



Denver Zoning Code
Highland Zoning Overlays
COUNCIL ADOPTION REDLINE DRAFT 05/07/2015
FOR NEIGHBORHOODS AND PLANNING COMMITTEE REVIEW

This document contains a redlined draft of the Highland Zoning Overlays text amendment as delivered to the Neighborhoods and Planning Committee in advance of their 05/13/15 meeting.

1. Text in red underline is proposed new language.
2. Text in ~~red strikethrough~~ is proposed deleted language.
3. Text that is highlighted is a note.
4. Text in green underline is new language from the proposed 2015 Bundle #1 Text Amendment.
5. Text in ~~green strikethrough~~ is deleted language from the proposed 2015 Bundle #1 Text Amendment.
6. While every effort is 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 redlined draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.

Please visit our website at www.DenverGov.org/CPD, then click on Text Amendments under Zoning, to:

- Learn more about Text Amendments
- Learn more about the process for this text amendment
- Download the complete redlined draft

Please send any questions or comments to PlanningServices@denvergov.org.

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PUBLIC HEARING BEFORE CITY COUNCIL.

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 |
| <u>Scottish Village Conservation Overlay District</u> | <u>CO-3</u> |
| <u>Potter Highlands Conservation Overlay District</u> | <u>CO-4</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 the primary any street (~~front~~Side Street or Primary Street) setback line for structures and are not less than 9,300 square feet in arealot 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.
- D. ~~Corner Lots~~**
~~For corner lots, the shorter dimension of the zone lot shall be the width of the lot.~~

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 “historic structure” is 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 (adoption date of this overlay) 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

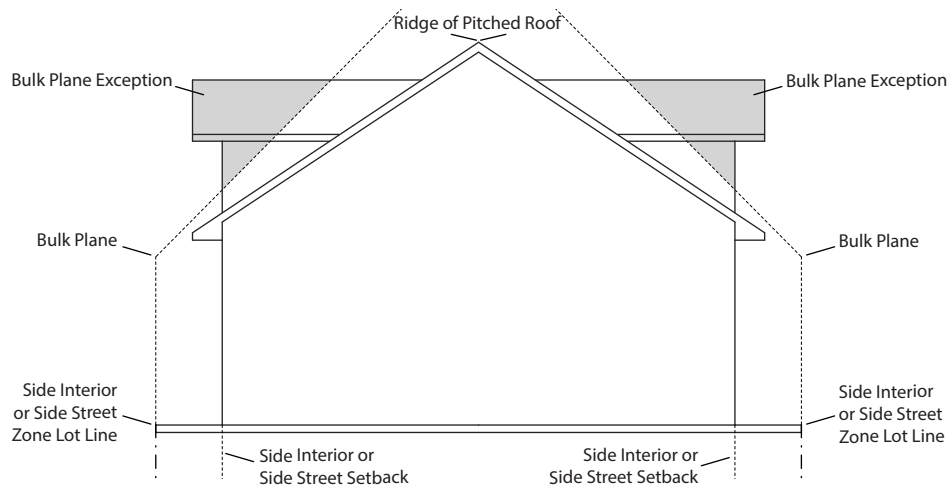
- a. For zone lots 30 feet or less in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 15 feet.

- 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 Decks**
 - a. Rooftop deck on roof of second story or above
 - i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the second story or on the roof of any story above the second story of a structure shall be prohibited in 100% of zone lot depth.
 - b. Rooftop deck on roof of ground story
 - i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the ground story of a structure shall be permitted in the front 65% of zone lot depth.
- 4. **Flat Roof Height Limit and Bulk Plane Exception**
 - a. In the front 65% of zone lot depth:
 - i. Flat Roof structures shall have a maximum height of 25 feet.
 - ii. Bulk Plane shall not apply to structures having a Flat Roof.
 - b. In the rear 35% of zone lot depth:
 - i. Flat roof structures shall have a maximum height of 14 feet.
 - ii. Bulk Plane shall not apply to structures having a Flat Roof.
- 5. **Bulk Plane Exception**

Any portion of structures extending through and exceeding bulk plane standards shall be subject to the following limitations:

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

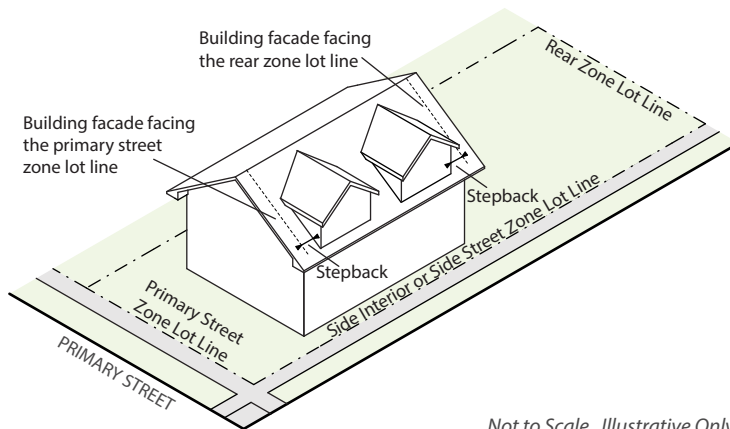
Figure 9.4-1



Not to Scale. Illustrative Only.

- b. An exception shall contain at least one window that faces a side interior or side street zone lot line.
- c. An exception may only project through and exceed bulk plane standards in the front 65% of zone lot depth.
- d. An exception shall not have a Flat Roof.
- e. An exception's roof overhangs shall not exceed 3 feet, measured perpendicular from the exterior wall of the exception to the edge of the roof overhang.
- f. An exception shall step back a minimum of 5 feet from the building facade located between an exception and the primary street zone lot line, measured perpendicular from an exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)
- g. An exception shall step back a minimum of 3 feet from the building facade located between an exception and the rear zone lot line, measured perpendicular from the exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)
- h.

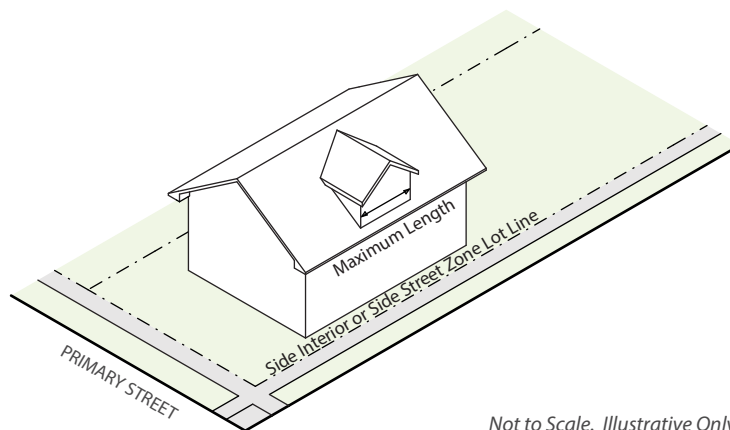
Figure 9.4-2



Not to Scale. Illustrative Only.

- i. The maximum length of an individual exception shall be 12 feet, 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 maximum length. (See Figure 9.4-3)

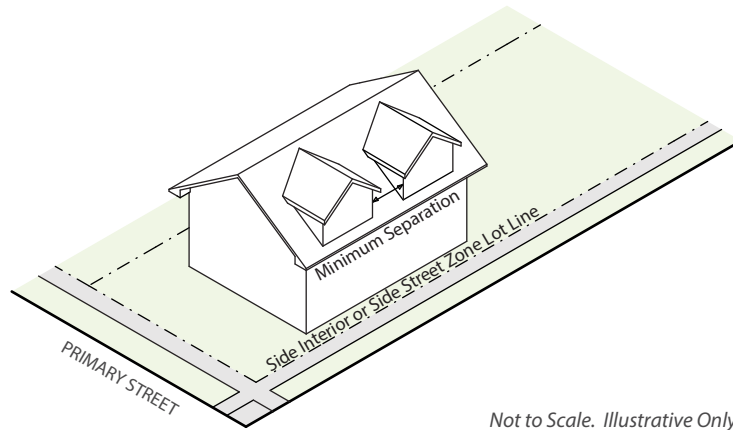
Figure 9.4-3



Not to Scale. Illustrative Only.

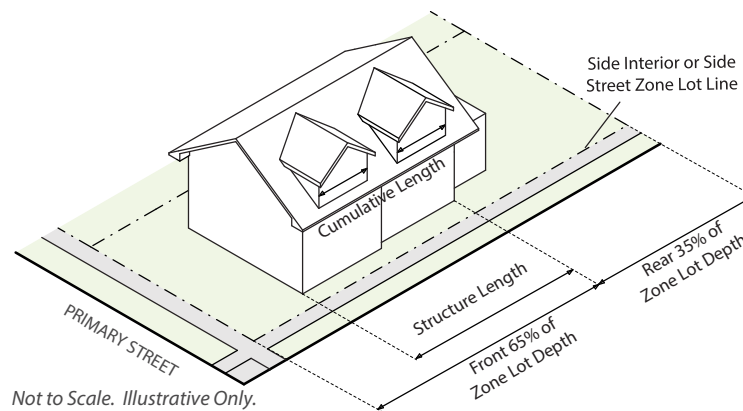
- j. The minimum separation between exceptions shall be 4 feet, measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-4)

Figure 9.4-4



- k. The maximum cumulative length of all exceptions 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 exceptions divided by the structure length in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-4)

Figure 9.4-5



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

1. Applicability

- a. Two Unit Dwelling uses legally established and maintained prior to (adoption date of this overlay) 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 (adoption date of this overlay) 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. Side Interior Setbacks

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

SECTION 9.4.4 USE OVERLAY DISTRICTS (UO-)

9.4.4.1 Purpose

Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying Zone Districts and portions of Zone Districts. The purpose of the Adult Use and Billboard Use overlay Zone Districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010. The purpose of the Historic Structure Use Overlay District is to encourage the continuing preservation and adaptive reuse of landmark and historic structures. Because variation of permitted uses **allowed** in an underlying Zone District is most appropriately the focus of a legislative rezoning or an amendment to the underlying Zone District, future application of the use overlay Zone Districts created herein is strictly limited and the establishment of new use overlay Zone Districts is prohibited.

9.4.4.2 Modification of Underlying Zone District Standards

A. Modification of Permitted Uses and Use Limitations Allowed

- 1. A Use Overlay District may be used to add to the specific permitted uses in the underlying Zone District, or prohibit specific permitted uses in the underlying district.
- 2. Use limitations otherwise applicable to permitted uses in the underlying Zone District may be modified.

B. Applicable Standards -- Modification Not Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay Zone District.

9.4.4.3 Use Overlay Districts Established

The following Use Overlay Districts are established:

| USE OVERLAY DISTRICT NAME | ZONING MAP DESIGNATOR |
|---|-----------------------|
| Adult Use Overlay District | UO-1 |
| Billboard Use Overlay District | UO-2 |
| Historic Structure Use Overlay District | UO-3 |

- A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;
- B. To provide uniformity in the design standards applicable to arterial streets or to river corridors having varied underlying zoning;
- C. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;
- D. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and
- E. To reinforce the desired character for newly developing areas.

9.4.5.2 Applicable Standards and Modifications Allowed

A. Applicable Standards - In General

A design overlay Zone District includes standards that modify otherwise applicable standards in the underlying Zone District. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may include new zoning standards not otherwise applicable in the underlying Zone District, but not including new limitations on a permitted use. Any changes or modifications to the standards in a design overlay Zone District are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments.

B. Modification of Underlying Zone District Standards

1. Modification of Permitted Uses and Use Limitations Not Allowed

A Design Overlay District shall not be used to add to the specific permitted uses in the underlying Zone District, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations applicable to specific permitted uses in the underlying Zone District.

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. 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.