
DESIGN OVERLAY CUSTOMER GUIDE

INTRODUCTION

This customer guide provides a basic roadmap for proponents of a design overlay, which must be established by both a Denver Zoning Code text amendment and an official map amendment.

DENVER ZONING CODE (DZC) REFERENCES

For additional information on the general purpose, allowed standards and modifications, and effect of design overlays, see DZC Section 9.4.5. For additional information on the procedures for a map amendment and a text amendment, see DZC Sections 12.4.10 and 12.4.11, respectively.

PHASE 1: PROBLEM DEFINITION AND PROCESS PLANNING

In the first phase, design overlay proponents will clearly define the problems they will aim to solve through the use of a design overlay, and create the process they will use to develop the design overlay proposal(s).

Problem Definition

- Identify Guiding Documents to be used in drafting the design overlay. At a minimum, these must include:
 - Comprehensive Plan 2000
 - Blueprint Denver
 - Denver Zoning Code
 - Any other applicable plans
- Define complete problem statements for that a design overlay will address. Identify specific topics and areas of the zoning code to be addressed for each problem statement. Consider whether a design overlay is the most appropriate zoning tool to address each problem.
- Identify other issues related to the zoning topics but which cannot be addressed in zoning code.
- Identify the geographic scope of the proposed overlay. The mapping will be refined in subsequent phases, but it is important to identify the proposed overlay area as early as possible.

Process Planning

- Task Force organization
 - Create a task force to work on the design overlay, and define how the design overlay task force will be organized. Members of the task force should represent all of the

potentially affected interest groups and areas of the design overlay. Some members should have technical expertise in working with the zoning code. Examples include but are not limited to residents (both homeowners and tenants), property owners, business owners, developers, architects, planners, and real estate experts. The goal should be to ensure all interests are well represented.

- The task force should identify how often they will meet, where meetings will be held, how notice of meetings will be provided, and how other members of the public will be able to observe and participate in the task force's efforts.
- Communications
 - Establish communications protocols both for within the task force and external to the task force. Set expectations for task members to communicate with all other task force members regarding zoning topics. At a minimum, identify how the work of the task force will be communicated:
 1. To members of the proponent group
 2. To property owners in the affected area
 3. To business owners in the affected area
 4. To residents in the affected area
 5. To City staff and officials
- Meeting Schedule
 - Create a tentative meeting schedule with a suggested order of topics to be addressed (from the Problem Identification statement). Allow sufficient time between meetings to create meeting notes and agendas, do research and testing, and draft proposals.

DELIVERABLE TO CPD: PROBLEM IDENTIFICATION STATEMENT AND PROCESS PLAN

PHASE 2: DEVELOPING ALTERNATIVES

After receiving feedback and confirmation from CPD on the Phase 1 deliverable, the proponents will work on identifying alternative solutions to the problems identified. For each topic identified in the problem statement, the drafting process should include the following tasks:

- Research and understand the existing code and development that has happened under the existing code
- Review best practices
- Consider alternatives for both zoning code text and mapping
- Model and test alternatives, if applicable, and analyze alternatives
- Choose a preferred alternative

For each topic identified in Phase 1, document the background information described above and propose an alternative. Identify the specific geographic area (defined boundaries, defined zone districts, or both) where the alternative will apply. As each topic is completed, submit the preferred alternative to CPD along with the supporting background that supports the preferred alternative. Related topics may be bundled together in the submittal (for example, multiple building form siting standards), but unrelated topics should be submitted separately. CPD will provide technical review and comment on the preferred alternatives.

DELIVERABLE(S) TO CPD: PREFERRED ALTERNATIVES AND SUPPORTING BACKGROUND

PHASE 3: PUBLIC COMMENT AND REVIEW

Once CPD has commented on all the proposed alternatives, the proponents will begin a period of robust public comment and review of the combined design overlay proposal(s). The proponents will make documentation of the proposed design overlay publicly available for review, and the proponents will host a public meeting or meetings to explain the proposal and receive feedback. The public review should be widely advertised to affected property owners and interest groups.

DELIVERABLE TO CPD: SUMMARY OF PUBLIC COMMENT AND RESPONSE TO PUBLIC COMMENT

DECISION POINT: At the conclusion of Phase 3, the City Councilmember must decide whether to proceed with sponsoring the text amendment. If the City Councilmember is satisfied with the public outreach and the direction of the proposal(s), the City Councilmember can direct CPD to begin drafting the zoning code text and map amendments, based on the design overlay proposal. Alternatively, the City Council sponsor may direct the proponents back to an earlier phase to revise their proposal and proceed to another round of public comment before the City Councilmember will direct CPD to draft the text and map amendments.

PHASE 4: DRAFTING

Upon receipt of the formal request from the City Councilmember to initiate a design overlay, CPD Planning Services will draft the proposal in redlined zoning code language, in consultation with other affected agencies including the City Attorney's Office and CPD Development Services permitting and inspections. CPD will also draft a proposed zoning map based on the Councilmember's request.

CPD DELIVERABLE TO PROPONENTS AND CITY COUNCILMEMBER: PUBLIC REVIEW REDLINE DRAFT TEXT AMENDMENT AND MAP AMENDMENT

PHASE 5: PUBLIC REVIEW AND ADOPTION

STEP 1

CPD will share responsibility for the public review and adoption process with the City Councilmember and the design overlay proponents. CPD will post the public review drafts on its website and provide written informational notice of the availability of the proposal, in accordance with the Denver Zoning Code. Following release of the public review draft text and map amendments, all three parties will participate in a minimum one-month public review period, including the following:

- Present the proposal to and receive feedback from the Inter-Neighborhood Cooperation Zoning and Planning Committee; and

- Present the proposal to and receive feedback from all other interested organizations, on request; and
- Offer one-on-one office hours, if necessary, to explain the proposal and receive feedback.

STEP 2

The City Councilmember, CPD, and the proponents will collaborate on any final changes to the draft based on public review feedback.

STEP 3

CPD will schedule the proposal for Planning Board public hearing(s) and provide 15-day public notice of the public hearing(s) in accordance with the Denver Zoning Code. CPD will prepare a staff report, staff presentation, and the Planning Board review drafts. The City Councilmember and the proponents will also appear before the Planning Board at the public hearing.

STEP 4

Following the Planning Board public hearing, CPD will schedule the proposal for consideration by the City Council Neighborhoods and Planning Committee and CPD will provide 10-business-day (typically 14 days) public notice in accordance with the Denver Zoning Code. CPD will present the proposal to the committee.

STEP 5:

Once moved out of Committee, CPD will present the proposal at the Mayor-Council meeting the following week. The next week, CPD will attend the City Council First Reading, when the text amendment will be scheduled for a public hearing 4 weeks later. The map amendment must be held until the text amendment passes.

STEP 6

CPD will provide 21-day public notice of the City Council text amendment public hearing in accordance with the Denver Zoning Code. At the City Council public hearing, CPD will provide a staff report and presentation. The proponents will appear to testify in support of the proposal. The Denver City Council will vote whether to approve the text amendment. The City Council will also have First Reading of the map amendment.

STEP 7

CPD will provide 21-day public notice of the City Council map amendment public hearing in accordance with the Denver Zoning Code. At the City Council public hearing, CPD will provide a staff report and presentation. The proponents will appear to testify in support of the proposal. The Denver City Council will vote whether to approve the map amendment.

STEP 8

Once both the text amendment and map amendment are passed by City Council and signed into law by the Mayor, the City Clerk will publish the ordinances and they will become effective, which typically happens on the Thursday following the City Council public hearing.