



**DENVER**  
THE MILE HIGH CITY

# **Proposed Denver Zoning Code Text Amendment**

2018 Bundle

City Council  
May 21, 2018

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

- As part of the city's ongoing effort to keep the Denver Zoning Code modern, clear and user-friendly, the Denver Community Planning and Development department will propose a new series of text amendments to the code.
- City staff periodically review the Denver Zoning Code and prioritize potential updates in response to customer and community feedback, industry changes and other factors. Text amendment packages are proposed when the number of high-priority updates reaches a critical mass.
- Many of the updates come in direct response to feedback from permit customers and Denver residents.
- The most recent text amendment package was adopted by City Council in April 2017.

- Implement Comprehensive Plan 2000 goals:
  - Ensure that the Denver Zoning Code 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.

- Late 2017/Early 2018: Targeted stakeholder outreach, including presentation to AIA Urban Design committee and affected industry stakeholders*
- January 27, 2018: CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing*
- February 12, 2018: Summary of text amendments and Redline draft of text amendments posted to website for public review and email notice sent to all Registered Neighborhood Organizations (RNOs) and City Councilmembers*
- February 21, 2018: Televised Planning Board Informational Item*
- March 5, 2018: Email notice to all Registered Neighborhood Organizations (RNOs) and City Councilmembers of scheduled Planning Board public hearing, with link to updated summary and summary of all items*
- March 6, 2018: Televised Informational item at City Council LUTI Committee meeting*
- March 7, 8, 13 2018: CPD staff hosts Office Hours for general public*
- March 16, 2018: Planning Board staff report and updated redline draft posted to website.*
- March 21, 2018: Planning Board Hearing*

*Other outreach: CPD email newsletter, Development Services “Code Alert” newsletter, Development Services email newsletter, meetings with interested groups, City Council briefings*

- 6 letters in staff packet:
  - One in support for 2 story, mixed-use mass and form changes
  - One in opposition to 2 story, mixed-use mass and form changes
  - One asking for restrictions on the location of mini-storage facilities, particularly close to Downtown
  - One commenting on the proposed stepback in the 2.5 story building forms
  - One with various comments related to Bundle changes
  - One from Vision Zero Coalition in support of proposed drive-thru restrictions

- Planning Board voted 7-1 to recommend approval with the following conditions:
  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.
  2. Staff clarify the applicability of Lighting Standard changes and remove changes to maximum height for all fixtures.
  3. Staff remove changes to Side Interior setbacks for MX/MS-2x districts when adjacent to Protected Districts
  4. Staff further examine and consider in future changes regarding possible unintended consequences of Urban House 10' stepback about 25' feet and possible unintended consequences of low-sloped roof definition and complexity of compound roof slopes.
- Opposition vote was due to disagreement with adding the 4<sup>th</sup> condition
- 3 speakers
  - Representatives from Denver Environmental Health and from Vision Zero Coalition spoke in support of Drive-Thru restrictions, and asking for it to be expanded
  - Dick Farley spoke about some concerns if the Low-Slope roof definition and required Stepback are the correct definitions/measurements.

- City Council Land Use, Transportation & Infrastructure Committee meeting (April 10)
- City Council First Reading (April 19)
- City Council Public Hearing (May 21)
  - Notification to all RNOs and City Councilmembers 21 days prior to public hearing
  - Public Hearing and decision by City Council
- Roughly 6 month grace period for ‘pipeline’ projects
  - Align with end of Slot Homes grace period

## 1. Usability and Clarifications

## 2. Substantive

- Procedures
- Conflicting Provisions
- Uses
- Zone Districts
- Form Standards
- Design Standards



## 1. Usability and Clarifications

- Correct errors in translation
- Improve graphics to make the code easier to understand
- Correct cross-reference errors
- Clarify provisions where the code is vague

## 2. Substantive – Uses

- Prohibit Mini-storage in S-MS and Downtown Zone districts to promote pedestrian-oriented development
- Prohibit or restrict Mini-storage and Drive-throughs within  $\frac{1}{4}$  mile of Rail station to promote pedestrian-oriented development.
  - Feedback has varied, from making the proposal less restrictive to dramatically expanding the proposed applicable areas

## 2. Substantive – Form Standards

- Increase rear setback in MS/MX-2x districts adjacent to protected districts to align with Urban House form
  - Previously proposed change to Side Interior setback adjacent to Protected District have been revised due to staff recommended Planning Board Condition. Proposal to increase the rear setback requirement remains.

## 6. Substantive – Design Standards

- Add maximum parking lot lighting standards to reduce light trespass impacts on neighboring property, particularly from auto-centric uses.
  - Additional clarification added on the applicability of these changes
  - Problems with administration of mounting height limitation
  - Changes made based on staff recommended Planning Board condition

## 6. Substantive –Form Standards

- Require a front stepback in 2.5 story forms with Low-sloped roofs to preserve neighborhood character
  - Comments questioning the right height to apply the stepback at resulted in Planning Board adding a condition for future study of “unintended consequences”
  - Staff has determined that the 25’ applicability is appropriate. The concerns brought up by Dick Farley are enabled as a result of other standards, which will continue to be studied.
  - Addition of an Administrative Adjustment for historic structures, similar to other bulk and height adjustments allowed with Landmark review and approval

- Consistent with City's Adopted Plans and Polices
  - Comprehensive Plan 2000:
    - Amendment ensures zoning code remains flexible and accommodating of current and future land use needs
    - Requires infill development to be consistent with the character of the surrounding neighborhood
  - Blueprint Denver
    - Language amendments are recommended to implement adopted plans and improve compatibility with existing plans
    - Revises standards to make existing zone districts more compatible

- Furthers the Public Health, Safety and General Welfare
  - Provides clarity and predictability by facilitating planned and desired private enterprise and redevelopment
  - Continues to implement adopted plans through regulatory changes

- Results in Regulations that are Uniform
  - Amendment's regulations are uniform in their application to buildings and land uses within each zone district
  - Amendment includes improvements to ensure greater consistency in zoning regulations and removes conflicting provisions, which improves City's ability to administer and enforce the code uniformly



Staff recommends that the that City Council approve Denver Zoning Code Text Amendment 2018 Bundle, finding that the applicable review criteria have been met.