

## Denver Zoning Code—Conservation Overlay Districts Guide for Neighborhoods

### Introduction

The Denver Zoning Code is organized by “neighborhood contexts”, each of which describes general arrangements of streets, lots, and buildings. The six contexts:

- Suburban (S)
- Urban Edge (E)
- Urban (U)
- General Urban (G)
- Urban Center (C)
- Downtown (D)

Each of these Contexts is organized in four sections:

1. Context—overview of the general characteristics of the context
2. Districts—listing of the allowed building forms within each of the many available zone districts
3. Design Standards—applicable siting and building placement and size requirements (typically maximums or minimums) for each building form
4. Uses and Parking—table of allowed uses (including references to limitations) and parking minimums

A seventh context, Special, includes industrial, campus, open space, master planned, and overlay districts. The code identifies three types of overlay districts—use, conservation, and design. Conservation Overlay (CO) districts are of greatest interest and applicability to residential neighborhoods and are the focus of this guide.

### Purpose

A conservation overlay district is a way to conserve or protect specific areas that have distinctive features, identity, or character that the mapped zone district does not include. A conservation overlay district takes effect through adoption of area-specific zoning standards that apply to any exterior remodel, addition, or new construction, including garages and other ancillary structures.

### What a Conservation Overlay District Does

A conservation overlay district may allow for the modification of any of the following existing zoning standards to reflect the area’s identity and character:

- Limitations on permitted uses may be modified.
- Building form standards applicable to new buildings, additions, or ancillary structures may be modified.
- Additional restrictions on building form and building or site design, such as restrictions on building materials and architectural style.
- All other development and design standards applicable to the zone district or building form.

### What It Doesn’t Do

- A conservation overlay cannot change the permitted uses in the underlying zone district.
- A conservation overlay cannot add new review procedures (such as neighborhood design review).

- A conservation overlay cannot prevent or deny demolition. (Only the Landmark Preservation Ordinance has this authority.)

### **Review Criteria**

A conservation overlay must meet one or both of the following criteria:

1. The district contains distinctive building features, such as period of construction, style, size, scale, detailing, mass, color, and material; and/or,
2. The district contains distinctive site planning, and natural features, such as lot platting, building lot coverage, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens.

The application also must meet the requirements for any zoning amendment as set out in the code:

1. Be consistent with the City's adopted plans or provide for a community need that was not anticipated at the time of the adoption of city plans;
2. Further the public health, safety, and general welfare; and
3. Result in regulations and restrictions that are uniform for each kind of building throughout the district.

### **Conservation Overlay District Examples**

Currently there are five Conservation Overlay Districts encompassing about 2,400 properties.

Neighborhoods have sought these districts to reinforce the established character of the area and/or to prevent development of structures that are allowed by zoning but inconsistent with the character of the area. The following overview summarizes the components of the five Conservation Overlay Districts to provide suggestions of the zoning provisions that may be modified:

- Hilltop Heritage Conservation Overlay (CO-1)
  - Established in 2000 and carried over from the former Chapter 59, this district retains the large lots characteristic of Hilltop by limiting lot splits.
- Curtis Park Conservation Overlay (CO-2)
  - This district allows larger accessory structures often found in historic neighborhoods and districts such as Curtis Park.
- Scottish Village Conservation Overlay (CO-3)
  - Scottish Village is a historic neighborhood with curvy streets and shallow lots. The district accommodates this with
  - Smaller side setbacks (3 feet)
  - Higher building coverage (60%)
  - Apply front 65% form standards to 100% of the lot
  - Accessory structures interior side setback eliminated
- Potter Highlands Conservation Overlay (CO-4)
  - Establishes form standards consistent with the established character of the Potter Highlands Landmark District.
  - Minimum side setback of 5 feet for lots 30-40 feet wide
  - Reduces the maximum height at the interior and street side zone lots lines to 15 feet for lots 30 feet or less and 13 feet for lots greater than 30 feet in width
  - Prohibits rooftop decks at the second story and permits rooftop decks on the 1<sup>st</sup> story at the front
  - Lowers the angle of the bulk plane and allows dormers to project into the bulk plane
  - Allows 2-unit dwellings in place prior to July 10, 2015 to be reconstructed
  - Accessory dwelling unit interior side setback eliminated
- Krisana Park Conservation Overlay (CO-5)

- Establishes building form standards consistent with the California Ranch House character of this area.
- Splits the front and rear halves at 50%
- Maximum height of 1.5 stories
- Larger minimum rear setback of 15 feet (no alley)
- Prohibits rooftop decks

### **Suggested Neighborhood Process**

- Study the site and building form provisions of all the zone districts in the area of concern
- Research the area to identify distinctive features, identity or character worthy of retention and enhancement
- Identify provisions that allow structure that are out of place in the area; use newly constructed buildings as examples of what is appropriate or not
- Determine that a potential application meets the criteria
- Meet with your neighbors to describe the potential overlay and its effect on property owners
- Prepare statement of purpose, explanation of how the proposed conservation overlay meets the criteria, and description of the neighborhood outreach.

### **Process to Establish a Conservation Overlay**

- Who: Typically, a Denver City Council member initiates a request to establish a conservation overlay; a city agency or department may also request one. A private individual or group cannot initiate a conservation overlay.
- How: A conservation overlay is both a text amendment to the Denver Zoning Code to create the overlay zone district, and a map amendment to the zoning map to apply the district to a geographic area. The adoption process ending in City Council action is typically six months, though most conservation overlays result from more than a year of research, planning, neighborhood meetings, and community feedback before the public adoption process begins. Typical steps include:
  - Pre-application meeting with CPD
  - Submission of a formal request for the conservation overlay
  - Staff review, analysis, and drafting of ordinance
  - Planning Board public hearing
  - Denver City Council Committee meeting
  - Denver City Council public hearing and action on proposed ordinance
- Public notice requirements are those of any zoning amendment: Public notices to registered neighborhood organizations and city councilmembers keep stakeholders informed four times during the conservation overlay adoption process. Posted signs in the affected area provide public notice of the two public hearings.