the amendment.
April 14, 2015	Public Notification sent for April 29, 2015 Planning Board public hearing. Notice emailed to all RNOs and signs were posted throughout subject amendment area.
April 29, 2015	Planning Board public hearing Planning Board unanimously recommended approval with the following condition: <ol style="list-style-type: none">1. That the Planning Board Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the Planning Board Review Draft made necessary by such edits.
May 13, 2015	Neighborhoods and Planning Committee
June 1, 2015	City Council First Reading
June 8, 2015	City Council amended bill for proposed text amendment and postponed public hearing on proposed text amendment until July 6, 2015.
July 6, 2015	City Council Public Hearing

IV. Criteria for Review and CPD Staff Evaluation

Design Overlay Districts are considered zoning text amendments and map amendments and are subject to the review criteria found in Section 12.4.11 and 12.4.10 respectively. Accordingly, CPD analyzed the proposed Side Interior Setback Design Overlay, DO-4 Denver Zoning Code text amendment and map amendment for compliance with the review criteria. The review criteria compliance for a text amendment is detailed below. The review criteria compliance for a map amendment is detailed in a separate staff report, case number 2015I-00060.

1. The proposed Text Amendment is Consistent with the City's Adopted Plans

The Text Amendment is consistent with the City's following adopted plans:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Highland Neighborhood Plan (1986)

Denver Comprehensive Plan 2000

Denver's planning foundation is built on the acknowledgement that the combination of new development and traditional Denver form must blend to provide attractive, appropriately scaled urban places. Highland, one of Denver's most popular and desirable neighborhoods, is experiencing intense development pressure. Altering zoning standards to better recognize the existing character of the neighborhood through this text amendment is consistent with the guidance of Comp Plan 2000, highlighted below:

"Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses." (pg. 60)

"Sustaining excellent urban design requires Denver to use its best legacies to guide the future. While new development need not conform to precise historical or architectural particulars, it must reflect the fine qualities of design and use of materials inherent in Denver's unique natural setting and urban character. This applies to Downtown, smaller commercial areas, residential neighborhoods, commercial and industrial corridors, and both new construction and rehabilitation. It also applies to infrastructure — streets, bridges and drainage ways — as well as to both public and private buildings." (pg. 89)

"Promote standards and incentives for design that enhance the quality and character of the city, including the preservation of significant historic structures and features." (pg. 98)

"Identify community design and development issues, and target specific concerns with appropriate controls and incentives." (pg. 98)

"Ensure that the Zoning Code reinforces quality urban design." (pg. 99)

Blueprint Denver – 2002

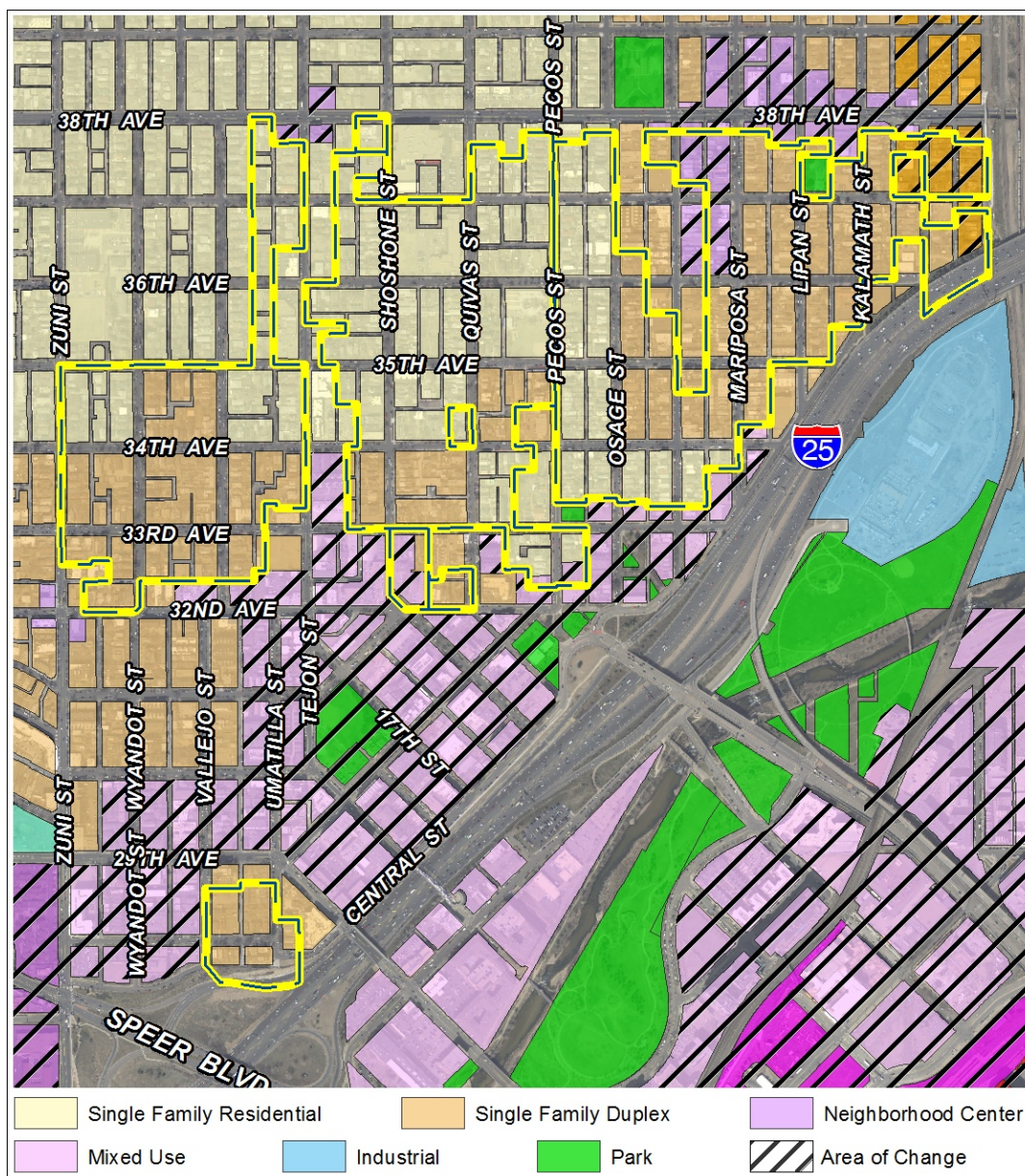
The subject site for which the text amendment is written is designated as a Single Family Residential and Single Family Duplex. The entire area to be rezoned is designated as an Area of Stability.

The goal for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment.” (pg. 120) The proposed DO-4 alters the underlying zoning to better maintain the character of the Highland Neighborhood.

“Neighborhoods of single family houses represent the majority of Denver’s residential areas, particularly those developed after 1900 and especially those built after 1940. Single-family homes are the predominant residential type.” (pg. 42) “Single family duplex residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment-base is minor compared to the housing base. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings.” (pg. 41) The proposed DO-4 design overlay district text amendment does not change the allowed uses or housing types of the underlying zone district, but instead requires the housing types to be more consistent with the defining character of the area.

Blueprint Denver also recognizes the need for overlay zone districts stating “this type of zoning can apply to areas where there are similar objectives but where the base zoning varies or where additional standards are needed to reinforce a certain character.” (pg. 125) The proposed DO-4 design overlay district text amendment introduces additional standards that address narrower setbacks that recognize and reinforce the established character specific to the Highland Neighborhood.

Blueprint Denver Map



Highland neighborhood Plan – 1986

The Highland Neighborhood Plan is “intended to promote patterns of land use, urban design, circulation and services which encourage and contribute to the economic, social, and physical health, safety and welfare of the people who live and work in the neighborhood.” (pg. 1) The Highland neighborhood has changed drastically since the adoption of the plan. Many of the strategies and recommendations of the plan have been implemented. A major focus of the plan is to heighten the sense of neighborhood pride, revitalize the housing stock and maintain and stabilize the character of the neighborhood. The proposed DO-4 design overlay district text amendment further implements the strategies the Highland

neighborhood plan by acknowledging and reinforcing the development patterns that are part of the neighborhood's distinct character.

2. The proposed Text Amendment Furthers the Public Health, Safety and Welfare

This text amendment furthers the public health, safety, and general welfare of Denver residents as they provide for context-sensitive and character reinforcing standards that further stabilize the established neighborhood.

3. The proposed Text Amendment Results in Regulations that are Uniform Across the District

This text amendment will result in uniform regulations applicable to all new buildings within land mapped DO-4.

V. CPD Recommendation

Based on the review criteria for a text amendments stated in the Denver Zoning Code (DZC), 12.4.11 (Text Amendment), CPD staff recommends that City Council approve the Side Interior Setback Design Overlay, DO-4 Denver Zoning Code Text Amendment.

VI. Attachments

1. Proposed Side Interior Setback Design Overlay (DO-4) Text Amendment redlines.

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3
<u>ReservedSide Interior Setback</u>	DO-4
South Sloan's Lake	DO-5

9.4.5.4 Effect of Approval**A. Official Map Designator**

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)**A. Creation**

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.
2. As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.

B. Lower Floor Building Design

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

1. Lower Floor Design Standards

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street front-

C. Height and Upper Story Setback Building Form Standard

1. The maximum building height shall be 60 feet
2. There shall be an upper story building setback that shall prevent any portion of a building on the eastern 55 feet of lots 20 through 36, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
3. There shall be an upper story building setback that shall prevent any portion of a building on lots 2 and 3, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 30 feet to the southern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 40 feet to the southern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
4. There shall be an upper story building setback that shall prevent any portion of a building on the southern 25 feet of the eastern 55 feet of lot 37, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high.
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.

9.4.5.8 ~~Reserved~~ Side Interior Setback Design Overlay (DO-4)**A. Creation**

There is hereby created a Design Overlay District designated as the Side Interior Setback Design Overlay (DO-4).

B. Intent

To require side interior setbacks that are consistent with the established character of neighborhoods containing structures with narrow side interior setbacks.

C. Applicability

This Overlay applies only to those areas designated as DO-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 3 feet.

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

Building Form Only

1. Side Interior Setbacks

- 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.

9.4.5.9 South Sloan's Lake Design Overlay (DO-5)

A. Creation

There is hereby created a Design Overlay District designated as the South Sloan's Lake Design Overlay District (DO-5). This applies only to those areas that are mapped DO-5.

B. Intent

To apply additional building height limitations that create a transition down in height from new higher-intensity development to surrounding lower-intensity residential neighborhoods and uses, and Sloan's Lake Park.

C. Primary Buildings - Maximum Height

1. Stuart Street - West 17th Avenue to West 16th Avenue

a. Applicability

This Section 9.4.5.9.C.1's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 17th Avenue and West 16th Avenue.

b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-6.

c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-11.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.