



TO: Land Use, Transportation & Infrastructure Committee
FROM: Sara White, AICP, Senior City Planner
DATE: March 9, 2017
RE: Denver Zoning Code – 2016 Text Amendment Bundle

Staff Report and Recommendation

This amendment to the Denver Zoning Code is sponsored by Community Planning & Development. The Denver Planning Board considered this amendment at a public hearing on March 1, 2017, and recommended to the City Council whether to approve the text amendment. A redline of the proposed amendment is available on the CPD website (see link below), while a summary of the proposed text changes is attached to this staff report.

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), CPD staff recommends that the Planning Board recommend approval of the amendment to the City Council.

I. Summary and Purpose

The 2016 Text Amendment Bundle provides necessary clarifications, re-organization, graphics revisions, and a variety of substantive changes to the Denver Zoning Code. Please see the attached summary for additional detail of the proposed changes and the redlined document showing the proposed zoning text amendment changes posted on the CPD website at: <http://www.denvergov.org/textamendments>.

II. Criteria for Review and CPD Analysis

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed 2016 Text Amendment Bundle satisfies each of the criteria.

A. Text Amendment is Consistent with Adopted Plans

The Text Amendment is consistent with the city’s following adopted plans, strategies, and policies:

Denver Comprehensive Plan 2000:

Land Use

- Strategy 2-A: (*paraphrased*) [P]roposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs...
- Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood...

Denver’s Legacies

- Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver’s traditional character.
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

Environmental Sustainability

- Strategy 2-E: Conserve raw materials by promoting efforts to adapt existing buildings for new uses, rather than destroying them

Neighborhoods

- Strategy 1-E: Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles.

Blueprint Denver:

Blueprint Denver recommends various regulatory changes to implement adopted plans and improve compatibility with existing character, including:

- Language amendments: A change in the land-use standards of a zone is one tool to improve compatibility
- Creating new and more appropriate zone districts: a zoning district that allows the appropriate uses, densities, and design standards [...] may not exist. In such instances a new zone district needs to be created or an existing zone district needs to be modified through a language amendment.

Blueprint Denver also recommends the “reuse of older buildings, including industrial buildings” and “compatibility between new and existing development” through appropriate regulation.

Taken as a whole, the 2016 Text Amendment Bundle is consistent with the above-adopted plan policies because this update to Denver’s zoning regulations responds to new and emerging businesses, industries and technologies, responds to evolving trends in residential and commercial development and design, and makes these important rules for development more clear to residents, developer and other code users. Additionally, the 2016 Text Amendment Bundle proposes several amendments that encourage development that is consistent with the

character of surrounding neighborhoods and historic areas, achieving the recommendations of Comprehensive Plan 2000. The 2016 Text Amendment Bundle also proposes to create new zone districts to allow appropriate uses, densities, and design standards, a fulfillment of Blueprint Denver's recommendations.

B. Text Amendment Furthers the Public Health, Safety, and General Welfare

This Text Amendment furthers the general public health, safety, and welfare of Denver residents, land owners, and businesses by providing clarity and predictability in the zoning regulations, by removing regulatory barriers to planned and desired private enterprise and redevelopment, and by overall continuing to implement the city's adopted comprehensive, land use and transportation plans through regulatory changes.

C. The Text Amendment Results in Regulations that are Uniform within Each Zone District

The 2016 Text Amendment Bundle results in zoning regulations which are uniform in their application to buildings and land uses within each zone district. Moreover, the 2016 Text Amendment Bundle includes improvements to ensure consistency in zoning regulations and removes conflicting provisions with other City, state, and federal regulations, all of which will improve the City's ability to administer and enforce the Code uniformly.

III. Public Outreach and Comments

Below is a summary of the public outreach for this amendment:

- October 22, 2016:* CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing
- November 14, 2016:* Summary of text amendments posted to website for public review
- December 8, 2016:* Televised Planning Board Informational Item
- December 13, 2016:* Televised Informational item at City Council LUTI Committee meeting
- January 31, 2017:* 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 7, 2017:* CPD staff hosts Office Hours for general public
- February 10, 2017:* CPD staff hosts Office Hours for general public
- February 15, 2017:* CPD staff hosts Office Hours for general public
- February 13, 2017:* 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
- February 22, 2017:* Planning Board staff report and updated redline draft posted to website.

Additionally, notice of the proposed 2016 Bundle Text Amendment was sent in the CPD email newsletter, Development Services "Code Alert" email newsletter, and Development Services email newsletter from December through February. CPD staff also offered informal briefings to City Council members regarding proposed revisions in November and December.

Comments received during the Office Hours from Paul Norquist and Andy Baldyga regarding the proposed addition of a use restriction to the Urban House and Duplex building forms in the General Urban Neighborhood Context informed a revision to this amendment. An applicability

date has been added to this provision in response. Additionally, minor edits have been made to the Public Review Draft based upon feedback from City staff.

As of the date of this staff report, CPD has received four written comments on this Text Amendment, attached to this staff report and summarized below:

1. A letter received via email from Jeff Hermanson of Larimer Square expressing support for the addition of Manufacturer Sales Room as a specific use type under Retail Sales, Service and Retail, All Others.
2. A letter received via email from Jennifer Price, AT&T Director of external Affairs for Colorado, expressing support for amendments to telecommunications standards to align the DZC with federal regulations and current business practice.
3. A letter received via email from Robert Schmid of RCS Design Planning Consulting with questions and clarifications regarding some items within the Bundle and additional items for future consideration. The request to retain, as written, Section 12.3.3.5, was also included.
4. A letter received via email from Hilarie Portell of the Colfax Mayfair Business Improvement District expressing support for the revised standards for parking between a building and a street.

IV. Planning Board Public Hearing & Recommendation

On March 1, 2017, the Denver Planning Board convened a public hearing on the 2016 Bundle Text Amendment. Following testimony in support of the amendment from three individuals, Josh Hanfling, Jennifer Price, and Andy Baldyga, the Planning Board unanimously voted to recommend approval with conditions, as recommended by staff. The Planning Board's conditions were:

- 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;

All conditions of the Planning Board's recommendation to approve have been addressed in the revised "City Council Adoption Draft".

V. CPD Staff Recommendation

Based on the criteria for review as described above, CPD Staff recommends that the Planning Board recommend approval to the Denver City Council of the DZC 2016 Text Amendment Bundle, as presented at the Planning Board public hearing on March 1, 2017.

ATTACHMENTS

- 2016 Bundle Summary
- Public Comments



Denver Zoning Code 2016 Text Amendment Bundle

Planning Board Review Draft Summary February 22, 2017

This document presents a **summary** of topics proposed in the 2017 Text Amendment Bundle. A redline draft of the complete amendment are also available for review online at www.denvergov.org/textamendments.

Purpose of the 2017 Bundle:

1. Continue to improve usability and organization of the code.
2. Make clarifying and substantive changes based on experience working with the code for over six years.
3. Further implementation of adopted plans and policies.

Contents:

The summary is organized into the following groups:

Group 1: GENERAL PROVISIONS (Article 1)

Group 2: NEIGHBORHOOD CONTEXT DESIGN STANDARDS (Articles 3-9, excluding uses and parking requirements)

Group 3: GENERAL DESIGN STANDARDS (Article 10, except parking)

Group 4: PARKING (Articles 3-9, Use Tables-Parking changes only and Article 10 parking standards)

Group 5: USES (Articles 3-9 Use Tables and Article 11)

Group 6: ZONING PROCEDURES (Article 12 and Division 9.4, Overlay Zone Districts)

Group 7: RULES OF MEASUREMENT AND DEFINITIONS (Article 13)

Group 8: ENTIRE CODE CLARIFICATIONS / CORRECTIONS

GROUP 1: GENERAL PROVISIONS

ARTICLE 1

Division 1.2.3: General Standards for all Zone Lots

Usability and Clarifications

1. Revise existing language to clarify the number of primary uses allowed on a Zone Lot containing a Carriage House. These revisions accompany the new definition of Carriage House in Article 13.

GROUP 2: NEIGHBORHOOD CONTEXT DESIGN STANDARDS

ARTICLES 3-9

Articles 3-9: All Zone Districts

Substantive

1. Add the Shopfront building form to the Mixed Use (MX) districts to address situations where a single structure crosses zone district lines, and a common building form does not currently exist between the districts. This situation may occur most often with zone lots split between Mixed Use and Main Street zone districts.
2. Create Residential Mixed-Use, 3 Story districts (RX-3) for the Urban (U), General Urban (G), Urban Edge (E) and Master Planned (M) neighborhood contexts to provide more options to implement adopted City plans.
3. Allow multiple uses in the Drive Thru Restaurant and Drive Thru Services building forms for structures constructed prior to June 25, 2010 the Urban Edge, Urban, General, and Urban contexts. The current standards do not allow any uses without an accessory drive thru in these building forms, limiting adaptive reuse opportunities. In the Suburban context and E-CC zone districts, allow all permitted primary uses in the Drive Thru Restaurant and Drive Thru Services building forms if there is one primary use with an accessory drive thru, regardless of when the structure was constructed.
4. Revise Vehicle Access standards to state that vehicle access may be taken from a street instead of an alley if 60% of the zone lots take access from the street, not 60% of dwelling units as currently specified, to reflect contextual patterns. Additionally, specify that vehicle access requires Public Works approval.
5. Revise Vehicle Access standards to state that exemptions from the alley access requirement due to substandard alleys that do not meet zoning standards are not granted when the alley is improved through the development process.
6. Exempt expanded, reconstructed, or newly constructed accessory garages, carports, or other off-street parking areas from alley access requirements when vehicle access to the street already exists. Vehicle access standards for redevelopment of a zone lot when the primary structure is demolished are unchanged.
7. Allow a setback encroachment in the rear and side interior setbacks for utility transformers over 3 feet in height to facilitate functional site design.

Usability and Clarifications

1. Accessory Structures in Detached Accessory Building Form Standard sections updated to address structure types with examples along with structures that were not specifically listed. The intent is to list common structures and provide flexibility to interpret and regulate uncommon structures but reorganizing the section into inclusive categories.
2. Remove the Detached Accessory Unit building form from the Primary Building Form table since it is not a primary building form. The Detached Accessory Unit building form is still listed in the Accessory Building Form table.
3. Clarify in the use restriction row of the Accessory Dwelling Unit building form standards table that an ADU only can be accessory to primary single unit dwelling.
4. Remove references to building forms in the "General Character" sections when the building form is not allowed in that zone district.

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5. Clarify that allowed setback encroachments required by the Americans with Disabilities Act is not limited to “barrier free access ramps” but allowed for any “barrier free access” structures to existing buildings.
6. Create a new setback encroachment for drive or driveways for the lower-scale, residential building forms to allow drive or driveways to encroach any distance in any setback to provide vehicle access to an off-street parking area, consistent with current practice.
7. Create a new setback encroachment for drive or driveways for the multi-unit, commercial, or industrial building forms to allow drive or driveways to encroach any distance in primary, side street, and rear setbacks to provide vehicle access to an off-street parking area. Encroachment in the side interior setback is not allowed, but exceptions are provided where the setback abuts a public alley, other public right of way, or where an easement or shared access agreement allows access to more than one zone lot.
8. Create a new setback encroachment for mailboxes in the primary or side street setback to codify a written interpretation.
9. Allow an encroachment in setbacks for walkways no wider than 5 feet that provide pedestrian access to buildings, consistent with current practice.
10. Reformat the descriptions and standards in the permitted setback encroachment tables to list elements in bulleted format rather than heavy text for improved readability.
11. Delete the word “directly” in the Vehicle Access from alley Required – Exceptions section since it is unnecessary.

Articles 3-7: MS Zone Districts and Urban Center Zone Districts

Substantive

1. Add a new Supplemental Design Standard for parking between buildings and primary or side streets in the Shopfront building form across all contexts and General building form in the Urban Center context to specify that the prohibition of parking between buildings and streets applies to buildings located within 65’ of a street. This item accompanies revisions to the Rule of Measurement for the location of Surface Parking between Buildings and Primary/Side Streets in Article 13.

Article 5: Urban Neighborhood Zone Districts

Substantive

1. Clean up duplication of minimum lot sizes in the U-TU-B, -B2, -C zone districts for urban house and duplex building forms. This item accompanies new use limitations for two-unit dwelling uses in the U-TU-B, -B2, -C districts to address the current inability to rebuild a duplex on a nonconforming zone lot in these districts.

Article 6: General Urban Neighborhood Zone Districts

Substantive

1. Add a use restriction to the Urban House and Duplex building forms in the General Urban (G) neighborhood context to limit the building forms to Single Unit and Two Unit uses, respectively, for structures existing after April 27, 2017. For structures existing prior to April 27, 2017, the use restriction does not apply. This use restriction exists in the Suburban, Urban Edge, and Urban Neighborhood contexts. Multi-Unit uses will continue to be allowed in the General Urban

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Neighborhood Context and can be developed in other existing building forms, including Row House and Apartment.

2. Reduce side interior and side street setbacks for Accessory Dwelling Units in the General Urban (G) neighborhood context zone districts to match reduced setbacks for primary structures on narrow lots.
3. In G-RH-3 Row House building form, remove erroneous side interior setback when adjacent to a protected district since the G-RH-3 is itself a protected district

Division 8.3: Downtown Core and Downtown Theater Districts

Usability and Clarifications

1. Eliminate parcel lines and clarify labels on the Maximum Height map for the Downtown Core and Theater Districts to improve clarity.

Division 8.9: Design Standards

Usability and Clarifications

1. Revise the height of required decorative screening walls for surface parking screening in the Downtown zone districts for consistency with the graphic.

Division 9.1: Industrial Context

Substantive

1. Allow all permitted uses in the applicable zone district for Industrial Form buildings constructed prior to June 25, 2010. Currently, limited uses are allowed in the industrial building form in the I-MX-3, -5, and -8 zone districts, hindering the adaptive reuse of existing buildings.

Division 9.7: Master Planned Context

Usability and Clarifications

1. Update the setback encroachment graphic for ground-mounted air conditioning units to remove an erroneous reference to a Zoning Permit with Informational Notice.

GROUP 3: GENERAL DESIGN STANDARDS

ARTICLE 10 (Except Parking – See Group 4)

Division 10.5: Landscaping, Fences, Walls and Screening

Usability and Clarifications

1. Clarify where measurement is taken from on the Primary Street for the screening of rooftop equipment visible from an “abutting Primary Street.” Submittal requirements to demonstrate compliance are also clarified.

Division 10.6: Grading Standards

Substantive

1. Clarify that grading standards found in Section 10.6 apply to all development that is subject to Site Development Plan review or development subject to a Block Sensitive Primary Street Setback, consistent with current practice.
2. Add exceptions to allow site grading to be altered by more than 1 foot when necessary for compliance with Americans with Disability Act or Denver Accessibility Standards in both the Primary Street and Side Interior setback areas. Add an exception to allow site grading to be altered by more than 1 foot for other ramps and stairs when necessary for access to comply with Denver Building Code standards in the Primary Street setback areas.

Division 10.10: Signs

Usability and Clarifications

1. Remove references to certain fees related to signage, including Comprehensive Sign Plans and general outdoor advertising. Fees may be updated in the future, and removing references to fees in the DZC will prevent conflicts.
2. Clarify that the Landmark Commission is the approval authority for certain Comprehensive Sign Plans

GROUP 4: PARKING STANDARDS

ARTICLES 3-9 (Parking Amounts) and 10 (Parking Standards)

Division 10.4: Parking and Loading

Usability and Clarifications

1. Define Rail Transit Station Platform, a currently undefined term. Accompanies a new rule of measurement in Article 13 for the distance from a Rail Transit Station Platform for the purpose of parking maximum and parking reductions.
2. Clarify that Off-Site Vehicle Parking use to meet a vehicle parking requirement may not be the required parking for another Primary Use.

Division 10.9: Parking, Keeping and Storage of Vehicles

Substantive

1. Clarify that residential properties that exceed the maximum number of vehicles allowed on one zone lot or the adjacent rights of way may park their vehicle(s) in a garage on another zone lot nearby. This flexibility currently exists, but is unclear. This provision was allowed in Former Chapter 59, but not carried forward into the Denver Zoning Code.

GROUP 5: USES

Articles 3-9 (Use Tables and Limitations) and Article 11 (Use Limitations and Definitions)

Substantive

Primary Uses: Residential

1. Use Limitations and Definitions: Several items to bring the Denver Zoning Code into compliance with the Federal Fair Housing Act regarding assisted living uses. Allow the Assisted Living use in the Single Unit and Two Unit zone districts where other residential care uses are allowed. Additionally, revise the use definition and use limitations for Residential Care uses to treat Assisted Living uses the same as residential care in the Single Unit and Two Unit districts.
2. Use Limitations: Add a new use limitation for two-unit dwelling uses in the U-TU-B, -B2, -C districts to address the current inability to rebuild a duplex on a nonconforming zone lot in these districts.

Primary Uses: Civic, Public and Institutional

1. Use Limitations: Exclude the Downtown zone districts from erroneous limitations that limit Major Impact Utility to water reservoirs since other Major Impact Utilities are permitted.

Primary Uses: Commercial Sales, Service and Repair

1. Use Limitations and Definitions: Move Liquor Store from its own use classification to a sub-classification under Retail Sales, Service & Repair. Remove all use limitations for Liquor Stores as a distinct use, including the 1,000' spacing requirement between liquor stores due to new State regulation requiring 1,500' spacing between liquor stores, and the 1,000' distance requirement from Liquor Stores for Correctional Facilities. Create a sub-classification under Retail Sales, Service & Repair of Manufacturer Sales Rooms to align with a new State license type.
2. Use Limitations: Include a use limitation to prohibit Retail Marijuana operations in all MX-2x, -2A, -2; MS-2x, -2 Zone Districts where Excise and License restrictions prohibit these operations in these districts.

Primary Uses: Industrial, Manufacturing and Wholesale

1. Use Limitations: Revise Telecommunications standards for consistency with recent Federal Legislation, the Middle Class Tax Relief Act, regarding modifications that are not physically substantial. Modifications to Telecommunication facilities that are not considered substantial must be approved. These changes reflect current practice consistent with Federal legislation.
2. Use Definitions: Revise definitions of Telecommunications Tower and Telecommunications Tower – Alternative Structure to clearly distinguish between the two and remove references to Alternative Tower Structures.
3. Use Definitions: Add definition of Base Station to correspond with other Article 11 revisions.

Accessory Uses: Accessory to Residential

1. Use Limitations and Definitions: Add Outdoor Storage, Residential as an allowed accessory use to Primary Residential uses, including limitations, and a new use definition.

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Usability and Clarification Changes

4. Use Limitation: Clarify that if a portion of a building in a Residential Zone District was originally built for nonresidential uses, only that portion may be used for nonresidential uses under the provisions for Nonresidential Uses in Existing Business Structures in Residential Zones.
1. Use Limitation: Remove inapplicable use limitation in in the Campus Context, Open Space Context, and O-1 Zone District use tables for “Book or Gift Stores” since the use limitation does not apply to these zone districts.
2. Use Limitation: Remove inapplicable use limitation in the Master Planned Context use table for Surface Parking since the use limitation does not apply to these zone districts.
3. Use Limitation: Remove inapplicable use limitation in the Campus Context use table for the Amusement/Entertainment Temporary use in the CMP-H2, CMP-EI2, and CMP-ENT Zone Districts since the use limitation does not apply to these zone districts.
4. Use Limitation: Remove inapplicable use limitation in the Campus Context use table for the Tent for Religious Services Temporary use in the CMP-H, CMP-H2, CMP-EI, CMP-EI2, and CMP-ENT Zone Districts since the use limitation does not apply to these zone districts.
5. Use Limitations: Redundant language stating that outdoor eating is “located outside of a completely enclosed structure” removed from limitation on Accessory Outdoor Eating and Drinking uses.
6. Use Limitations: Move Use Limitations from Articles 8 and 9 to the appropriate section in Article 11 so that all use limitations can be found in Article 11.

GROUP 6: ZONING PROCEDURES

Article 12 and Div. 9.4

Division 9.4: Overlay Zone Districts

Substantive

1. Remove minimum area requirements for Design Overlays and Conservation Overlays to ensure that minimum area requirements do not preclude overlays from being available to shape community character.

Division 12.4: Zoning Application and Review Procedures

Substantive

1. Clarify that statements made during public hearings for a zoning application should be made conditions of approval at the discretion of the decision making body if they are necessary to determine compliance with the code.
2. Remove minimum area requirements for Map Amendment Applications to ensure that these standards don't prevent the implementation of adopted city plans through rezonings, force a map amendment applicant to select an undesired zone district, or require map amendment applications to rezone larger areas than desired to meet minimum area requirements.
3. Add a new section to Compliant Structure standards that would allow expansions, enlargements, and alterations to structures that do not comply with the location of surface parking between a building and a street. If expansions or enlargements cumulatively exceed 25% of the Gross Floor Area of the existing structure, the surface parking shall comply with perimeter parking lot landscaping standards for surface parking between the building and any street.

Usability and Clarification

1. Revise the Administrative Adjustment chart to state "Preserve Established Trees" instead of "Preserve Mature Trees" for consistency with the existing definition of "Established Tree."
2. Revise language to clarify that there is no "application" for a text amendment since text amendments may only be initiated by a City Council member, City Council, or a manager.
3. Update the Summary Table of Authority and Notice to reflect that the Planning Board is the decision making authority or review and recommendation authority for some Site Development Plans.
4. Revise the outline structure of the Review Criteria for Variances to clarify applicability.
5. Clarify that Neighborhood Inspection Services does not issue "orders" as part of its enforcement power when noticing a lawful inspection.
6. Clarify that a use runs with the land once it has been permitted and established, unless the Code specifies otherwise.
7. Clarify that Carriage Lots with legally established, existing single unit dwelling primary uses are treated like Nonconforming Zone Lots in the event of involuntary demolition.
8. Add language to clarify that the Zoning Administrator may consider higher or more restrictive standards, where applicable, when making zoning/permitting decisions.
9. Clarify that the expiration of a Site Development Plan occurs after 18 months from the date of approval, not recording.

GROUP 7: RULES OF MEASUREMENT AND DEFINITIONS

ARTICLE 13

Division 13.1: Rules of Measurement

Substantive

1. Revise the rule of measurement for build-to to allow the build-to to be measured from an easement containing open space elements abutting a right of way to facilitate a vibrant pedestrian realm and functional site design.
2. Allow flexibility in the rules of measurement to allow case-by-case determination of primary street designation on zone lots in residential zone districts that contain a Historic Structure. The intent is to allow primary street designation along zone lot lines where it would not otherwise be allowed through a strict application of the rule of measurement for consistency with historical character and context.
3. Revise the rule of measurement for setbacks to measure a rear or side interior setback from an easement for public access.
4. Revise the rule of measurement for build-to to allow easements for public access or utilities to be subtracted from the requirement to facilitate reasonable site design.

Usability and Clarification

1. Clarify the rule of measurement for pergolas as a build-to alternative by describing what “on center” means.
2. Revise the rule of measurement for surface parking between a building and a primary or side street to clarify how the area between buildings and streets is measured.
3. Add a new rule of measurement for the distance from a Rail Transit Station Platform for the purpose of parking maximum and parking reductions.
4. Addition of a rule clarifying that cross-references are for convenience and are not intended to be exclusive of all other standards in the code.

Division 13.3: Definitions of Words, Terms and Phrases

Substantive

1. Add a definition for “Carriage House” to provide a definition for previously undefined references to Carriage Houses. The definition includes references to existing references to Carriage Houses in Article 1.
2. Add a definition for and “Collocation” to accompany revisions to telecommunications regulations in Article 11.
3. Add a definition for “Continuously Maintained” for reference to existing uses of the undefined term and correct references throughout the Code.

Usability and Clarification

1. Remove references to “Detached accessory dwelling unit, Detached garage, and Detached utility building” in the definition of “Structure, Detached” since these terms are not defined.

GROUP 8: ENTIRE CODE CLARIFICATIONS / CORRECTIONS

Usability and Clarifications

1. Update instances of undefined terms including “Ground Floor” and “Ground Story” to “Street Level” to be consistent with the definition in Article 13.
2. Standardize terminology including “ground floor active use,” “Street Level active use,” and “Downtown Ground Floor Active Use” with definitions in Article 13 and intent language.
3. Correct usage of the term “parcel” to “zone lot” as appropriate to be consistent with the definitions in Article 13.
4. Correct the use and capitalization of references to Historic Structures, landmarks, and D.R.M.C., Chapter 30 (Landmark Preservation) throughout the code according to their definitions and regulatory intent.



1430 Larimer Street, Suite 200
Denver, Colorado 80202

February 21, 2017

To Whom It May Concern:

I write this letter to express my support for a change to the zoning code definition of a liquor store and how it pertains to Tasting Rooms. Larimer Square strongly believes that Tasting Rooms featuring a specific distillery or multiple distilleries and have the capability to showcase their own products and sell individual bottles of the distillery's or distilleries products are a strong Use and should not be in the same category as Liquor Stores.

A distillery Tasting Room can provide activation on a pedestrian scale and serve as a platform for a distillery to market its own products directly to its consumers. A locally owned, Colorado distiller can open a Tasting Room and sell individual bottles to assist in their marketing and branding efforts. They can provide an intimate experience to consumers to tell their own story and showcase the different methods to use their products. Under the Colorado liquor code, the distillery is allowed to have one off-premises tasting room using the same manufacturing liquor license as its distillery. However, under the Denver zoning code, the distillery would be unable to open a tasting room if there is a liquor store within 1,500 feet of the distillery's desired location. This restriction on Tasting Rooms stifles economic activity and suppresses one of Colorado's burgeoning craft industries.

The current zoning code is out dated and needs to be rewritten to reflect current times and market trends. We are confident there are numerous distilleries who would like a physical presence within the City and County of Denver but are restricted on potential locations due to the zoning definition of a liquor store and its regulations. We are also confident that distillery tasting rooms would enjoy the same popularity as its brewery tap room counterparts, where individual growlers are sold.

Please amend the current zoning to declare Tasting Rooms as a separate Use, not a liquor store. This change will allow for more business activity in the Denver Metro Area and increase the Sales Tax collected by the City and County.

If there are further questions or comments regarding the above, please do not hesitate to reach out to me at jhermanson@larimerassociates.com or via phone 303-685-8140 (assistant).

Kind Regards,

A handwritten signature in blue ink, appearing to read "Jeff Hermanson", with a long, sweeping underline that extends across the width of the page.
Jeff Hermanson



Jennifer Price
Director, External Affairs
Colorado

AT&T Services, Inc.
188 Inverness Dr W
Suite 400
Englewood, CO 80112

M: 303.218.8082
JP210A@att.com
www.att.com

February 20, 2017

The Honorable Michael B. Hancock, Mayor, City Council and Planning Board Members
City and County of Denver
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

SENT VIA EMAIL: Ryan.Winterberg-Lipp@denvergov.org

Re: 2016 Text Amendment Bundle and proposed changes to the Telecommunications Regulations

Dear Mayor Hancock, City Council and Planning Board Members:

On behalf of AT&T, I write to support the City Council's adoption of the proposed text amendments to the Denver Zoning Code regarding telecommunications, which are intended to align the code with federal law and the current practices of the planning department.

In particular, AT&T sincerely appreciates the Planning Staff's comprehensive review and consideration of AT&T's suggested changes to the Zoning Code. In addition, it was a pleasure working with Ryan Winterberg-Lipp, Steve Elkins, Nathan Lucero, Sara White, and Rosie Glorso, and we thank them for their time and effort.

Thank you again for the opportunity to work with the Planning staff.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Price".

Jennifer Price

cc: Ken Brewer, Development/Planning Supervisor

Jennifer Price
Director, External Affairs
Colorado

February 27, 2017

Ryan Winterberg-Lipp, AICP
Senior City Planner
Community Planning and Development
City and County of Denver

Dear Ryan:

Thank you for taking the time today to brief us on the proposed Main Street zone text amendments. This is one result of two years of discussions between Colfax Business Improvement Districts, developers and property owners and the Community Development and Planning staff. We appreciate your willingness to seek our feedback to support the vision of a walkable, mixed-use main street on Colfax Avenue.

In my opinion, Division 12.4 and Articles 3-7 in the summary document being presented to the Planning Board and City Council are responsive to our feedback regarding surface parking between the building and the street.

Adaptive Reuse

There has been more adaptive reuse in my district than new development, and one of the primary things holding some owners back is the current prohibition on surface parking if an existing building is expanded. Many of our property owners are local business owners who are invested in the future of Colfax Avenue. They need to expand operations to keep up with increasing costs. Recent property value, storm water fee and mil levy increases have added approximately \$4,000 per year for our median property owner, in addition to an average BID assessment of \$1,800. That's a lot of plants to sell if you're a florist, and a lot of hammers if you're a hardware store. Division 12.4 of the text amendment creates more flexibility for local businesses to expand, while strengthening street and corner edges, and adding opportunities to such as outdoor dining to activate the street.

Division 12.4: Zoning Application and Review Procedures

3. Add a new section to Compliant Structure standards that would allow expansions, enlargements, and alterations to structures that do not comply with the location of surface parking between a building and a street. If expansions or enlargements cumulatively exceed 25% of the Gross Floor Area of the existing structure, the surface parking shall comply with perimeter parking lot landscaping standards for surface parking between the building and any street.

New Development

Articles 3-7 is a practical response for larger development projects, adding flexibility for surface parking for multiple buildings on a zone lot. I appreciate the many alternative approaches staff explored in recommending this zone text change.

Articles 3-7: MS Zone Districts and Urban Center Zone Districts

Substantive 1. Add a new Supplemental Design Standard for parking between buildings and primary or side streets in the Shopfront building form across all contexts and General building form in the Urban Center context to specify that the prohibition of parking between buildings and streets applies to buildings located within 65' of a street. This item accompanies revisions to the Rule of Measurement for the location of Surface Parking between Buildings and Primary/Side Streets in Article 13.

Sincerely,

A handwritten signature in cursive script that reads "Hilarie Portell".

Hilarie Portell
Executive Director
Colfax Mayfair Business Improvement District

MEMO:

DATE: 02/21/2017
PROJECT: NA
PROJ. NO.: NA
SUBJECT: 2017 DZC TEXT AMENDMENT BUNDLE COMMENTS
FROM: ROBERT SCHMID
TO: RYAN WINTERBERG
COPY: NONE

Hello Ryan,

The following are comments to the 2017 Denver Zoning Code Text Amendment Bundle. The comments pertain as to how the text bundle would impact zoning within the Berkley-Regis Neighborhood. Portions of the text bundle that apply to contexts, zone districts, and areas of Denver outside Berkley-Regis were not reviewed.

Public Review Draft Summary

- Division 12.4: Zoning Application and Review Procedures
 - Usability and Clarification
 - Item #4 – Red-line text was not found.
 - Item #5 – Red-line text was not found.
- Division 13.1: Rules of Measurement
 - Usability and Clarification
 - Item #4 – Red-line text was not found.

2017 Bundle Public Review Draft

- 2.5.1.1 – S/E/U Context Chart
 - No exception is taken with the addition of the RX-3 designation. However, and notwithstanding specific text, the definition of RX is somewhat in conflict with that of MX.
- 5.2.2.2 – Specific Intent
 - Points N, O, and P notes that “Urban Houses are also allowed on certain smaller Zone Lots.” What is the criteria for such “smaller Zone Lots”?
- 5.2.4.2 – Specific Intent
 - Point A – No exception taken with the addition.
- 5.3.5 – Supplemental Design Standards
 - This added section allows parking to occur between the building and street where the building façade is more than 65’ from the applicable property line. The graphic accounts for corner Zone Lots only and does not address mid-block Zone Lots. All lots along the street front should meet the same criteria to meet the stated goal of enhancing the pedestrian experience.
- 12.3.3.5 – Statements During Review Are part of Application
 - The revision of the section will lead to the proponent making misleading or unachievable statements to further its project and/or application that will be misinterpreted by the Public and/or the decision-making body and influence the decision-making body in their decisions, where the statements made will have no substantive impact on the project and/or application. It is recommended that the current language be retained.

Below the line are what I am calling “Additional Comments” to specific sections of the zoning code as a result of review of the RX-2 district. Please see note for additional explanation. Perhaps you can direct them in the right direction.

Additional Comments

(note: The addition of the RX-2 district provided an opportunity to compare it to the MX district, in both intent and application, and with specific reference to the Tennyson Street corridor within the Barkley-Regis neighborhood. Although the 2017 Bundle contains no specific revision/addition to the applicable district designations, or code sections of the DZC, current and recent past development within the MX and MS districts brings into question the proper application of these districts. It is recommended that the comment belows be the base point for a thorough reexamination of the zoning along this corridor and how the outcomes can be applied to other similar neighborhoods throughout Denver. It clear from discussions with residents and members of the design community that developers are taking advantage of previously not considered building forms, loose interpretations of the DZC, and loopholes in the code language, to subvert the intent, if not the actual language, of the current zone districts. The outcomes from this much-needed reexamination should be the basis to change current zone district language and/or rezone parcels/areas, whichever is most applicable, to prevent further inappropriate development.)

- RX vs MX
 - A comparison of RX and MX is stated in 4.2.5.1D and 5.2.4.1D.
 - One could argue that parts of the Tennyson corridor would be more appropriately zoned RX, as stated in 4.2.5.2, as opposed to MX.
 - One could also argue that the text explanation of MX is not fully defined as to what constitutes a “mixed use”. Where as 5.2.4.1D clearly states the intent of the RX districts.
- 5.2.2.1 – Residential Districts / General Purpose

Development within the Tennyson district, especially north of 44th illustrates the unintended consequences of loopholes within the MX designation that has allowed for development of the Slot-home building form that subverts the intent of the MX designation. Supposedly this loophole was closed with the 2015 bundle. A recommendation is to have CPD require a rezoning to RX for any project submitted under an MX designation that truly not mixed use.
- 5.2.5.1 – General Purpose

5.2.5.1A states that Main Street zone districts intent is thru shop front and row house building forms. 5.2.5.1F further includes “large commercial shopping center or mixed use area”. Clearly absent is low to mid-rise multi-family. Although the use charts list **XXXXX**, it is recommended that this be added to the text. Also, again the term “mixed use” is not clearly defined.
- 5.2.5.2 – Specific Intent

This section notes specific intent for only U-MS-2. A specific intent language needs to be added for both MS-3 and MS-5. The U-MS-2 text notes the intent to provide “traditional commercial establishments within a residential neighborhood”. The project at 44th and Tennyson, southeast corner is neither mixed use or commercial, preventing an opportunity to enhance the neighborhood context.
- 5.3.2.3 – Design Elements
 - Configuration – Point A2 and A4 in this section notes the “Encourage variations in building form that provides opportunity for architectural scale relationships...” and “Arrange building heights and architectural scaling devices to provide transition to adjoining areas.” Recent past and current blatantly do not address these encouragements. It is recommended that additional language be added that provides minimum dimensional offsets (2’-0” minimum) with the street front portion of the building form. Revisions should eliminate the “boxy” look of this building form thru both dimensional difference in street front façade elements as well as significant setbacks of upper level floors.
 - Transparency – The absence of an actual mixed use configuration in the Slot-home building form prevents the achievement of points #B1 and #B2. The use of glass in doors and a single window in an accessory use to what is primarily a residential occupancy does not achieve to transparency goal.
- 5.3.3.3 – District Specific Standards
 - Yes, it is generally understood that a less dense building form can be built on certain Zone Lots – i.e. a House can be built on an RH Zone Lot. Why, however, are no residential structures included in the matrix chart for MX and MS Zone Lots?

- There is no table for the Slot-home building form – unless included in the Garden Court building form. Hopefully one of the outcomes of the Slot-home Task Force will be a table outlining standards.
- Tables
 - General
 - Side Setback – Side setback is listed as 10'. There appears to be many examples of Slot-home projects along the Tennyson corridor, north of 38th Ave., that are in a U-MX-3 zone district and have 5' setbacks with the projects supposedly were permitted under the General building form. Is there an exception in the DZC that is not readily apparent?
 - Building Configuration – No requirement for building configuration setback above 27' in height. Recommendation that upper story front façades setback a minimum of 5'-0" above 27'.
- 5.3.5.4 – Street Level Active Uses in the U-MX and U-MS Zone Districts
This section speaks to the intent to have, and applicability, street level active uses in a U-MX and U-MS Zone Districts and does not state any exceptions as to how a project can bypass this requirement. This section would certainly imply that a General building form within an U-MX and U-MS Zone Districts that is predominantly residential have an active street level use other than residential.
- MX Zone Districts
 - By definition, as stated in the DZC, Mixed Use Development is “The development of a site or building with two or more different principal or primary uses including, but not limited to residential, office, manufacturing, retail, public, or entertainment uses.” Therefore MX zone districts should have development containing two different primary uses. Recent development, especially in the Tennyson corridor, has numerous Slot-home developments that do not contain “two or more different principal or primary uses”, as defined by the code. Allowance of single-use development within the MX or MS zone districts due to technicality or language loophole subverts the intent of the DZC. It is recommended that language be deleted, revised, and/or added that prevents single use project from being developed within MX and MS zone districts, regardless of the building form type.
 - Accompanying any language to address the issue above should be language that specifically states the minimum amount of square footage, or street frontage, allocated to the non-residential use in a predominately residential use project. Currently, I do not see where this

Thank you for the opportunity to comment,

Robert