

Modernizing Zoning Variances Text Amendment

Land Use, Transportation and Infrastructure Committee

April 11, 2023

Today's Meeting

- Project Background and Purpose
- Process changes
- Administrative Adjustments
- Variance Review Criteria
- Review Criteria for Text Amendments
- Recommendation
- Next Steps

Project Background

- Phase 1: Board appointment procedure, make-up requirements and qualifications
- Phase 2:
 - Charter amendment
 - City Council referred question to ballot in December 2022
 - Election Results to be certified by April 26
 - Text amendment
 - Research: peer cities analysis, review of past cases, and surveys of stakeholders and experts

Text Amendment Purpose

Streamline how zoning relief is granted while balancing zoning with other city priorities

- Focus on common situations
 - One- and two-unit residential (over 80% of requests)
 - Requests often focus on making existing homes more useful for owners/occupants
- Balance split of authority
 - Board or CPD staff

Process Changes

- Former Chapter 59 – one- and two-unit residential uses → DZC
- Mandatory pre-application meeting with CPD for variances
- Votes required for approval
 - 4 votes to overturn ZA decision (admin. appeals),
3 votes for approval of all other actions

Administrative Adjustment Changes

- Thresholds for Eligibility and Approval
- Review Criteria:
 - Neighborhood Compatibility,
 - Unusual Physical Conditions or Circumstances; and
 - Affordable Housing
 - Additional criteria in the AA eligibility table

Administrative Adjustment Changes

New Standalone Adjustments

- Meet overriding laws (RLUIPA, ADA, FFHA, or other federal or state law)
- Historic Structures or Properties Located in a Landmark District
- Public Utility Equipment Placement
- Location Limitations on Certain Zoning Uses
 - Spacing or density of certain uses
- Limited Tolerance for Construction Errors
- Resolve Conflicts Between City Standards

Variance Review Criteria

Unnecessary hardship → Justifying Circumstances

- A. Unusual Physical Conditions or Circumstances
- B. Neighborhood Compatibility
- C. Nonconforming or Compliant Uses in Existing Structures
- D. Affordable Housing
- E. Permits Issued in Error
- F. Limited Tolerance for Construction Errors

Review Criteria for Text Amendments



1. Consistency with Adopted Plans

- Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

2. Public Health, Safety and Welfare

Further public health safety and welfare by implementing adopted policies by providing greater flexibility to address evolving needs like accessibility, affordable housing, and preservation of existing structures, and by creating more predictable, transparent city processes.

2. Uniformity of District Regulations and Restrictions

Will result in processes and regulations that are uniform within each zone district and will produce greater uniformity in process across procedures.

Recommendation

Staff recommends that the Land Use, Transportation and Infrastructure (LUTI) Committee forward the proposed text amendment to the City Council based on a finding that all review criteria have been met.

Next Steps

April 18 – Mayor-Council

April 24 – City Council First Reading

April 26 – Deadline for Certification of Election Results

May 22 – City Council Public Hearing / Second Reading

May 30 – Effective Date