

The Highland Neighborhood has developed over more than 135 years. The result is that Highland has a variety of street and block patterns, some orthogonal, some diagonal, and some irregular (Scottish Village). Lot sizes and shapes vary, depending on the particular block. Shops, houses, duplexes, row houses, and apartments are interspersed on blocks throughout the neighborhood.

Highland is diverse, with consistent development patterns that started in the 19th Century. These development patterns are the foundation for Highland's unique neighborhood context. Two features of the predominant development pattern are narrow side yard setbacks between buildings and small lots. Highland's unique neighborhood context has made it one of the most popular and desirable neighborhoods in Denver. As Highland experiences intense new development and the renovation of existing structures, new planning criteria and standards need to recognize, reinforce, and continue development patterns that are part of the neighborhood's distinct character, allowing new development that meets the current and future needs of a thriving but changing neighborhood

In some cases, the new Denver zoning code does not allow preservation of these development patterns. For example, the Urban Neighborhood Context that has been applied to most of Highland

presumes that block sizes and shapes are consistent, lot sizes are consistent within an area, streets are orthogonal and building coverage accommodates consistent yards. While these are characteristic of other parts of Denver that developed later in the first half of the 20th Century, these are not consistent with the development of Highland. Unfortunately, zoning requirements that perform the important function of preserving the characteristics of other neighborhoods make it impossible to preserve the unique and valued characteristics of the Highland Neighborhood.

To preserve and reinforce the historical context of Highland, **four Design Overlay Districts** are proposed for the Highland neighborhood. The proposed Overlay Districts are shown on the attached maps:

OVERLAY A
Historic Side Setbacks and Small Lot Development in Residential Zone Districts

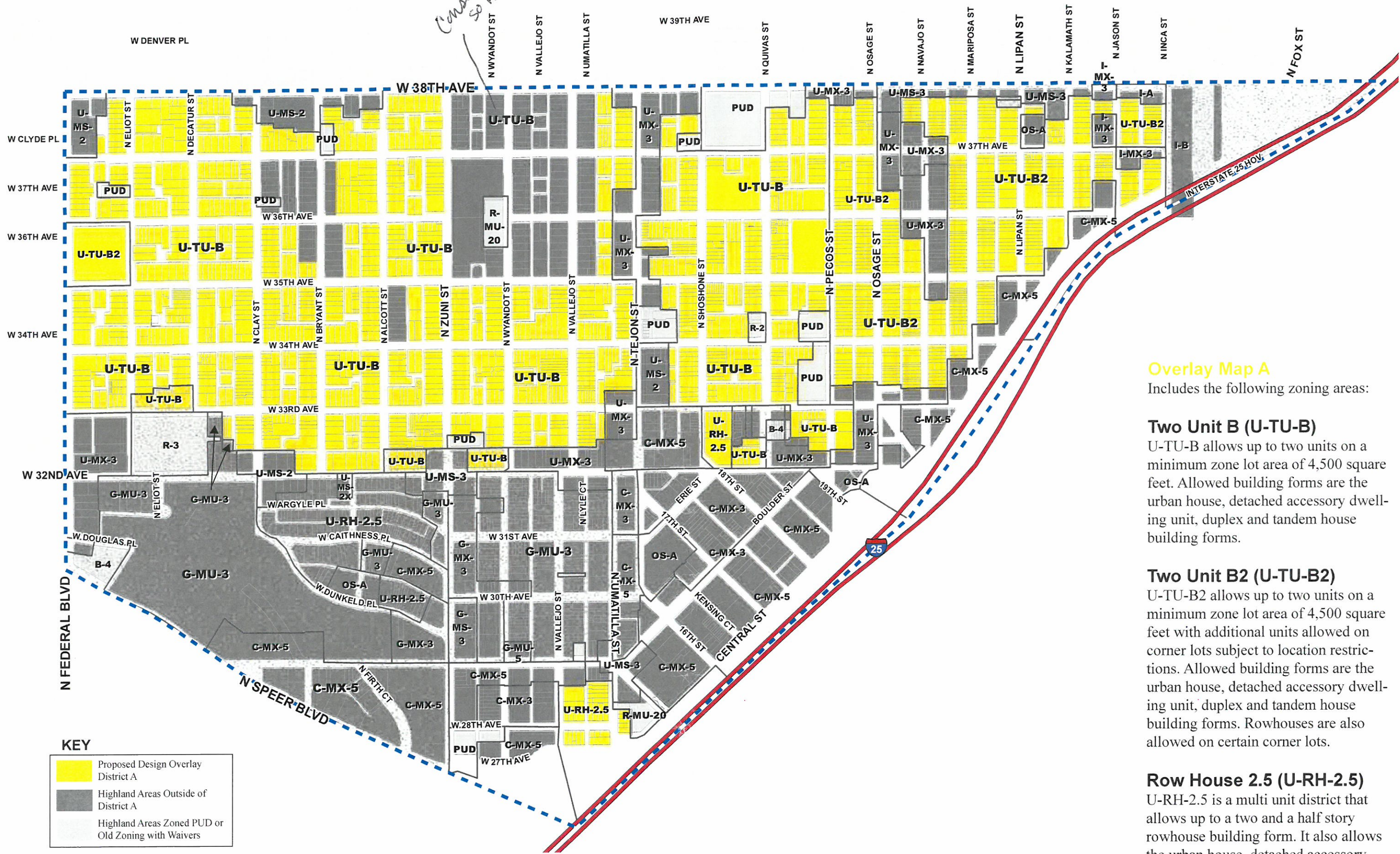
OVERLAY B
Historic Side Setbacks and Small Lot Development in Scottish Village

OVERLAY C
Historic Small Lot "Corner Store" Side Setbacks in Main Street, Mixed Use and Multi-Unit Zone Districts.

OVERLAY D
5-Story Height Exception in Zone District C-MX-5

HIGHLAND NEIGHBORHOOD DESIGN OVERLAY

Consistent so roadway



Overlay Map A
Includes the following zoning areas:

Two Unit B (U-TU-B)
U-TU-B allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

Two Unit B2 (U-TU-B2)
U-TU-B2 allows up to two units on a minimum zone lot area of 4,500 square feet with additional units allowed on corner lots subject to location restrictions. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms. Rowhouses are also allowed on certain corner lots.

Row House 2.5 (U-RH-2.5)
U-RH-2.5 is a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.



33RD AVE. BETWEEN ALCOTT ST. AND BRYANT ST.

Late 19th century buildings in Highland often have setbacks of less than 2'. But current zoning calls for a combined side setback of 10' on lots wider than 31'. This will disrupt the historic pattern.

Overlay A Historic Side Setbacks and Small Lot Development in Residential Zone Districts

Area:

U-TU-B and U-TU-B2 Zone Districts within the boundaries of the Highland Neighborhood.*

Existing Characteristics:

Many buildings constructed in the late 19th century in the areas zoned U-TU-B and U-TU-B2 in Highland have narrow (often less than 2 ft.) interior side setbacks. Shallow lots (existing lots 90 feet deep and less) have been developed with two-story structures that extend into the rear 35% of the lot. Garages and carriage houses are often built to a zero side yard setback in the rear third of lots.

Problems:

U-TU-B and U-TU-B2 zoning requires a combined side interior setback for residential structures of 10 feet on lots wider than 31 ft. When redevelopment occurs, these large side setbacks would destroy the historic pattern of buildings along the streets by creating large, uncharacteristic gaps between buildings. Lower height limits and bulk plane limits in the rear 35% of shallow lots would not allow new development consistent with existing characteristics. While garages in the rear 1/3 of a lot are allowed to abut side property lines without a setback, Accessory Dwelling Unit (ADU) structures are not allowed this same setback for the garage portion of the building on the ground floor, discouraging development of affordable housing units.

Proposed Overlay A

For the following building forms:

1. Urban House
2. Detached Accessory Dwelling Unit
3. Duplex
4. Tandem House

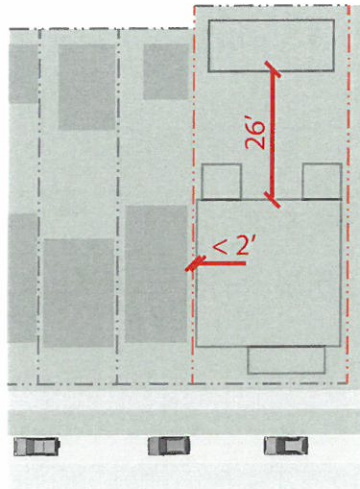
Proposed Zoning Code Modifications:
(see Exhibit AIII)

- On lots 50 feet or less in width, the minimum side interior setback shall be 3 feet.
- On "existing shallow lots," defined as lots platted prior to the adoption of the current zoning code, with at least one side lot line less than or equal to 90 feet, the height limit and bulk limit for the rear 35% of the lot will be the same as the height and bulk plane limits for the front 65% of the lot. (Lots replatted after enactment of this design overlay district that assemble a shallow lot with an adjacent lot or subdivide existing parcels do not qualify):
- Minimum side interior setbacks for the garage portion of an Accessory Dwelling Unit may use a zero foot setback that is identical to the minimum side interior setbacks for the Detached Garage building form.

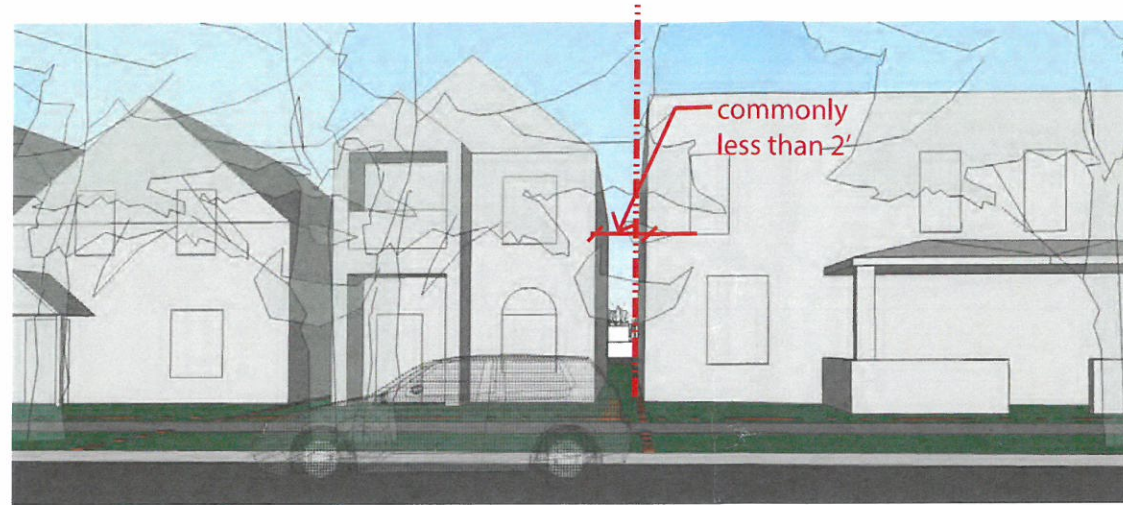
* Areas in the U-TU-B Zone District that are Excluded from Design Overlay A: There are parts of Highland that developed later in time with relatively uniform lot sizes and building placement where bungalow is the predominant building form. These homogenous areas have been identified and have been excluded from the Design Overlay District A.

Existing Condition

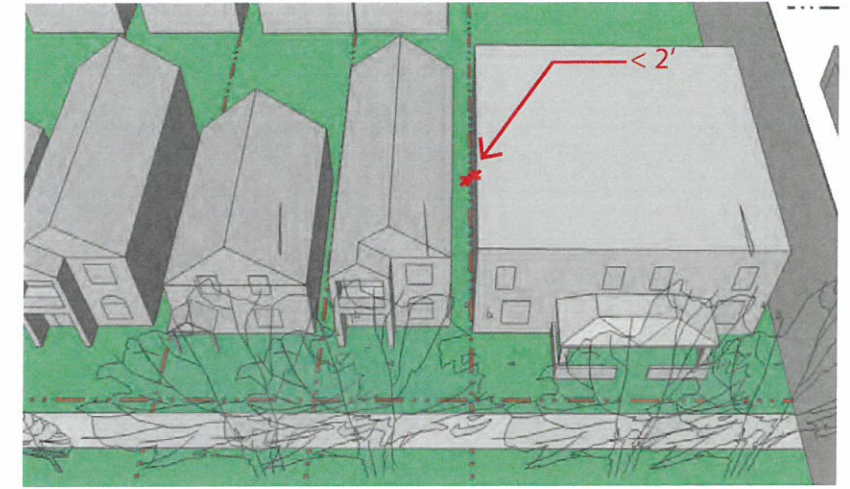
plan



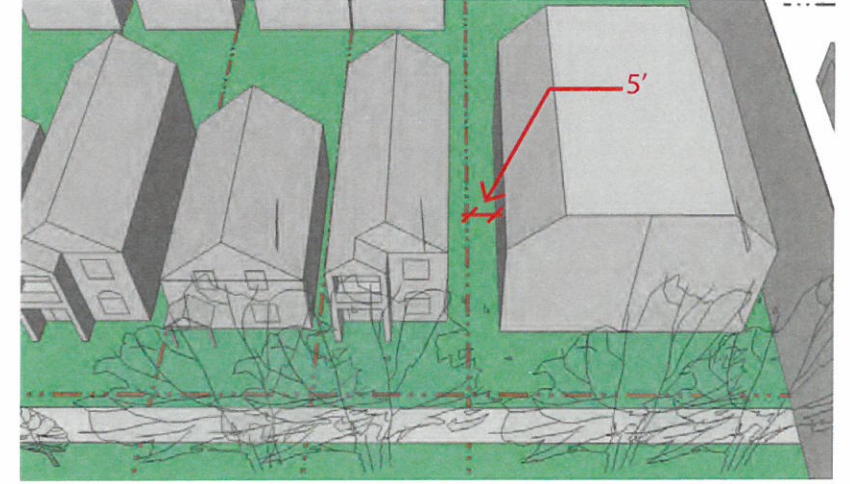
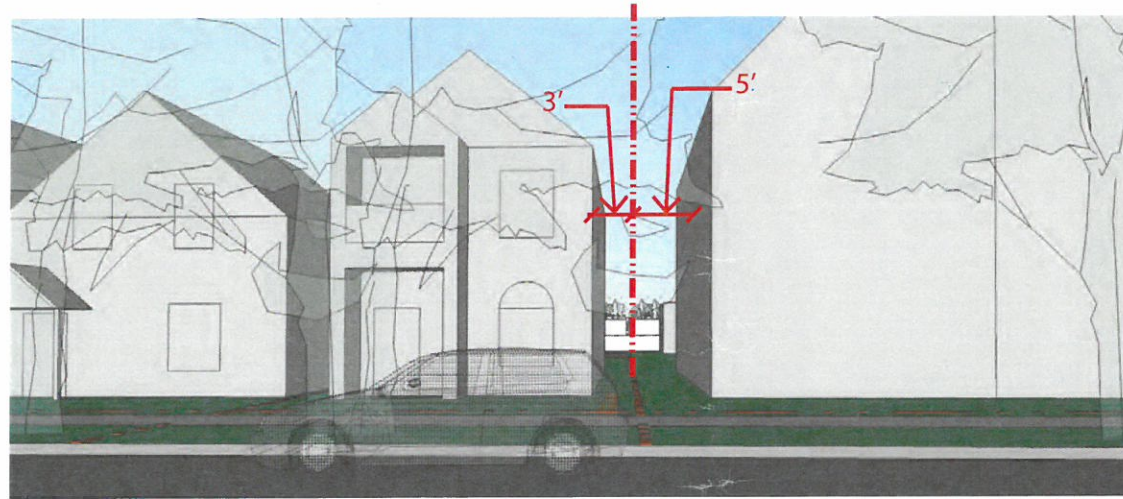
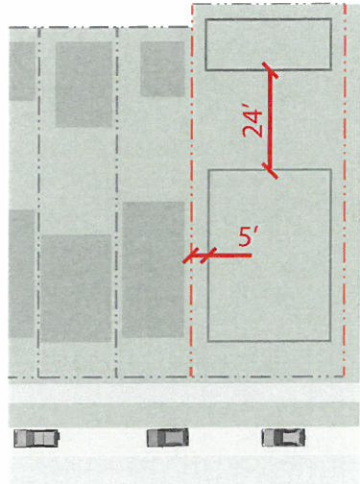
perspective



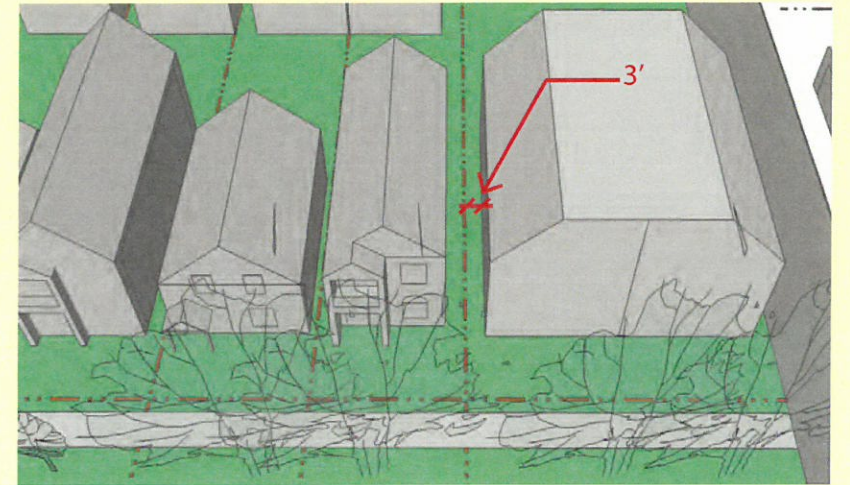
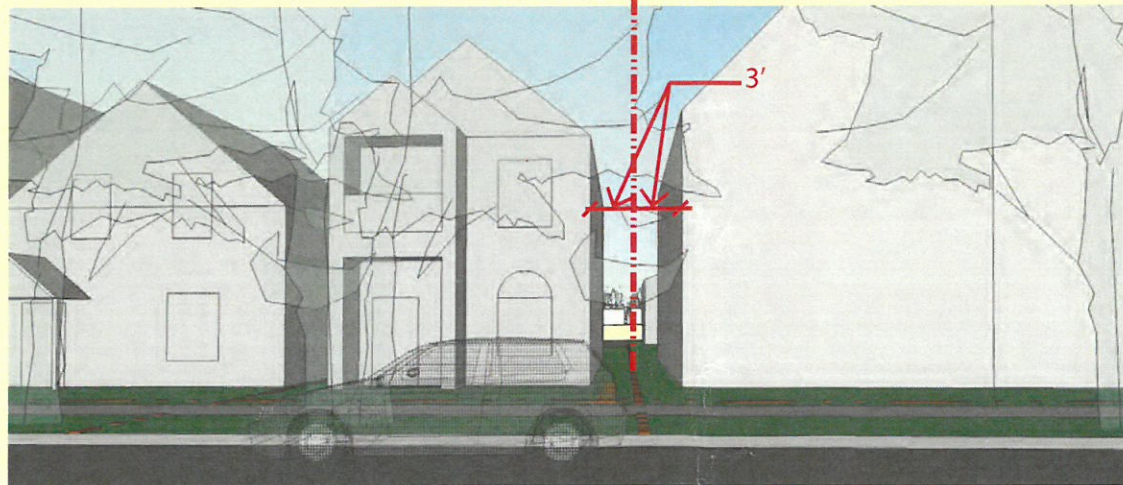
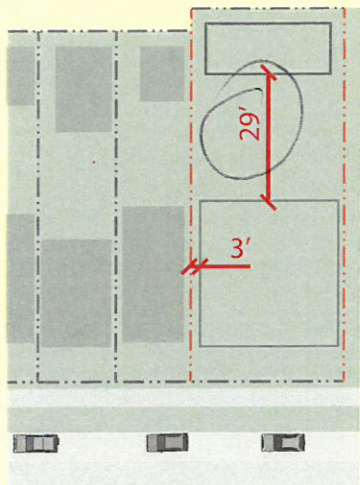
aerial



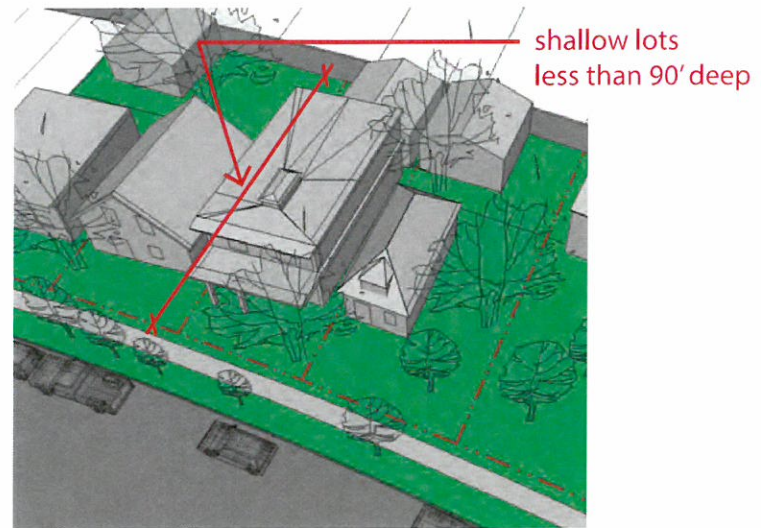
Current Zoning



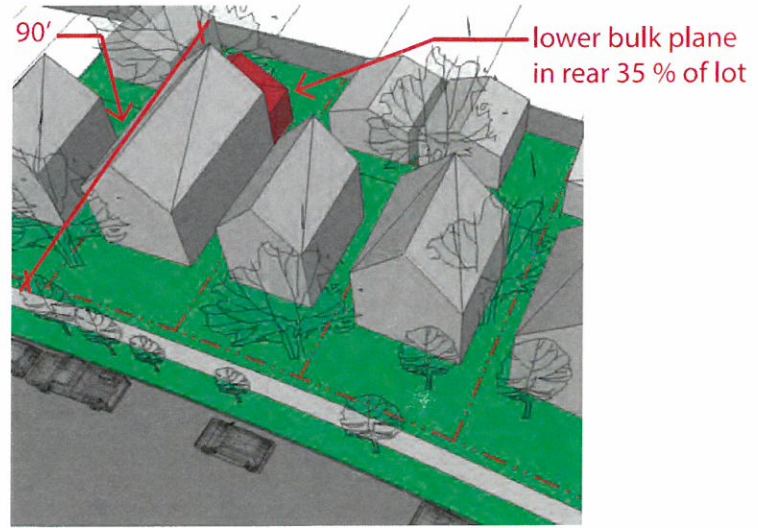
Proposed Overlay



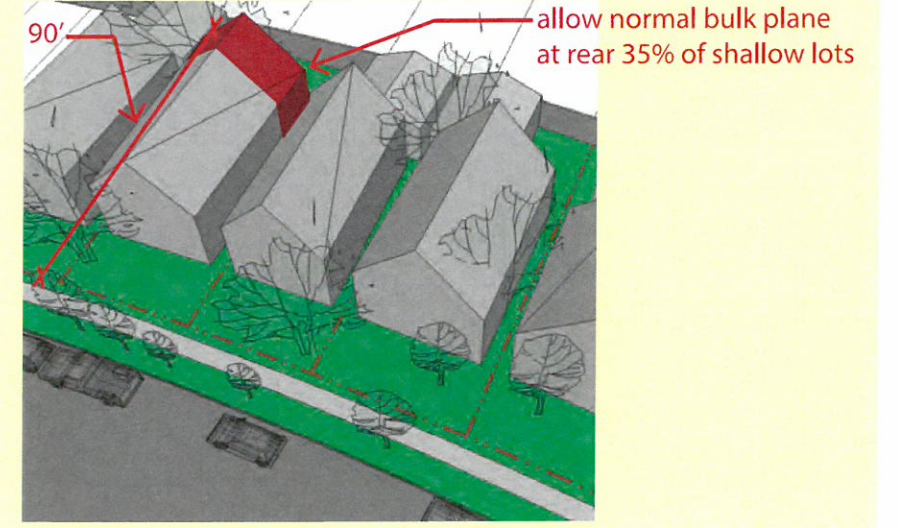
Existing Condition



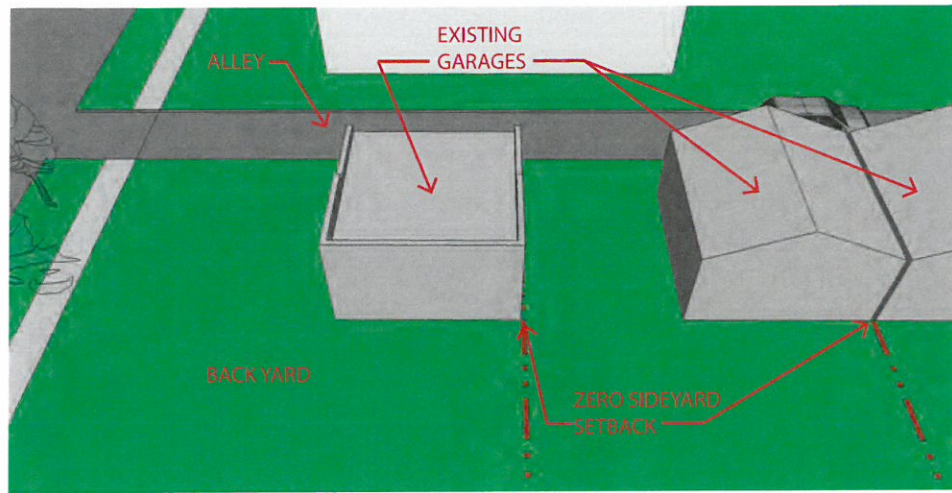
Current Zoning



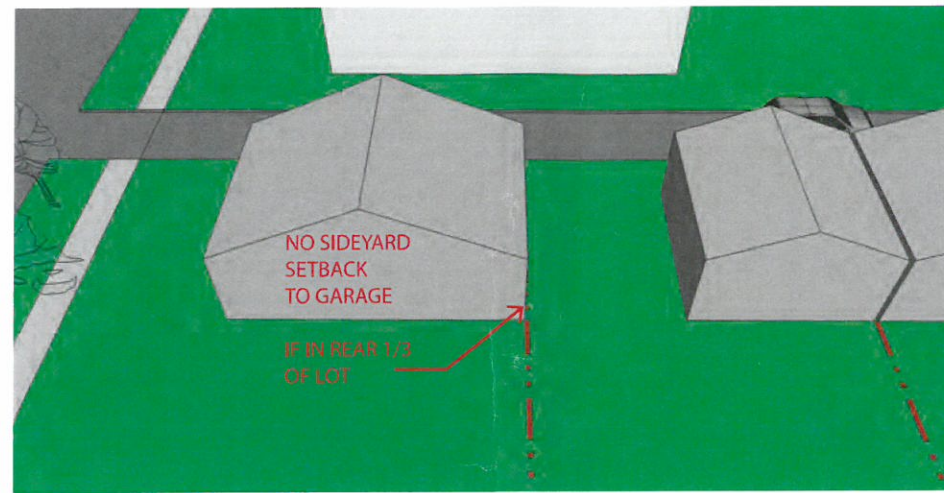
Proposed Overlay



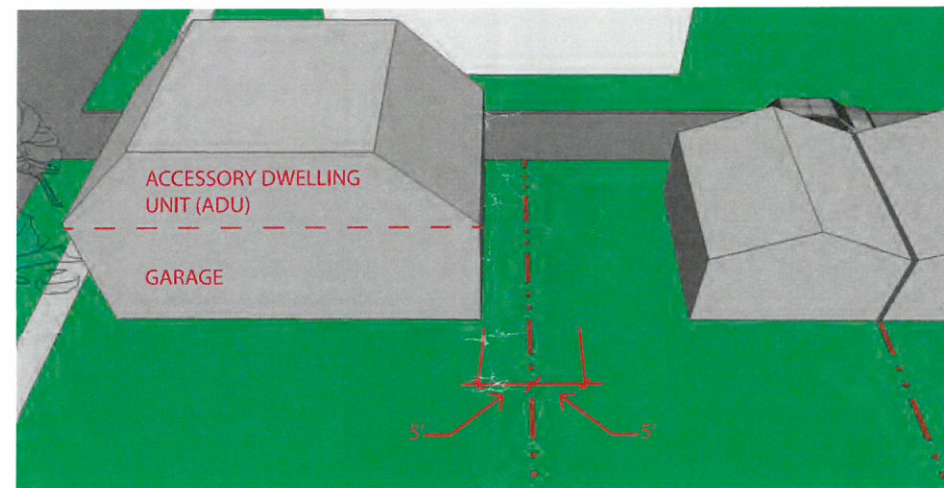
Existing Condition



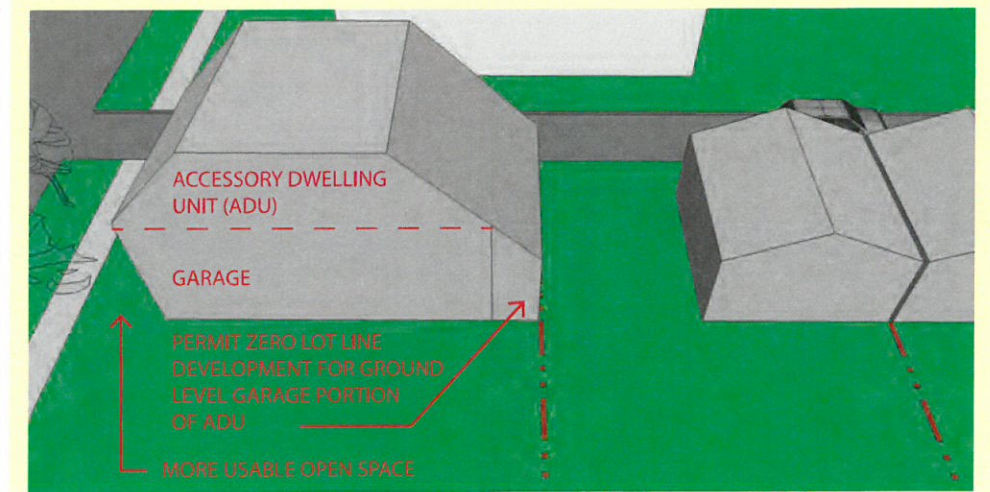
Current Zoning (garage)



Current Zoning (ADU)



Proposed Overlay






Purpose:

Garages are allowed to be built zero lot line to the side yard setback, but garages below Accessory Dwelling Units (ADUs) are not. In Highland, it would make sense to permit the ground level garages below a second story ADU to be built zero lot line against a side property line. The ADU above must be set back 5' from the side property line, consistent with the current code.



KEY

	Proposed Design Overlay District B
	Highland Areas Outside of District B
	Highland Areas Zoned PUD or Old Zoning with Waivers

Overlay Map B
Includes the following zoning areas:

Row House 2.5 (U-RH-2.5)
U-RH-2.5 is a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.



Typical character of Scottish Village on West Caithness Place between Zuni St. and Fife Ct. Small homes with tiny side setbacks on shallow lots.

Overlay B

Historic Side Setbacks and Small Lot Development in Scottish Village

Area:

U-RH-2.5 Zone District within the Scottish Village boundaries of West 32nd Avenue, Zuni Street, West Dunkeld Place, and Clay Street in the Highland Neighborhood.

Existing Characteristics:

This area, originally developed in the late 1800's, has historically dense development with greater building coverage than in other parts of Highland and in many other Denver neighborhoods. Curving streets and narrow alleys define a broad variety of lot sizes and shapes. Lots on a block vary in width, depth, and shape. Most lots have very narrow or non-existent side yards. On shallow lots, two-story buildings often extend into the rear 35% of lots. Backyards are often very small or non-existent. Garages and off-street parking occupy the area behind many houses and demand for off-street parking has increased as the availability of on-street parking in the neighborhood has decreased. To provide outdoor living area, roof-top and second-story rear decks are a common feature.

Problem:

The dense residential development on curving streets and small, shallow lots is historically unique to the Highland neighborhood in Denver. Current zoning of this area prevents reasonable development and improvements compatible with its historic development patterns.

Proposed Overlay B

For the building forms:

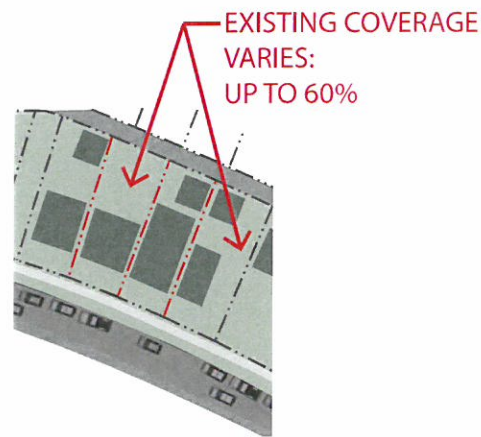
1. Urban House
2. Detached Accessory Dwelling Unit
3. Duplex
4. Tandem House

Proposed Zoning Code Modifications: (see Exhibit BI-III)

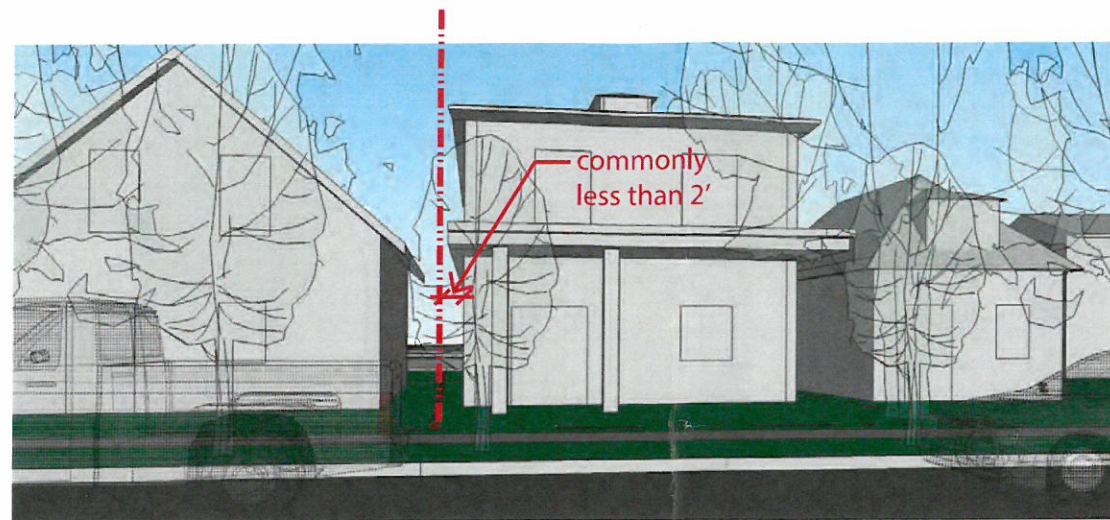
- On lots 50 feet or less in width, the minimum side interior setback shall be 3 feet.
 - Maximum building coverage allowed shall be 50%. There shall be no reduction in lot coverage for detached garages or accessory dwelling units.
 - On "existing shallow lots," defined as lots platted prior to the adoption of the current zoning code, with at least one side lot line less than or equal to 90 ft.:
 - Height limits and bulk limits established for the front 65% of the lot shall apply to the rear 35%.
 - Rooftop and/or rear second story level decks shall be allowed in the rear 35% of the lot.
- (Lots replatted after enactment of this design overlay district that assemble a shallow lot with an adjacent lot or subdivide existing parcels do not qualify);
- Minimum side interior setbacks for the garage portion of an Accessory Dwelling Unit may use a zero foot setback that is identical to the minimum side interior setbacks for the Detached Garage building form.

Existing Condition

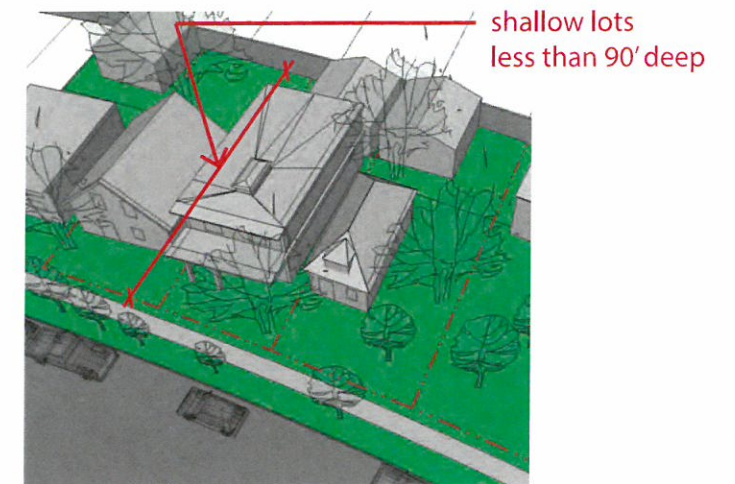
plan



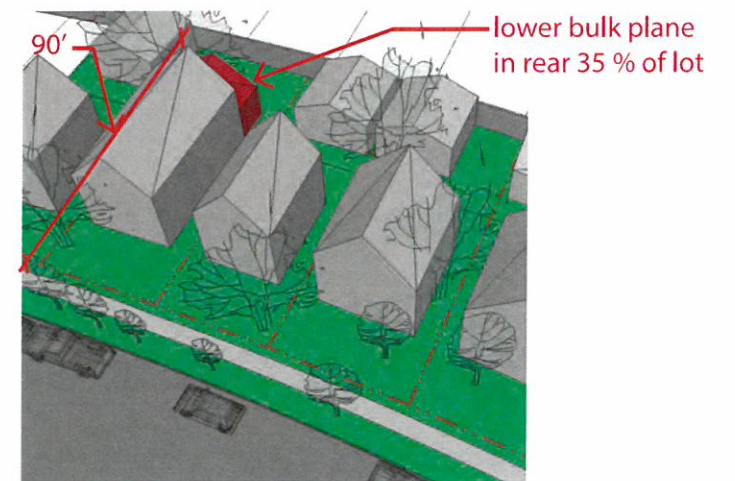
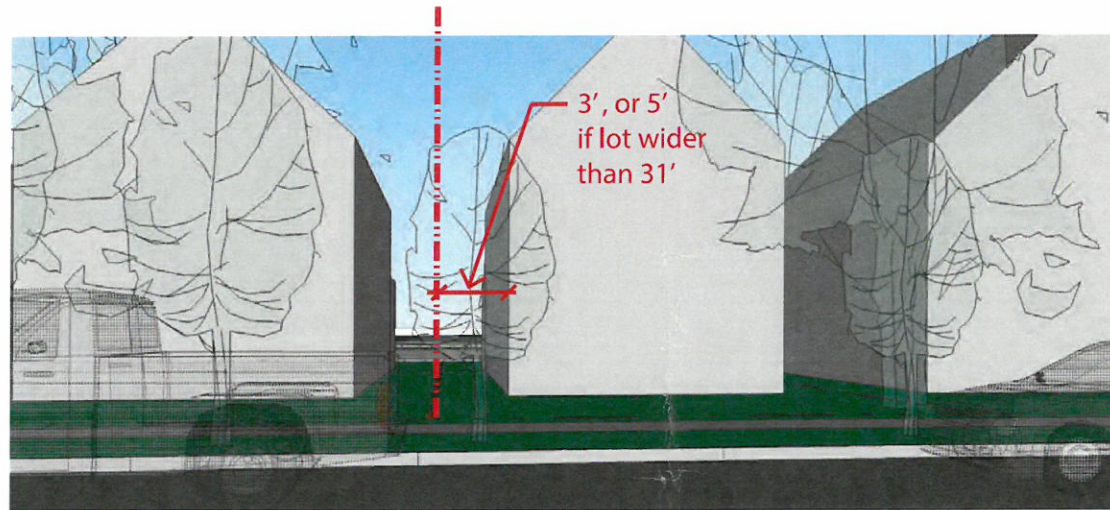
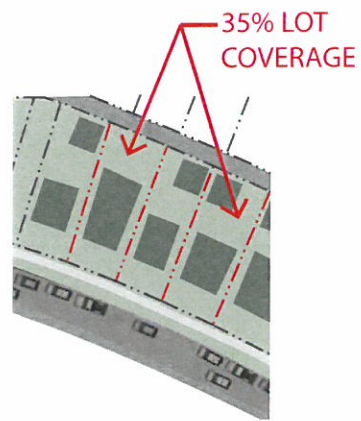
perspective



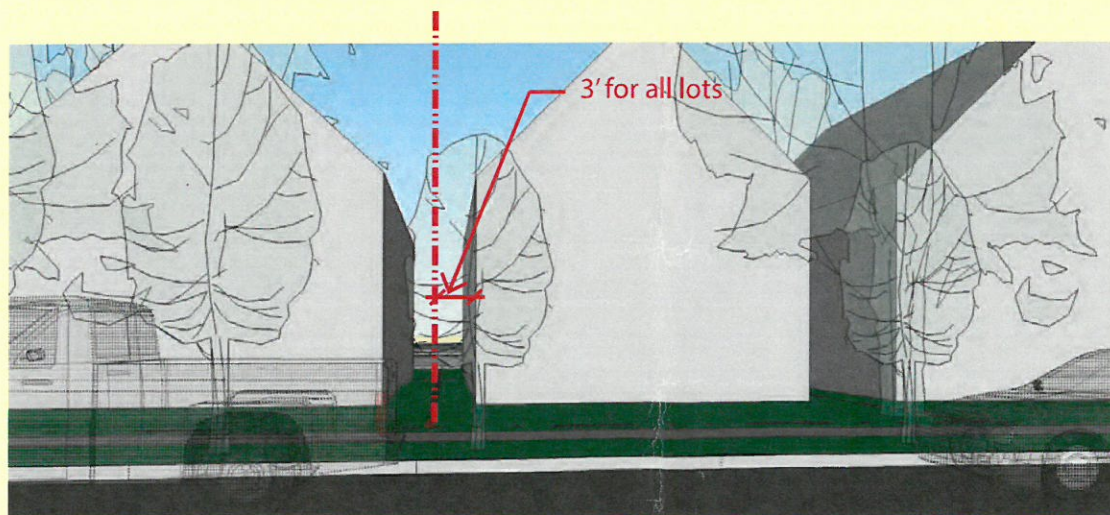
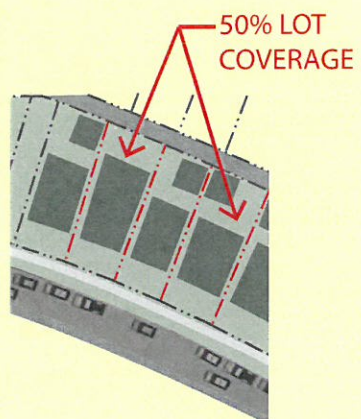
aerial



Current Zoning



Proposed Overlay





KEY

	Proposed Design Overlay District C
	Highland Areas Outside of District C
	Highland Areas Zoned PUD or Old Zoning with Waivers

Overlay Map C
Includes the following zoning areas:

Mixed Use – 3 (U-MX-3)
U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

Main Street 3 (G-MS-3)
G-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

Multi-Unit 3 (G-MU-3)
G-MU-3 is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of three stories.

Mixed Use – 3 (G-MX-3)
G-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

Mixed Use – 3 (C-MX-3)
C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

Main Street 2 (U-MS-2)
U-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. The U-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located within a residential neighborhood.

Main Street 3 (U-MS-3)
U-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.



32nd Ave. near Zuni St.

Corner stores are typically built zero lot line to their side yard. The new zoning requires a 10' side setback, disrupting the historic character of a continuous building wall along the sidewalk.

Overlay C

Historic Small Lot "Corner Store" Side Interior Setbacks

Area:

Main Street, Mixed Use, and Multi-Unit Zone Districts within the boundaries of the Highland neighborhood.

Existing Characteristics:

Commercial buildings ("Corner Stores") are located at corner locations next to residential buildings. The typical historic side interior setback for a Corner Store building next to a residential structure is zero feet. The historic street character is a continuous building wall along the sidewalk with a narrow space between the commercial building and adjacent residential property.

Problem:

Under the current zoning; residential parcels are "protected districts". New structures must have a minimum side interior setback of 10 ft. when adjacent to a residential lot. This requirement creates large gaps that are suburban in character, undermine the traditional development pattern, and do not support the contextual character of the Highland Neighborhood.

Proposed Overlay C

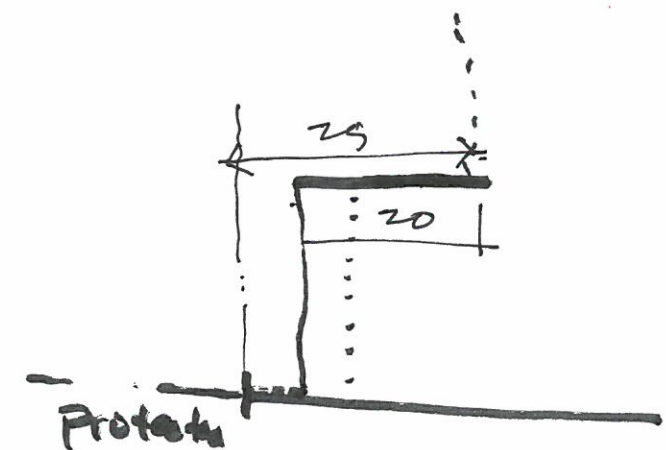
For the following building forms:

1. Row House
2. Apartment
3. General
4. Storefront

Proposed Zoning Code Modifications:
(see Exhibit CI)

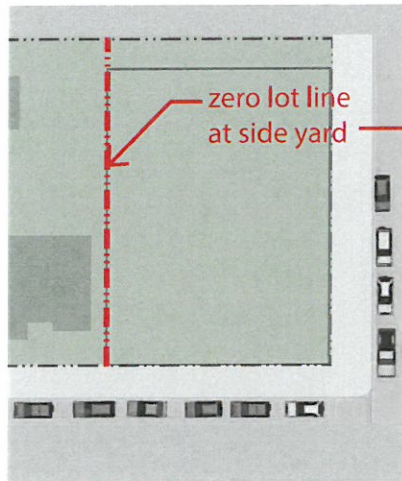
- **On frontages 50 feet in width or less, the minimum side interior setback adjacent to a Protected District shall be 5 feet for the portion of the structure below 27 feet in height. Setbacks and bulk plane for portions above 27 feet shall follow the zoning code.**

*5' @ ground?
25' @ 27'*



Existing Condition

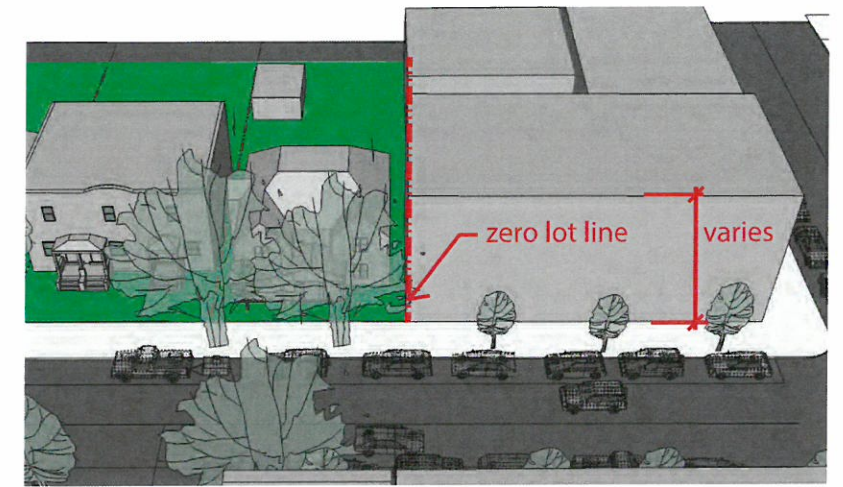
plan



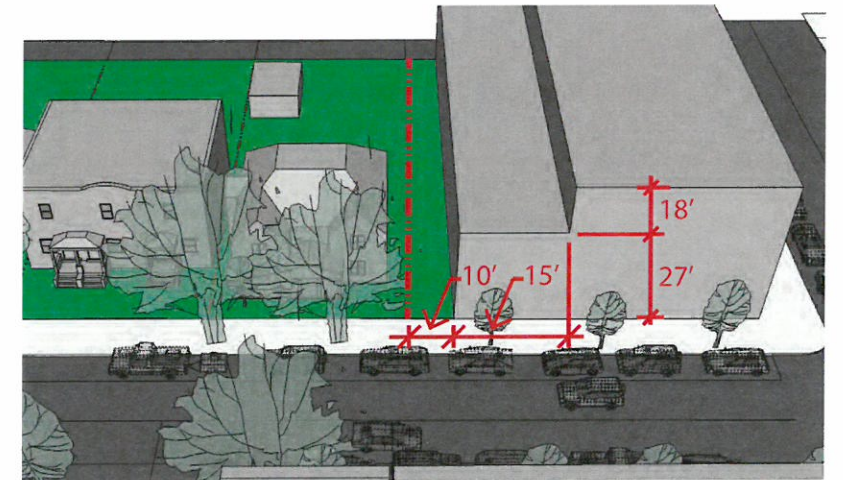
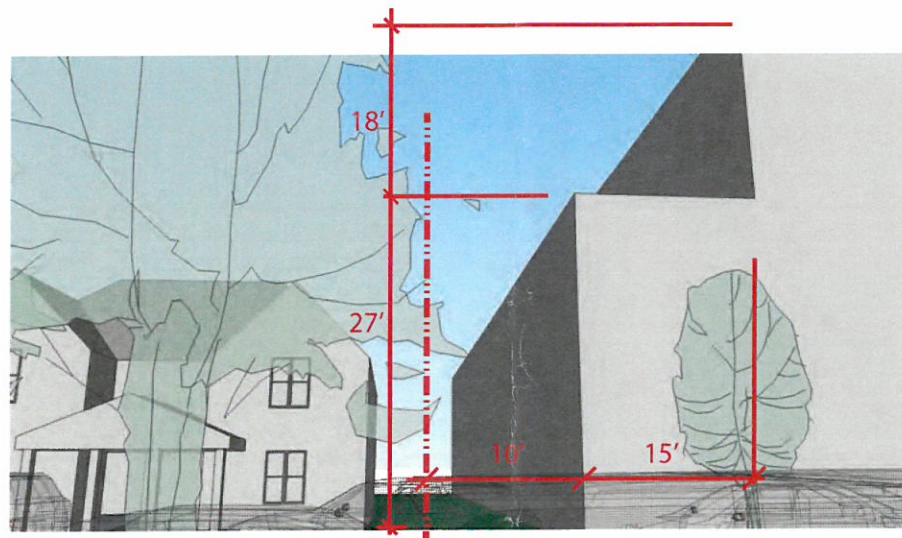
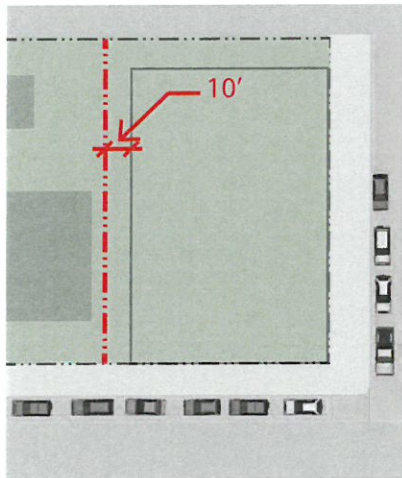
perspective



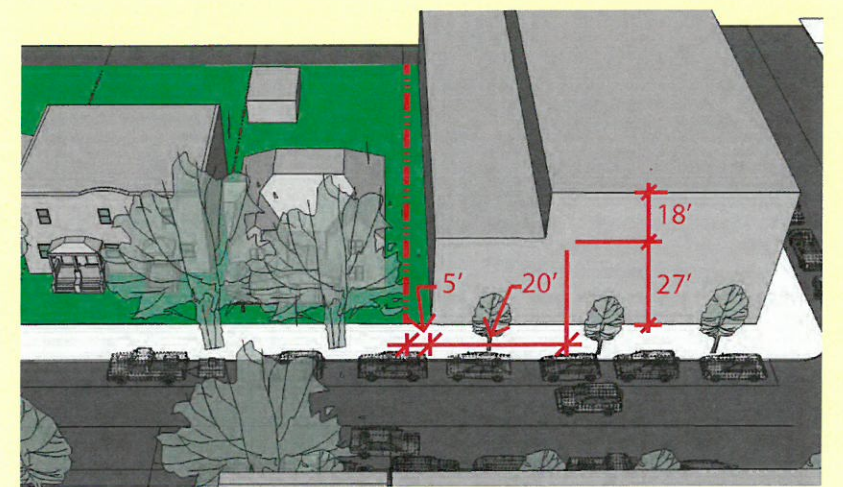
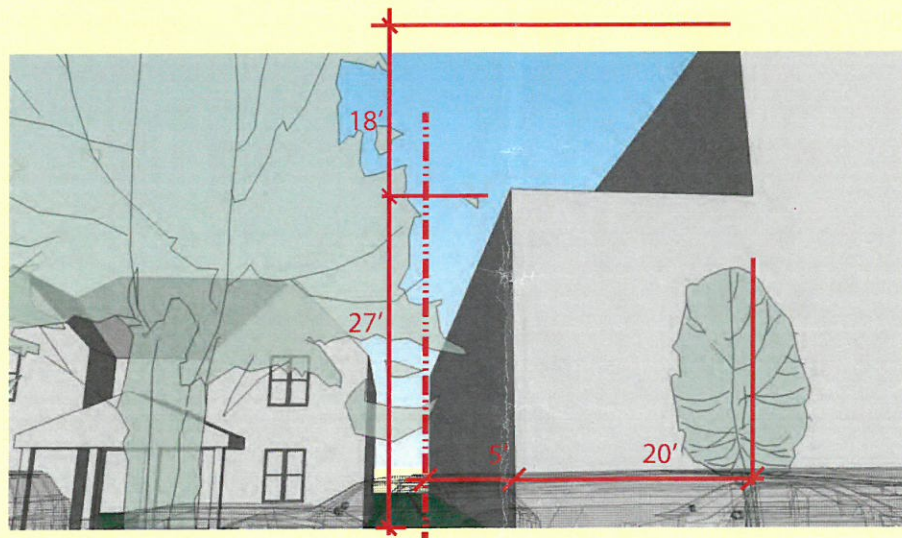
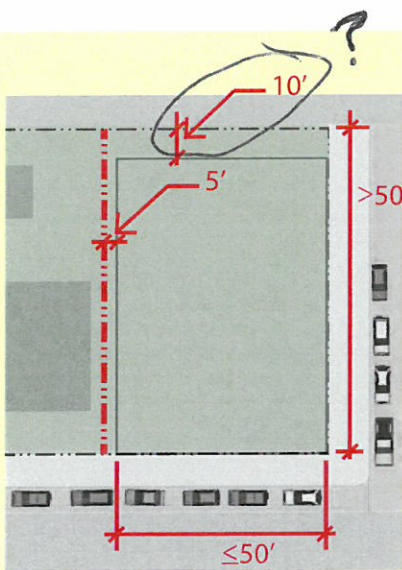
aerial



Current Zoning



Proposed Overlay





Overlay Map D
Includes the following zoning areas:

Multi-Unit 5 (G-MU-5)
G-MU-5 is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of five stories.

Mixed Use - 5 (C-MX-5)
C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.



Overlay D 5-Story Height Exception

Area:

C-MX-5 Zone District within the boundaries of the Highland neighborhood.

Existing Characteristics:

Most of Denver is located on relatively flat ground, but much of the land zoned C-MX-5 in Highland is on land that slopes up from the river valley below. Heights of buildings in mixed-use zones are not uniform. Rooftop equipment is often visible and does not exceed the height of buildings by substantial distances.

Problems:

The new zoning code now allows height exceptions that permit mechanical equipment and other rooftop structures to extend 28 feet above the roof where they would be visible from other buildings nearby.

Proposed Overlay D

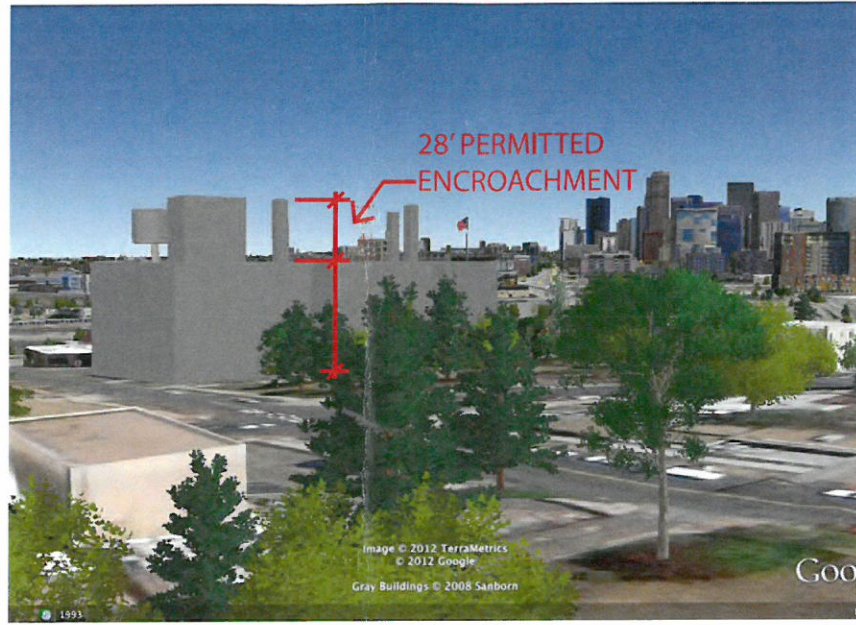
For all building forms:

Proposed Zoning Code Modifications:
(see Exhibit DII)

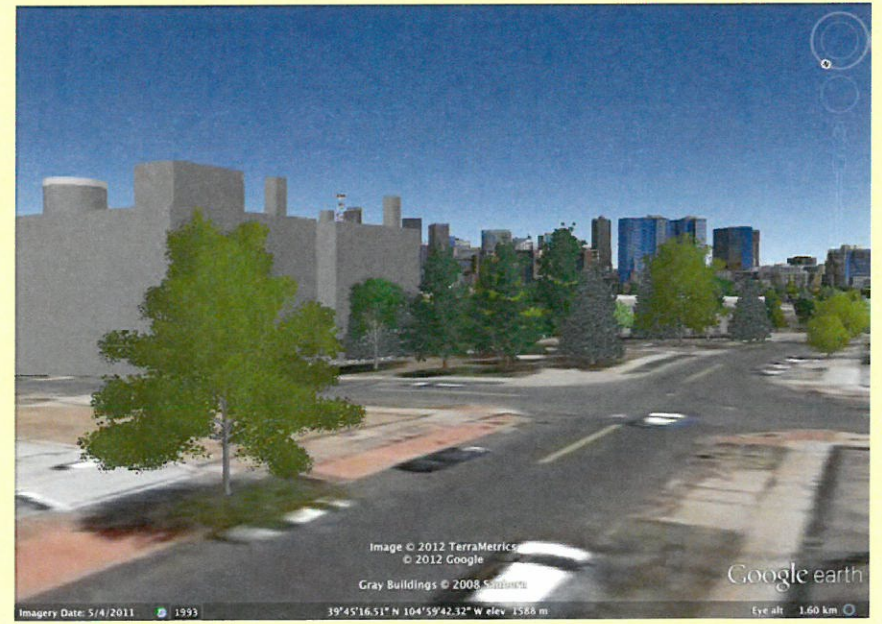
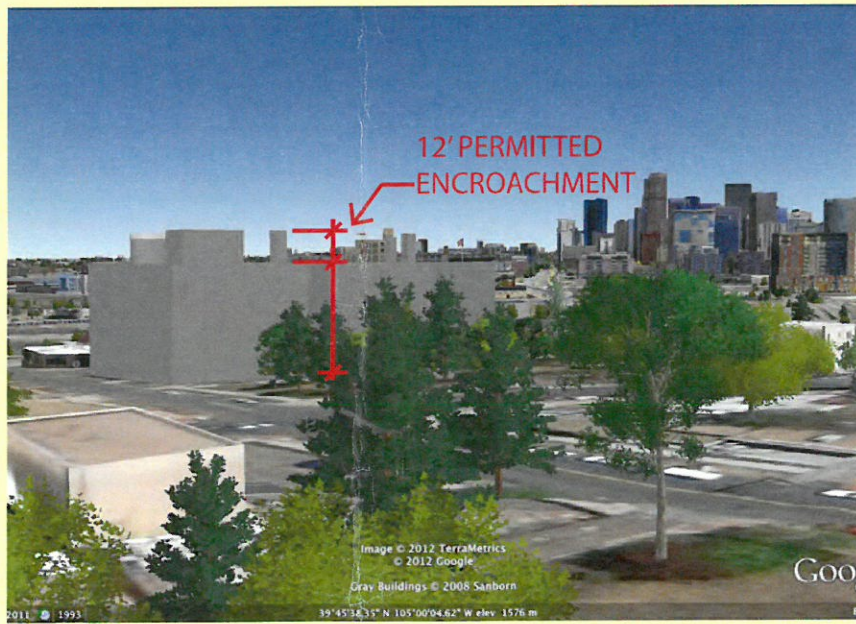
- C-MX-5 Zone District in the Highland Neighborhood:

Elevator penthouses (except those serving an elevator that provides access to an occupied roof), unoccupied shade structures, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall be limited to 12 feet in height.

Current Zoning



Proposed Overlay





Highland was platted with 25' and 50'-wide lots. A great diversity of building forms, with narrow side yard setbacks, populate these blocks.

History of these Design Overlays:

- In 2001, During the Blueprint Denver process, the Highland Neighborhood Organization became aware of the upcoming zoning code update. The Highland Planning and Community Development Committee (HUNI PCD) began working on documentation of historic conditions, and zoning language that would better match its 19th century urban fabric so that it could be incorporated into the zoning code update.
 - In the winter of 2006, University of Colorado graduate students were engaged to research and document these historic forms.
 - In April of 2006, the Highland Planning and Community Development Committee brought that research to closure with its own visual documentation of historic forms in and provided it to the city for use in the zoning code update. There were follow up meetings with city planning staff including one site visit.
 - In June 2009, the first draft of the Zoning Code update appeared to be much better matched with the late 19th century urban fabric of Highland. From June to October 2009, Highland citizens led by its Planning and Community Development Committee worked diligently to test the code and comment in writing to the city planning departments on the details of the code.
 - On November 1st, 2009, unfortunately, the Zoning Code Task Force approved a new draft of the code which reverted much of Highland back to the language of "Quick Wins II," eliminating the code improvements that Highland had worked so hard to incorporate into the zoning code update. This was in response to land use politics in other early and mid-20th century neighborhoods in Denver.
 - From November 2009 through June of 2010 the Highland Planning and Community Development Committee persisted, without success, to improve this code. We were told that after the approval of the new zoning code we could take up our problems as part of an historic overlay.
 - In the fall of 2010 we continued meeting with city staff on how to accomplish this.
 - In the spring of 2011 we were told that a "Design Overlay" would be the best way to accomplish our code improvements. The HUNI PCD worked on this zoning language from the spring of 2011 through November 2011.
 - In January 2012, a University of Colorado student intern was engaged to prepare an exhibit of the proposed zoning overlay during the spring semester of 2012.
- During 2012 and 2013, HUNI PCD tested the language for clarity, consistency, and brevity. In September of 2013, HUNI PCD invited 7 Architects who design renovations and infill projects in Highland to review the language and test it in real life situations. The purpose was to confirm that our initial goals would be realized by the language, and to eliminate "unintended consequences" that would be harmful to our goals. The comments received and the resulting dialogue confirmed that these overlays will indeed solve the problems identified. This review did reveal a couple anomalies that have now been eliminated, and several clauses were either simplified or eliminated.