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# Zoning and Conservation Overlays

*Winston Downs RNO Meeting  
April 16, 2019*

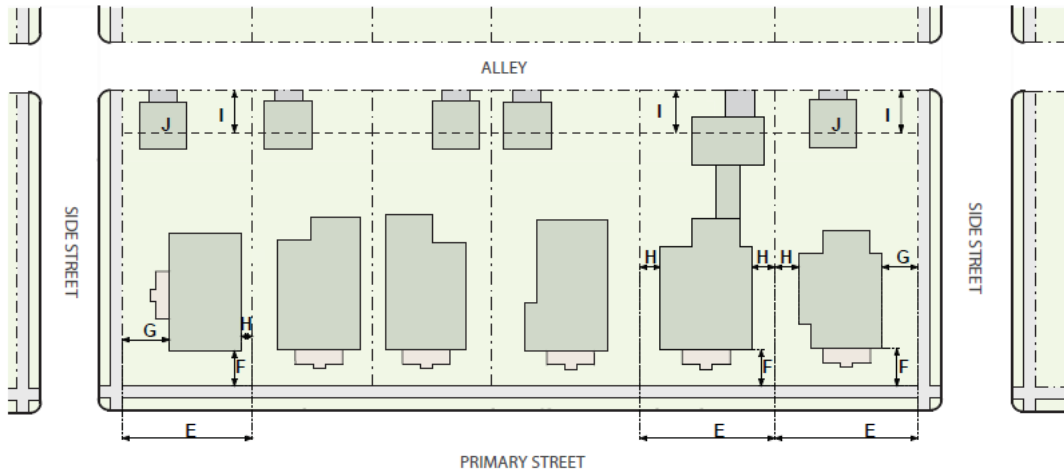
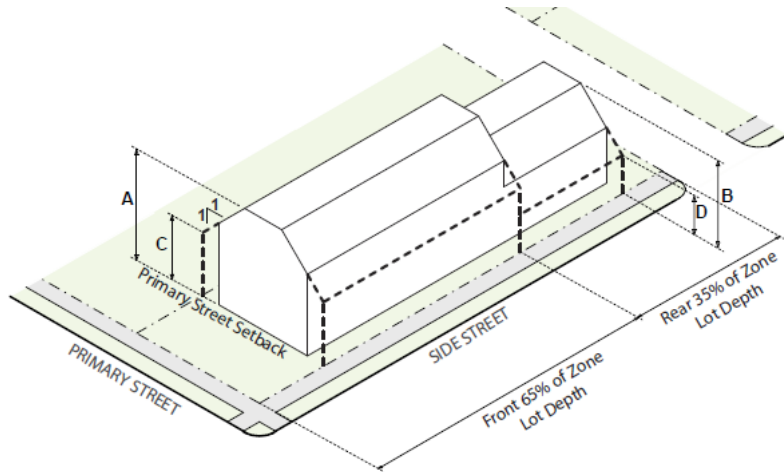
# Overview

- Intro to the Denver Zoning Code
- Conservation Overlays
  - What they are
  - What they can do
  - Examples
  - Process and timing

## Other tools / Considerations



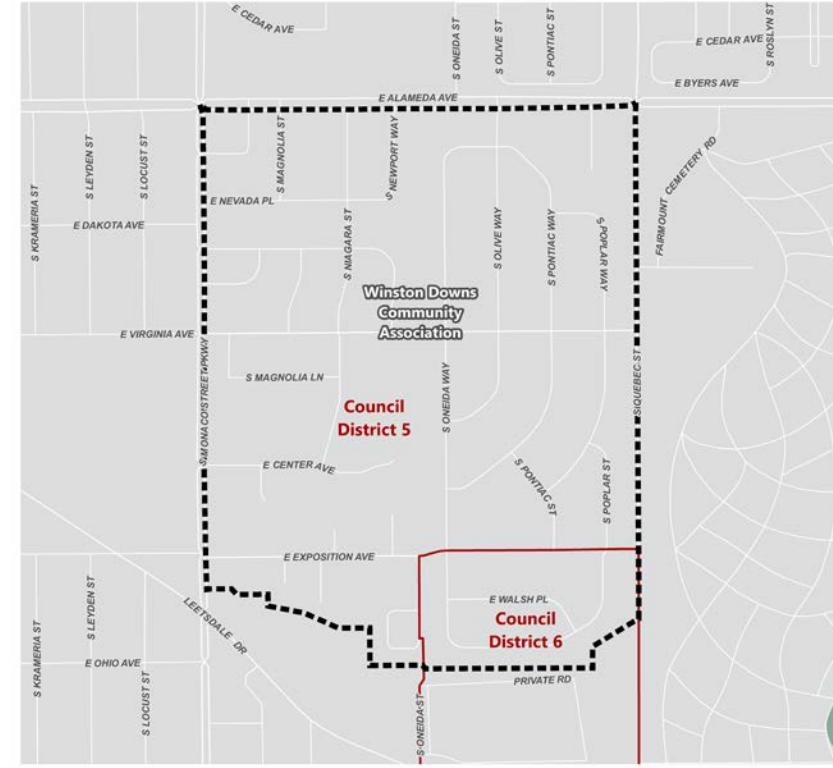
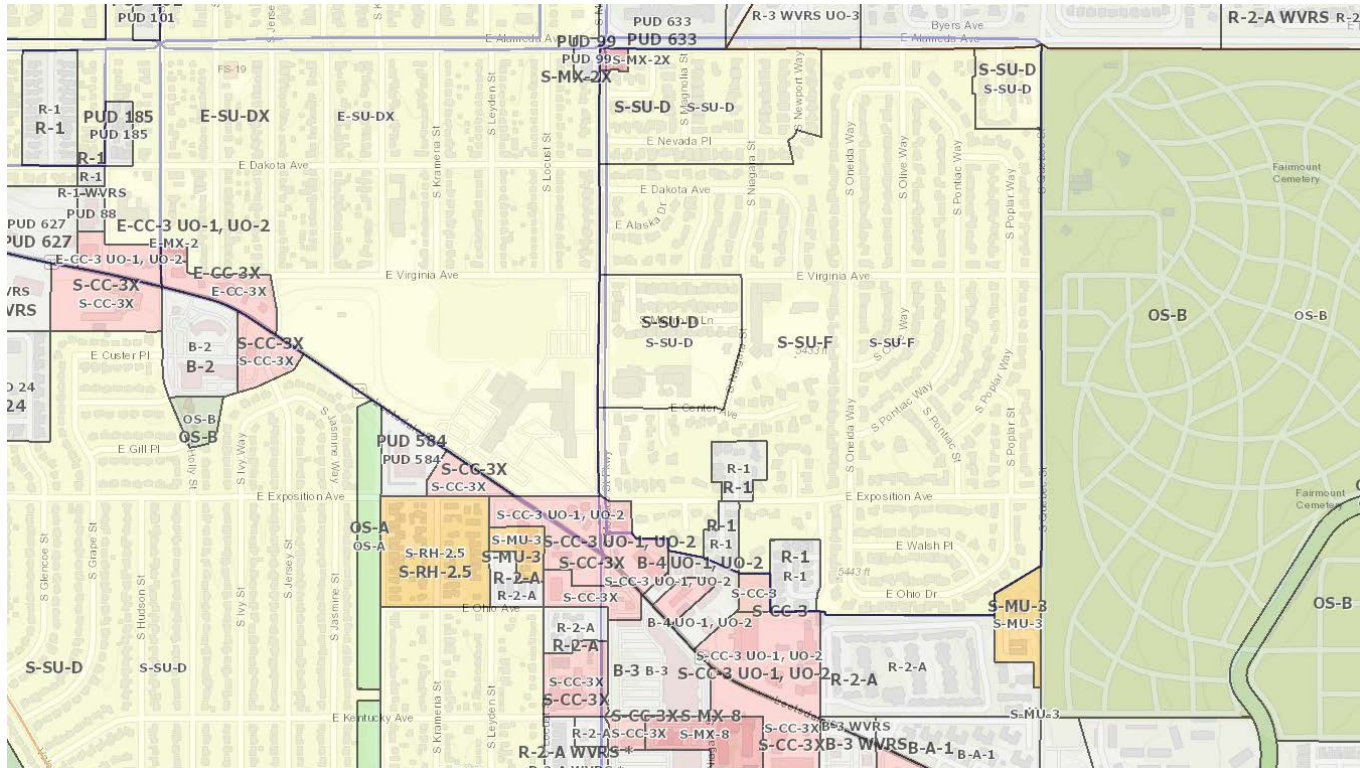
# DZC – Building Forms and Design Standards



## SUBURBAN HOUSE ENVELOPE

- A = Height = 2.5 stories/30' up to 35' max on lots
- C = Bulk Plane = 10' at side property line, then 1:1 slope
- F = Front Setback = 20'
- H = Side Setback = 5-7.5'
- Building Coverage = 50%

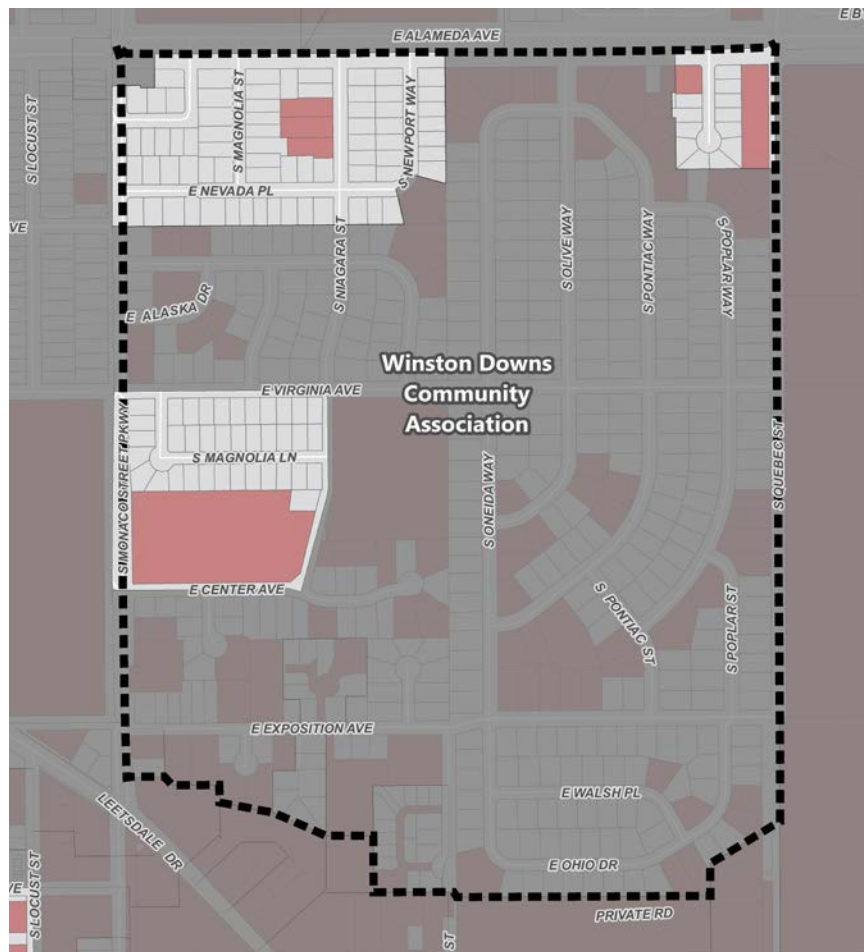
# Zoning and Council



- Zoning Map – S-SU-D / S-SU-F / R-1

- Council District Boundary

# Zoning mismatch



- **S-SU-D** lots < 12,00sf = 6 parcels



- **S-SU-F** lots < 17,00sf = 27 parcels

# What is a Conservation Overlay?

- Defined in Denver Zoning Code Article 9 (Section 9.4.3)
- Works as an “overlay” to the existing base zoning (essentially rezoning to include additional/modified standards)
- Establishes or modifies specific zoning tools that **encourage conservation of the existing distinctive features, identity, or character of a neighborhood**

# What Can a Conservation Overlay Do?

- Modify building form and design standards
- Include new restrictions on building form, site design, materials and architectural style (*note: materials and architectural style not currently used in DZC*)
- Modify limitations/design standards on permitted uses



# What Can a Conservation Overlay Not Do?

- Prevent demolition
- Change the permitted uses in the underlying zone district
- Add new review procedures or review bodies (like boards or commissions)

# Current CO Districts in the DZC

- DZC Section 9.4.3
  - (5 CO Districts established since 2010)

## 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
Scottish Village Conservation Overlay District	CO-3
Potter Highlands Conservation Overlay District	CO-4
Krisana Park Conservation Overlay District	CO-5

# Examples

## Potter Highlands (CO-4)

- Lowered height limit for flat roof structures
- Lowered Bulk Plane and allowed exceptions

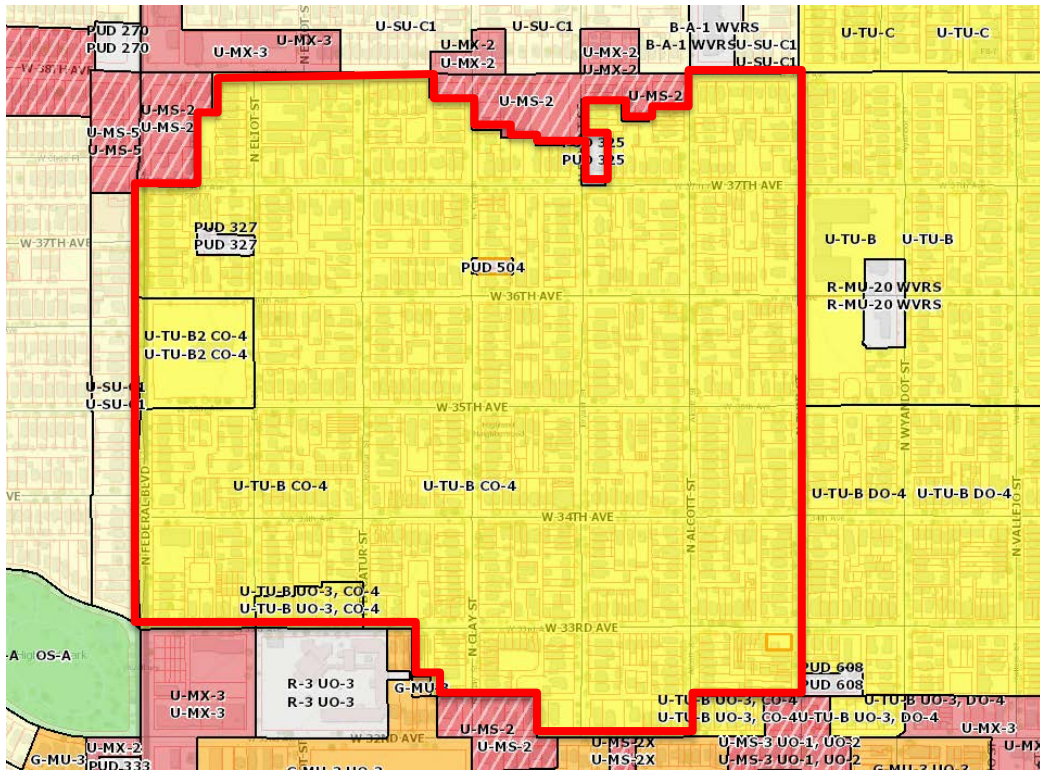
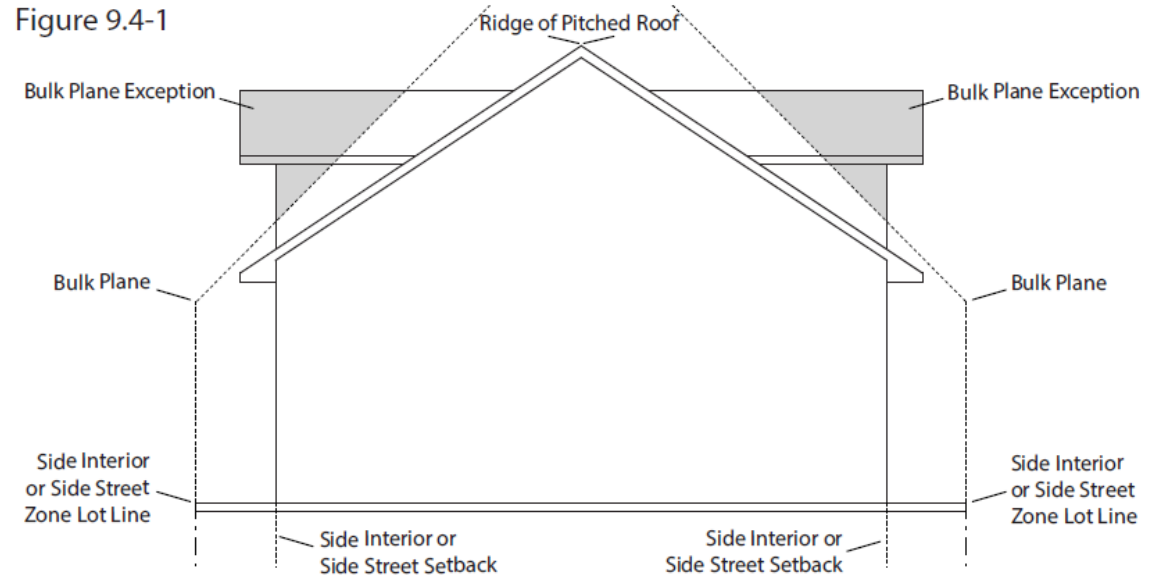
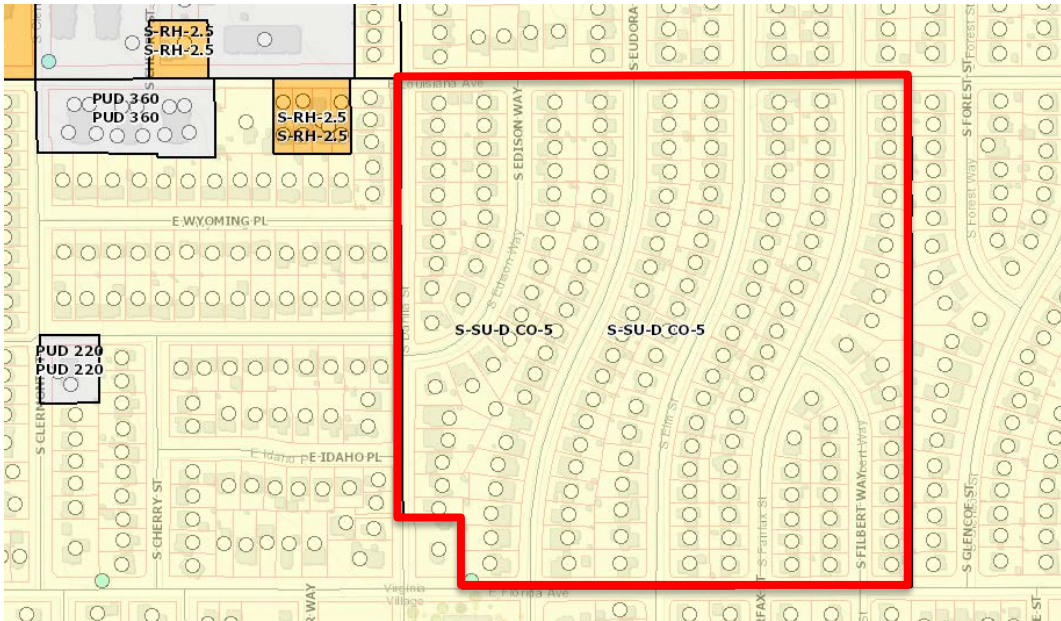


Figure 9.4-1



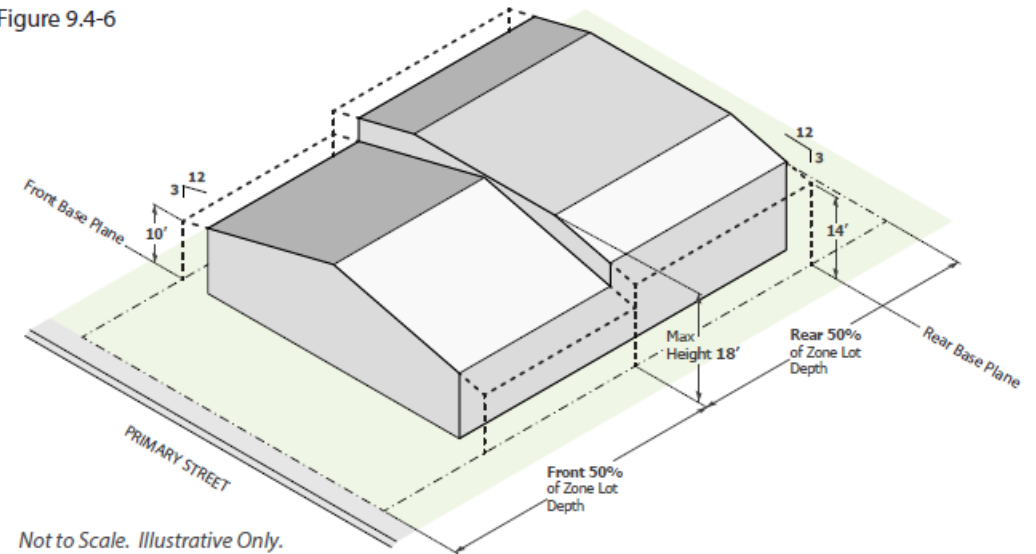
# Examples

## Krisana Park (CO-5)



- Adjusted height, bulk plane, and roof slope limits to protect character of 1950's mid-mod Ranch houses
- Allowed taller bulk plane in rear of lot to incentivize re-use of existing structures

Figure 9.4-6



# Relationship of Zoning to Existing Structures

All existing structures fall into one of three categories:

- **Conforming** = meets all current zoning standards
- **Compliant** = met zoning standards when built, but now is in conflict with Height, Siting, or Design Element standards
  - Structure can be maintained, altered, and enlarged as long as no compliant element is increased and no new compliant element is created
  - Voluntary Demolition (40% or more of exterior walls) – if structure is voluntarily demolished, it must be rebuilt according to current zoning standards
  - Involuntary Demolition – structure may be reconstructed with compliant elements
- **Non-Conforming** = met zoning standards when built, but does not meet standards for Compliant structures

# Developing an Overlay

## 1. Understand Your Existing (or Desired) Neighborhood Character

- Define the problems you wish to solve and the location(s) where they exist
- Document the existing distinctive characteristics you wish to preserve and identify design enhancements to promote in the future

## 2. Develop Potential Solutions and Evaluate with Community > Preferred Direction

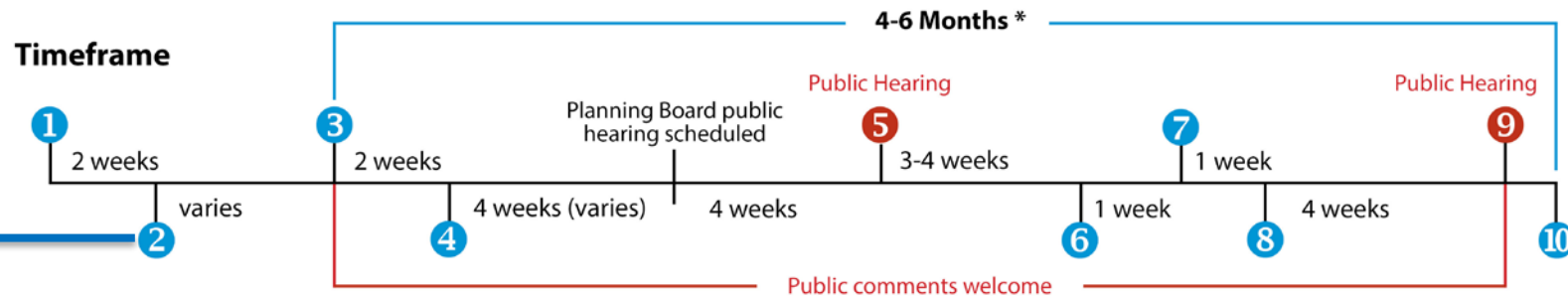
- Describe clear alternatives to address the most critical concerns/issues
- Test alternatives to understand any unintended consequences and applicability
- Gather public feedback on options
- Prepare application with preferred direction and refined solutions

## 3. CPD Planning Services Drafting and Review

## 4. DZC Amendment and Rezoning Process (Planning Board and City Council)

# Overlay Process and Timing

An overview of a typical rezoning process.



\* This is a typical timeframe estimate. Unique circumstances and/or rezoning complexity will adjust the timeframe.

- 1) Pre-Application Review
- 2) Defining the Problem, Developing Alternatives, Testing and Public Outreach (RNOs, Council, Others), Refining Preferred Solutions
- 3) Submit a Complete Application
- 4) City and agency review/drafting
- 5) Planning Board Public Hearing
- 6) Land Use, Transportation, & Infrastructure Committee Meeting
- 7) Mayor-Council Meeting
- 8) City Council First Reading
- 9) City Council Public Hearing & Vote
- 10) Mayor Signature and Publication

**Typically about  
12 months**

# Rezoning Process – Zoning Overlay Guide

## PHASE 1:

### PROBLEM IDENTIFICATION/PROCESS PLANNING

- Problem statements
- Separate non-zoning items
- Identify applicability/mapping
- Task Force
- Outreach plan/schedule

### *Phase 1 Deliverables:*

Problem Identification/Process Plan

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## PHASE 2: DEVELOPING ALTERNATIVES

- Understand existing code
- Review best practices
- Consider alternatives
- Test and analyze alternatives
- Choose a preferred alternative

### *Phase 2 Deliverables:*

Preferred Alternatives and  
Supporting Background



# Rezoning Process – Zoning Overlay Guide

## PHASE 3: PUBLIC COMMENT AND REVIEW

- CPD comments on proposals
- CPD/Proponents discussion as needed
- Proponent drafts proposal for public review
- Summary of public comment and responses
- Councilmember directs CPD to draft amendments (or not)

## *Phase 3 Deliverables:*

Draft Overlay Standards

Robust public review

Summary of Comments and Response

Councilmember Decision Point

## PHASE 4: DRAFTING

- Internal drafting
- CCD review
- Redline zoning amendment text
- Draft zoning map
- Review with proponents/Councilmember

## *Phase 4 Deliverables:*

Draft Redline Zoning Amendments

Zoning Map

# Rezoning Process – Zoning Overlay Guide

## PHASE 5: PUBLIC COMMENT AND REVIEW

- Presentations
- Revisions
- Noticing
- Posting
- Review periods
- Required Meetings (LUTI, Committees, INC)
- Planning Board Public Hearing
- City Council Vote

## *Phase 5 Deliverables:*

Notices  
Staff Reports  
Revised Amendment Redlines  
Powerpoints



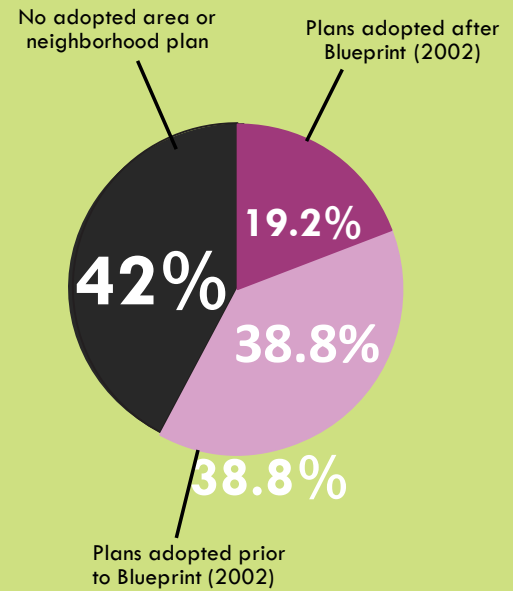
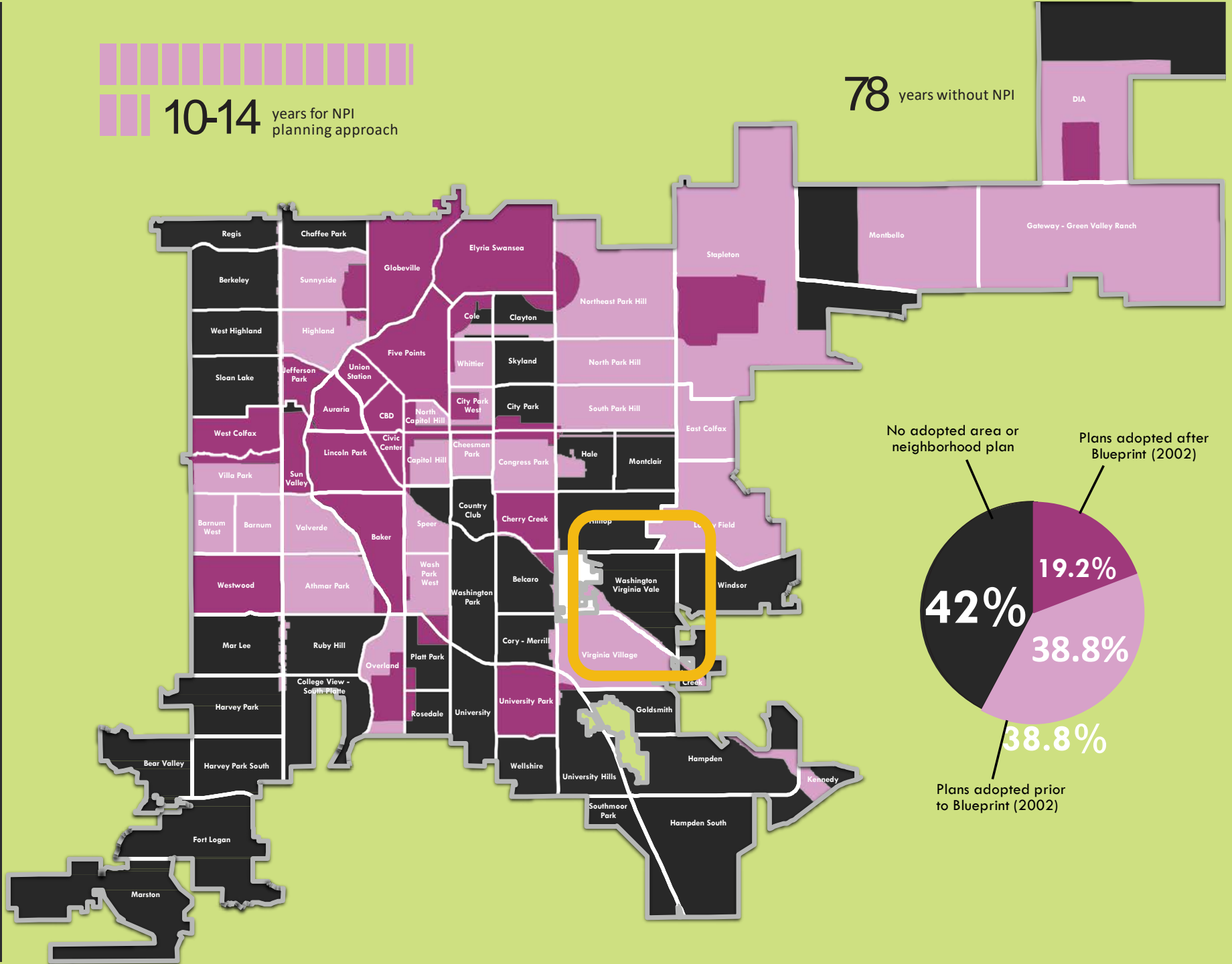
# NEIGHBORHOOD PLANNING INITIATIVE

November 8, 2017

# Neighborhood planning initiative

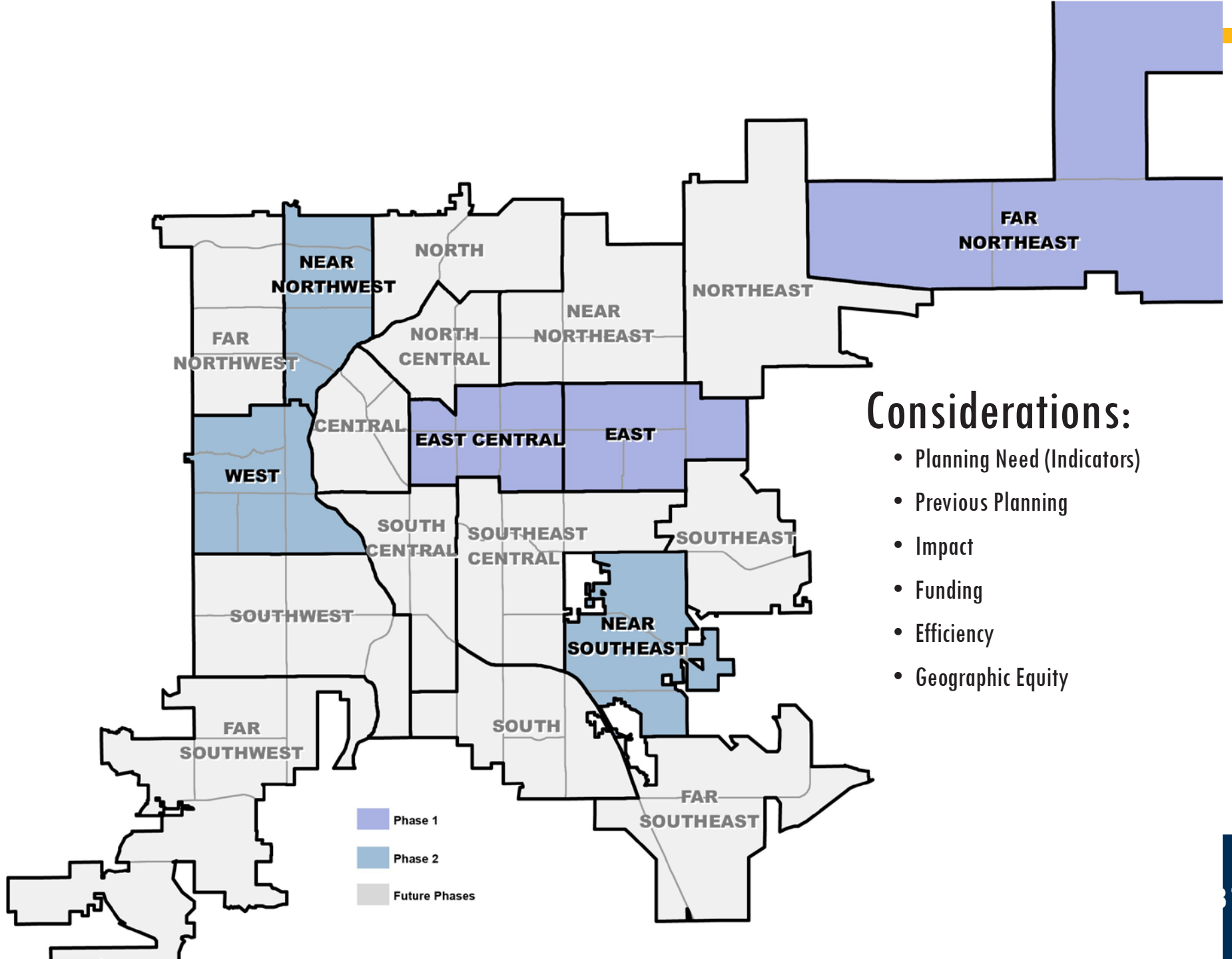
10-14 years for NPI  
planning approach

78 years without NPI





# PHASING



## Considerations:

- Planning Need (Indicators)
- Previous Planning
- Impact
- Funding
- Efficiency
- Geographic Equity

# Other tools to address outcomes

## Neighborhood Planning Initiative

Phase 1 – wrapping up

Far Northeast - complete and nearing adoption

East/East Central – to be completed this fall

Phase 2 – kicking off

West – beginning engagement

Near Southeast – to begin engagement in fall

full kick-off in 2020

Near Northwest – full kick-off 2020

