



# Proposed Denver Zoning Code Text Amendment: 2015 Bundle #1

Neighborhoods & Planning Committee

05/13/15

As part of the city's ongoing effort to keep the Denver Zoning Code modern, clear and user-friendly, CPD proposes a series of text amendments.

The last text amendment bundle package was adopted by City Council in April 2014.

City staff periodically review the Denver Zoning Code and prioritize potential updates in response to customer and community feedback, industry changes and other factors.

Many of the updates come in direct response to feedback from permit customers and Denver residents.

- February 28, 2015:* INC Zoning and Planning Committee briefing
- March 6, 2015:* Summary of text amendments posted to website for public review
- March 18, 2015:* Televised Informational item at Neighborhoods & Planning Committee
- March 18, 2015:* Planning Board Informational Item
- March 30, 2015:* Redline draft of text amendments posted to website for public review and email notice sent to all Registered Neighborhood Organizations (RNOs) and City Councilmembers
- April 2 - 14, 2015:* Three open public office hours sessions

*April 14, 2015:* Email notice to all Registered Neighborhood Organizations (RNOs) and City Councilmembers of scheduled Planning Board public hearing, with link to updated summary

*April 22, 2015:* Planning Board staff report and updated redline draft posted to website

*April 29, 2015:* Planning Board public hearing

*April 29, 2015:* Email notice to all Registered Neighborhood Organizations (RNOs) and City Councilmembers of scheduled Committee meeting

*May 7, 2015:* Council adoption redline draft for committee posted online

*Other outreach:* Email newsletter, Twitter, add'l meetings on

- 7 emails from 6 individuals:
  - Street level active use requirements in U-MX zone districts
  - Mini-storage parking requirements
  - Homeless shelters by religious, government, and non-profit entities
  - Marijuana extractions

- City Council First Reading (May 18<sup>th</sup>)
- City Council Public Hearing (June 15<sup>th</sup>)
  - Notification to all RNOs and City Councilmembers 21 days prior to public hearing
  - Public Hearing and decision by City Council

General Provisions

Neighborhood Context Design Standards

General Design Standards

Parking

Uses

Zoning Procedures

Rules of Measurement and Definitions

Entire Code Clarifications / Corrections

Earlier Neighborhood Notification of Rezoning

Bicycle Parking Standards

Street Level Activation

– Parking Structure Incentives

Marijuana Extractions

Organization and Graphics



- Consistent with City's Adopted Plans and Polices
- Furthers the Public Health, Safety and General Welfare
- Results in Regulations that are Uniform

Public Hearing: April 29, 2015

Recommended approval with 3 conditions to make  
revisions as recommended by staff

All revisions have been made

Staff recommends that the Neighborhoods & Planning Committee move Denver Zoning Code Text Amendment 2015 Bundle #1, case #2015I-00005, out of committee for consideration by the full City Council.

## Implement Comprehensive Plan 2000 goals:

- Ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs.
- Encourage quality infill development that is consistent with the character of the surrounding neighborhood.
- Establish development standards to encourage positive change and diversity while protecting Denver's traditional character.
- Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

- Codify common practice and historic allowances in Denver for:
  - A. Combining civic/public/institutional uses on the same property, typically in SU and TU residential neighborhoods, such as a combination of school and religious assembly uses
  - B. Combining a “parish house” single-unit dwelling use with a primary religious assembly use.



Revise vehicle access for 3 or more side-by-side dwelling units in the Apartment, General, and Shopfront building forms across all contexts

Minimize impacts to the pedestrian environment and preserve sidewalks

Codify an interim policy in place since September 4, 2011

# Vehicle Access for side-by-side residential units



- Must use alley where one is available
- Exceptions for inadequate alley width, technical considerations
- Consistent with existing code for houses, tandem houses, duplexes, town houses, row houses

Planning Board review draft had proposed adding design standards for doors within the zone of transparency on Shopfront and Drive Thru building forms in MS zone districts to prevent blank doors

Because there are no design standards for blank walls, could have unintended consequence of drawing attention to utility doors

Aesthetics of door design are not regulated in code today

Needs further study

Staff recommends deleting these provisions



## Current Requirements:

- MS: “Ground Story within the required build-to portion must have at least one primary use, other than parking of vehicles”
  - No minimum dimensions
  - No other uses are prohibited
  - Consistent with Former Chapter 59 requirement
- MX: no requirement

## Proposed Changes:

- Add new Street Level Active Use requirements that apply to the portion of the building frontage that meets the minimum primary and side street build-to requirements
- All MS and C-MX zone districts: 100%
- All U-MX and G-MX zone districts: 40%

## Proposed Street Level Active Use standards

- Minimum 15' depth
- Not allowed:
  - Parking spaces or aisles
  - Mini-storage
  - Wholesale storage or trade
  - Accessory car washes or drive throughs

- Staff recommends a condition of approval to delete the small lot and vehicle access exceptions in the PB Review Draft
  - Consistent with goal of improving the street-level pedestrian environment
  - Simplifies the code, improving ability to calculate and administer the new requirement consistently
  - Responsive to public comments

Additional public comments not recommended by staff:

- Increase the U-MX Street Level Active Use requirement to 100%
- Cap residential lobbies, gyms, and private access at 20%
- Increase minimum depth from 15' to 20'

Consistent with Former Chapter 59 and common practice, specify that ground cover and turf/sod are acceptable live plant materials

- New Minimum Bike Parking Requirements:
  - Public & Religious Assembly
  - Community Recreation Facility
- Reclassify Bike Parking Requirement:
  - Lodging



## Reduce Minimum Vehicle Parking Requirement for Mini-Storage

Proposed: 0.1 spaces per 1,000 S.F.

Better aligns with actual demand and best practices

2 comments in support



Homeless Shelter rules adopted in the 1990s and revised through 2005 had specific provisions for some shelters:

Shelter operated in and by a church

- May operate up to 120 days per year, or
- For the entire year with no more than 8 unrelated persons (or more depending on relationships allowed in a household).
- In all zone districts, with no notice or permit requirements

Shelter operated by nonprofit or governmental entities

- May operate up to 120 days per year with a maximum of 100 people
- Specific public notice / consultation requirements
- In all zone districts with no permit required

These were called “temporary shelters” though they did not necessarily need to be temporary by definition under the new code, i.e. terminate after a period of time

When Denver Zoning Code was adopted:

Code was reorganized such that all uses appear in use tables and reference use limitations in Article 11

Could be construed to not allow such shelters in residential zone districts

The intent in 2010 was to codify the then-current policy

This amendment intends to correct this error in translation

Comments:

“I do not oppose a correction so long as it does not defeat the original intent of prohibiting non-temporary shelters from being operated in Residential Zone Districts”

Clarify that “permanent” shelters that do not meet the specific limitations discussed earlier of the previous code are not allowed in residential zone districts

Revise use limitations in SU and TU zone districts for a day care center in a structure operated by and used as a place for religious assembly

A day care center may be established only in an “existing structure originally designed for a nonresidential use and not for residential occupancy” that is currently operated and used as a place for religious assembly

Incorporate specific allowances for the different types of marijuana-based extraction processes in the definitions of

- Custom manufacturing
- General manufacturing
- Heavy manufacturing

Add new use limitations on the type of marijuana extractions that may occur as part of commercial food preparation uses.

Define extraction types and marijuana terms

Commercial Food Prep & Sales: Extraction allowed related to the food prep when incorporated into food products made on-site, if the extraction is:

- Water-based
- Food-based, or
- Alcohol- or ethanol-based under limited circumstances

Custom Manufacturing: No production of marijuana concentrate by any extraction method

General Manufacturing: Food-based, water-based, and solvent-based extraction permitted, but no more than 3000 SF of solvent-based extraction permitted

Heavy Manufacturing: Food-based, water-based, and more than 3000 SF of solvent-based extraction permitted



Revise “garden” accessory use to a primary non-residential use standards to:

- Prohibit the commercial growing of marijuana in an accessory garden use; and
- Allow growing of marijuana not subject to the city’s licensing laws, provided all other applicable City rules, regulations and policies are met.

## Revise limitations on Outdoor Eating/Serving Areas accessory to restaurants and bars:

- Reference the applicable detached accessory structure building form standards
- Exception from the building form's setback standards

Allow more than 30 days for the Zoning Administrator's review of a pending code interpretation and/or use determination if all parties agree to the extension of time

Codify CPD policy implemented in May 2014 to require earlier notification of RNOs and City council members when a complete rezoning application has been received

Ex nonconforming use termination provisions:

In the case of a zoning violation, termination of the nonconforming use may be avoided if the property owner or user remedies the violation

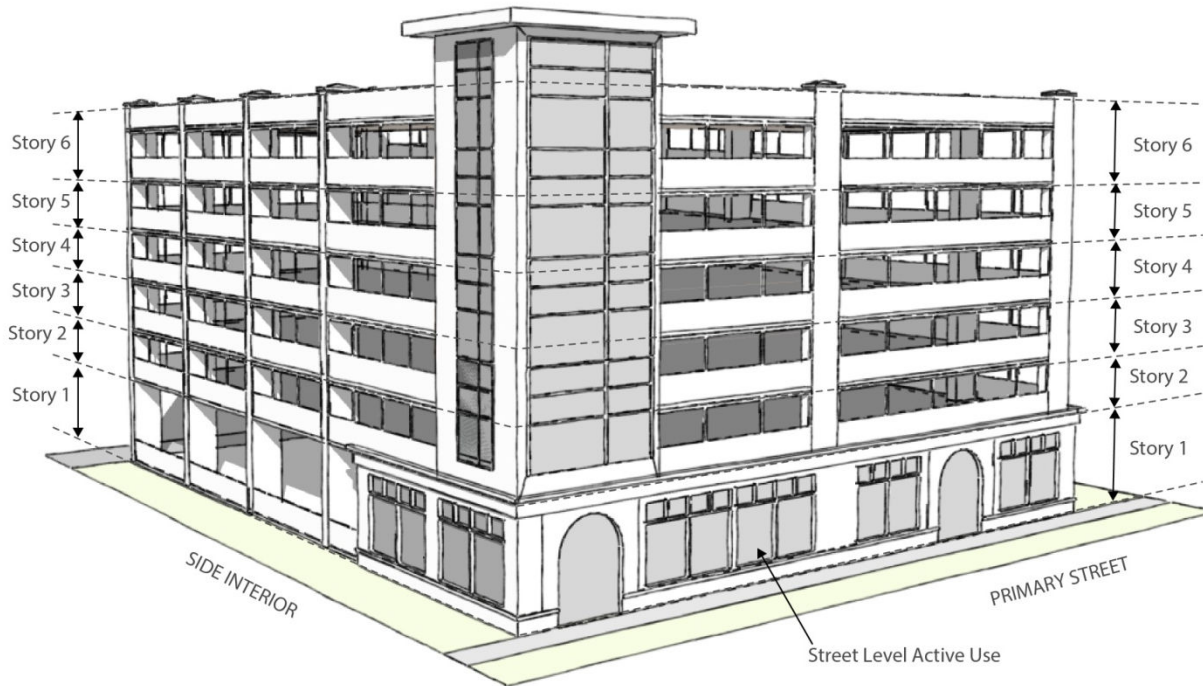
But after more than one offense or violation of the zoning laws, termination of the nonconforming use would occur automatically

Add exceptions to the rule of measurement for height in stories for parking structures to allow additional levels of parking when:

- Street-level activation standards are met, or
- Parking structure is wrapped with other uses on all street-facing facades.

Would still be subject to max height in feet

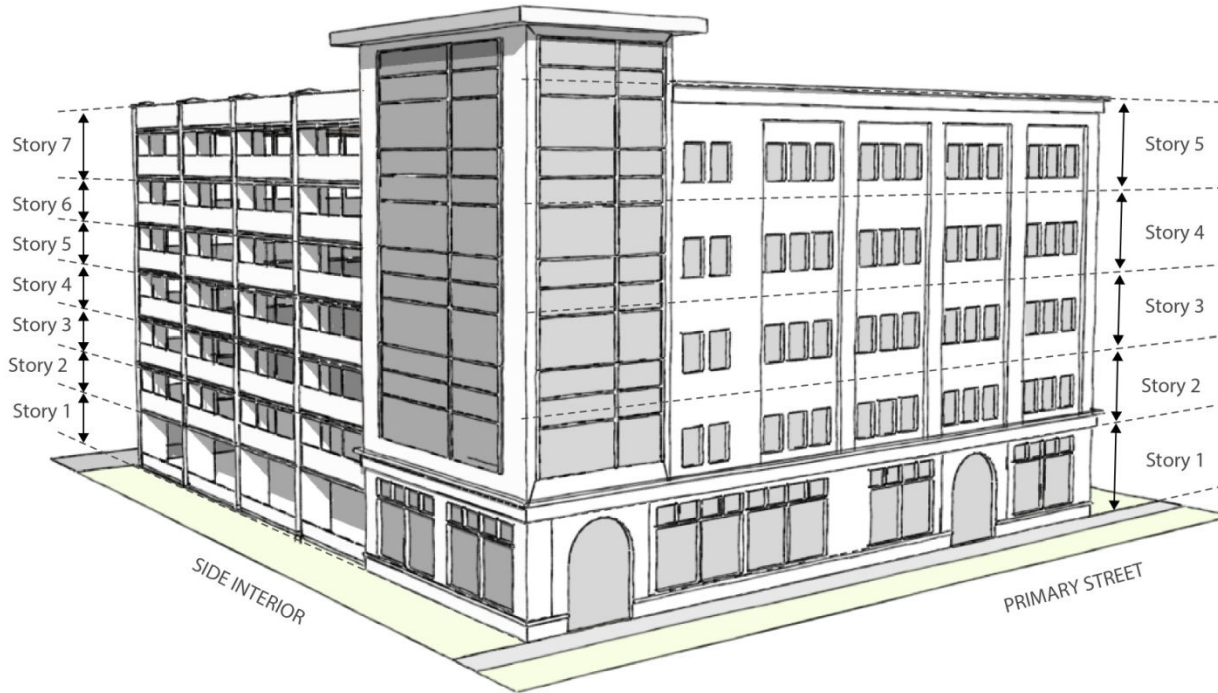
*\*Graphic is illustrative of a 5-Story Zone District.*



## 1<sup>st</sup> Incentive

- If street-level activation standards equivalent to MS/Shopfront are met:
- One additional story of parking is

*\*Graphic is illustrative of a 5-Story Zone District.*



## 2nd Incentive

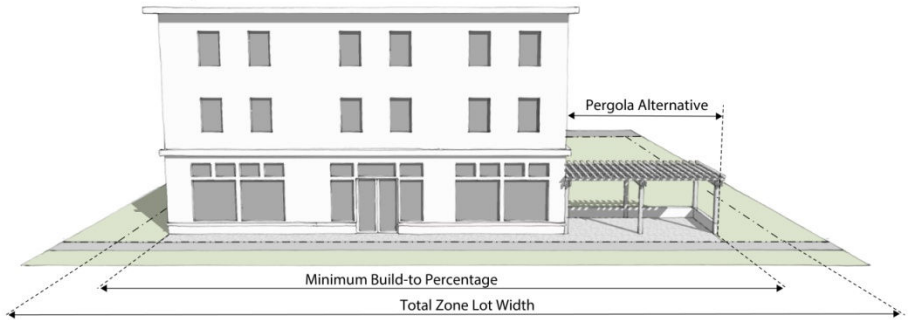
- If all street-facing facades have active uses on all stories:
- Unlimited additional stories of parking are allowed

- Pergola build-to alternative
  - Prohibit “pergolas” from extending over a driveway
  - Improve the pedestrian environment





Not to Scale. Illustrative Only.



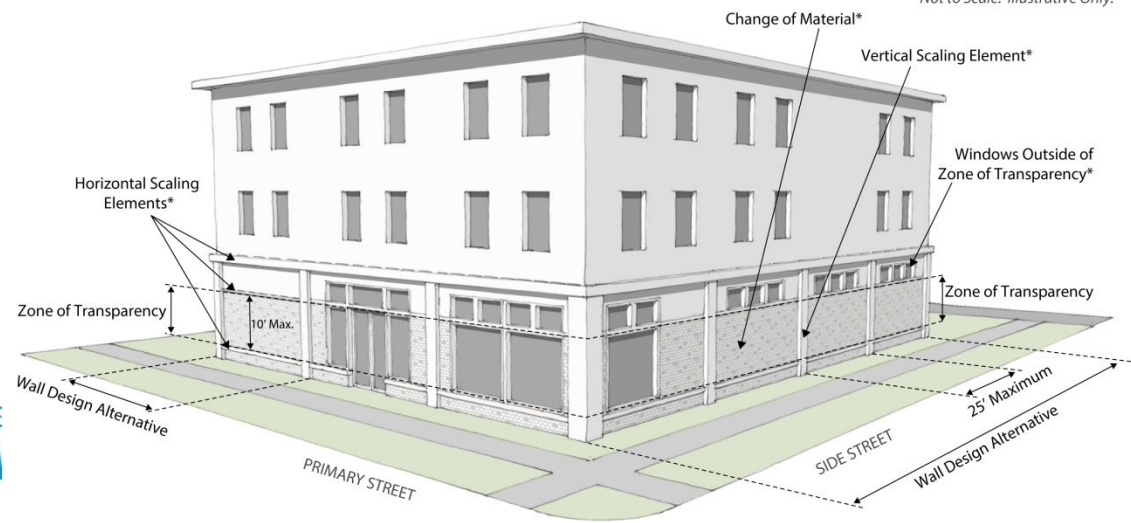
Combine the “windows outside the zone of transparency” and “wall design” transparency alternatives to better promote integrated wall designs.

Revise the wall design transparency alternative to more clearly define the menu of wall design elements that may be used to promote a pedestrian-friendly ground-story frontage instead of transparent windows.

Revise the permanent art transparency alternative.



Not to Scale. Illustrative Only.



\*Horizontal Scaling Elements, Vertical Scaling Elements, Change of Material, and Windows Outside of Zone of Transparency create a system of wall design elements.

- To qualify as an alternative to transparency, revised wall design requirements:
- Add intent statement and require unified wall design
  - Better distinguish between horizontal and vertical changes in plane
  - Nontransparent windows don't also



- To qualify as an alternative to transparency, new requirements for permanent art:
- Minimum height, and measured width
  - Not a sign, unless a work of public art
  - Input from Denver Arts and Venues

Revise definition of “Solar Panel, Flush Mounted” to remove “2 feet from edge of roof” from the definition, to make it consistent with setback encroachments and common practice

Add a definition of “Food”

Consistent terminology and clarify terms

Improve organization

Add and correct cross-references

Add and improve illustrative graphics

Codify Official Zoning Administrator Code Interpretations made since the 2013 Text Amendment Package was adopted

Clarify calculations