

Conservation Overlays Tool Overview for South City Park - Council District 10

Nov 15, 2023

Presentation

“Desire to hear about overlays and how to use them”

- Presentation focus on conservation overlays
- What they are and where they fit in
- How they work
- Case Study: The CO-6 Bungalow Conservation Overlay,

What's a Conservation Overlay?

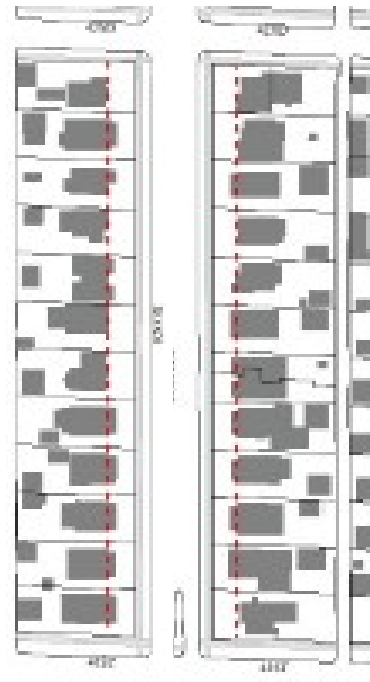
Establishes specific zoning tools that encourage conservation of existing distinctive features, identity, or character of a neighborhood

- Approx. 3,000 properties are located within one of eight existing conservation overlays

But first: What is “neighborhood character?”

- Siting patterns (setbacks, yards, garage location)
- Streetscape character
- Shape, size, volume and form of buildings
- Features (porches, materials, etc.)

‘Character’ relates to physical design features, not who lives in a neighborhood



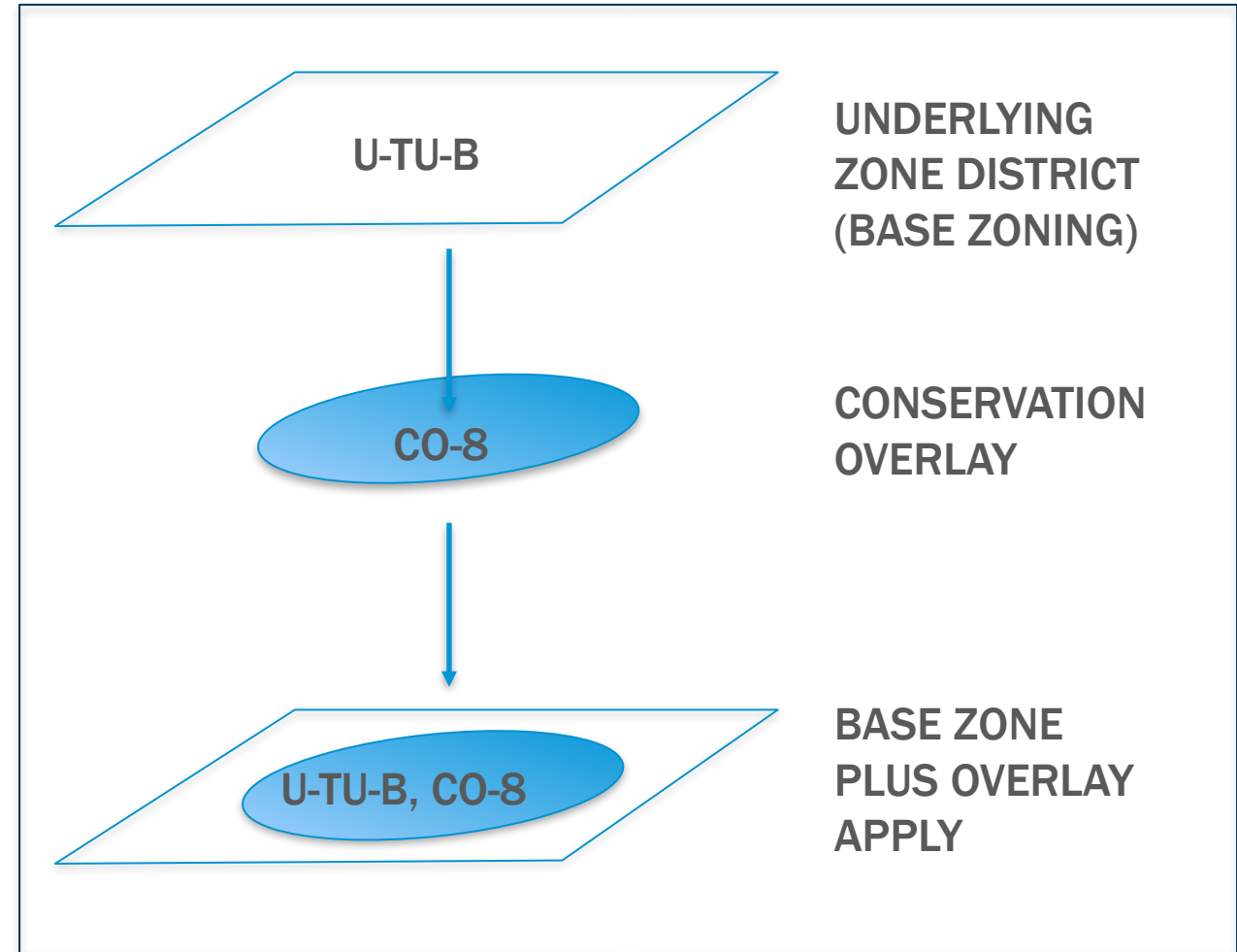
Related Issues as neighborhoods change

- Out of scale development
- Incompatible forms or materials
- Interruption of streetscape character/continuity



How does a conservation overlay work?

- May add or modify the **zoning standards** of the underlying zone district
- Baseline regulations stay in place
- Where there's a difference, overlay applies
- **Cannot** modify permitted uses allowed in the zone district



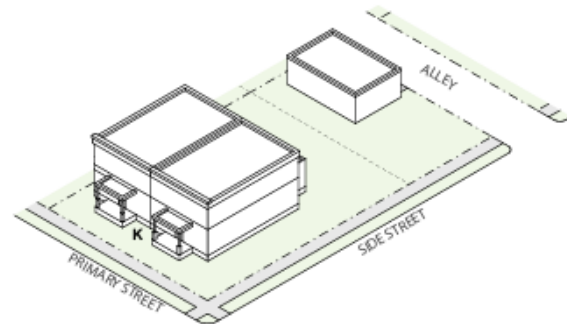
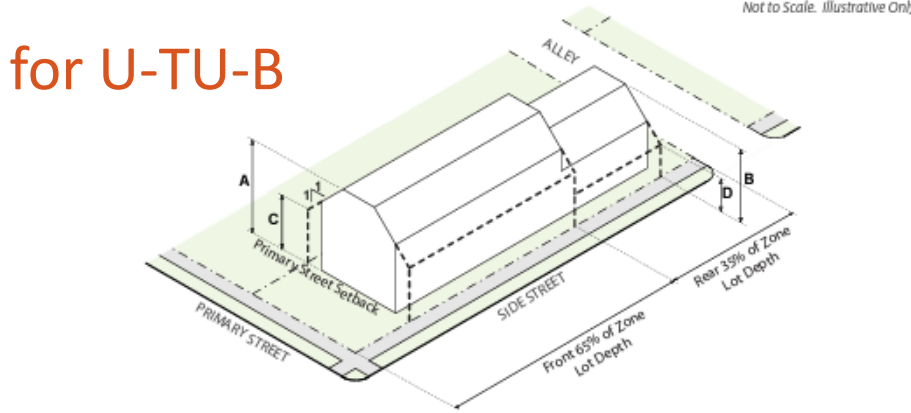
Current base zoning for U-TU-B

Urban (U-) Neighborhood Context Zone Districts		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures per Zone Lot		1*	1*	1*	2	No Maximum							
RESIDENTIAL ZONE DISTRICTS													
Single Unit (SU)	U-SU-A, -B, -C, -E, -H		■										
	U-SU-A1, B1, C1, E1, H1		■										
	U-SU-A2, -B2, -C2		■	□	□								
Two Unit (TU)	U-TU-B, -C		■	■	■								
	U-TU-B2		■	■	■	□							
Row House (RH)	U-RH-2.5		■	■	■	■							
	U-RH-3A		■	■	■	■			□				
COMMERCIAL MIXED USE ZONE DISTRICTS													
Residential Mixed Use (RX)	U-RX-3, -5							■				■	
Mixed Use (MX)	U-MX-2x							■				■	■
	U-MX-2, -3							■		□	□	■	■
Main Street (MS)	U-MS-2x							■					■
	U-MS-2, -3, -5							■		□	□		■

■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

B. Duplex

Current base zoning for U-TU-B



DUPLEX

	U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B	U-TU-C	U-RH-2.5	U-RH-3A
HEIGHT							
Stories, front 65% / rear 35% of zone lot depth (max)	2.5/1	2.5/1	2.5/1	2.5/1	2.5/1	2.5/1	2.5/1
A/B Feet, front 65% / rear 35% of lot depth (max)	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'
Feet, front 65% of zone lot depth, permitted height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'						
Feet, rear 35% of zone lot depth, permitted height increase	1' for every 3' increase in side setback up to a maximum height of 19'						
C/D Bulk Plane Vertical Height at Side interior and Side street zone lot line in front 65% / rear 35% of zone lot depth	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'
Bulk Plane Slope from Side interior and Side Street zone lot line	45°	45°	45°	45°	45°	45°	45°
SITING							
ZONE LOT							
E Zone Lot Size (min)	3,000 sf	4,500 sf	5,500 sf	4,500 sf	5,500 sf	4,500 sf	4,500 sf
E Zone Lot Width (min)	25'	35'	50'	35'	50'	35'	35'
U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts							
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH	30' or Less	Greater than 30' and up to 40'	Greater than 40' and less than 75'	75' or Greater			
F Primary Street, block sensitive setback required	yes	yes	yes	yes			
F Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'			
G Side Street (min)	3'	5'	5'	5'			
H Side Interior (min)	3'	3' min one side/ 10' min combined	5'	10'			
I Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'			
Building Coverage per Zone Lot, including all accessory structures (max)	50%	37.5%	37.5%	37.5%			
PARKING BY ZONE LOT WIDTH							
Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	33%	50%			
Vehicle Access	From Alley; or Street access allowed when no Alley present (See Section 5.3.7.6)						
J DETACHED ACCESSORY STRUCTURES	See Sec. 5.3.4						
DESIGN ELEMENTS							
BUILDING CONFIGURATION							
Attached Garage Allowed	(1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form standards Side Street, Side Interior and Rear setbacks						
Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max)	35% of the entire width of the Primary Street facing facade of the dwelling primary structure or 16', whichever is greater						
Rooftop and/or Second Story Decks	See Section 5.3.5.2						
Upper Story Stepback, for any portion of building with Low-slope Roof, above 25': Primary Street (min)	10'	10'	10'	10'	10'	10'	10'
STREET LEVEL ACTIVATION							
K Pedestrian Access, Primary Street	Entry Feature						
USES	U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts						
Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 5.4 Uses and Parking							

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

Current base zoning for U-TU-B

Article 5. Urban Neighborhood Context
Division 5.3 Design Standards

DUPLEX		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
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SITING							
ZONE LOT							
	Zone Lot Size (min)	3,000 sf	4,500 sf	5,500 sf	4,500 sf	5,500 sf	4,500 sf
E	Zone Lot Width (min)	25'	35'	50'	35'	50'	35'
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts					
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	Building Coverage per Zone Lot, including all accessory structures (max)	50%	37.5%	37.5%	37.5%		
PARKING BY ZONE LOT WIDTH							
	Parking and Drive Lot Coverage in Primary Street						

Base zoning does not regulate style:



Where do conservation overlays fit in?

Standard Zoning

Changes the fundamental rules and procedures that apply to construction and use of property

Conservation Overlay

Establishes specific zoning tools that encourage **conservation** of the existing distinctive features, identity, or architectural character of a neighborhood

Historic District

Establishes a design review process to ensure new buildings and significant changes to existing buildings **preserve the historic character** of a neighborhood

What can each tool do?

Standard Zoning

- Changes the permitted uses in the zone district
- Changes the standards that apply to construction including building form and site design

Conservation Overlay

- Modify limitations on permitted uses
- Modify building form and design standards
- May include new restrictions on building form, site design, materials and architectural style (note: arch. style not currently used)

Historic District

- Properties are designated “as is”
- Designated properties are subject to design review under *Design Guidelines for Denver Landmark Structures and Districts*
- Discourages demolition
- Makes property eligible for State tax credits

What can each tool **not** do?

Standard Zoning

- Prevent demolition
- Approve a site-specific development plan

Conservation Overlay

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

Historic District

- Change the permitted uses in the underlying zone district
- Implement zoning requirements, such as a specific height limit
- Require design review for work on interiors, exterior paint colors, or general maintenance

What's the criteria for using each tool?

Standard Zoning

- Be consistent with adopted plans
- Uniformity of regulations
- Health, safety, welfare

AND (in most cases)

- Be justified by a circumstance such as a physical feature or a change in the area
- Be consistent with the intent of the neighborhood context and zone district

Conservation Overlay

- Contain distinctive building features; and/or
- Contain distinctive site planning and natural features

AND

- Be consistent with adopted plans
- Uniformity of regulations
- Health, safety, welfare

Historic District

- Maintain its historic and physical integrity

AND

- Meet two of the following three designation criteria:

1. History
2. Architecture
3. Geography

AND

- Relate to a historic context or theme

Who Can Initiate the Formal Process?

	Historic District	Conservation Overlay	Design Overlay	Rezoning (Map Amendment)
City Council	✓	✓	✓	✓
Executive Director of CPD	✓	✓	✓	✓
Other City agencies	✓	✓	✓	
Property owner within the area	✓			✓ must own 51% + of the area
3 persons who live or own a business in Denver	✓			

Typical timeline for conservation overlays

- 1-2 Years to solidify a Conservation Overlay framework
- 1 year to draft technical overlay language and adopt
- Timeline factors:
 - Degree of neighborhood agreement/disagreement
 - Size of area
 - Number of issues to address/level of complexity
 - Access to professional resources (neighborhood practitioners, consultants, etc.)
 - Availability of Council and CPD staff

Case Study: Bungalow Conservation Overlay



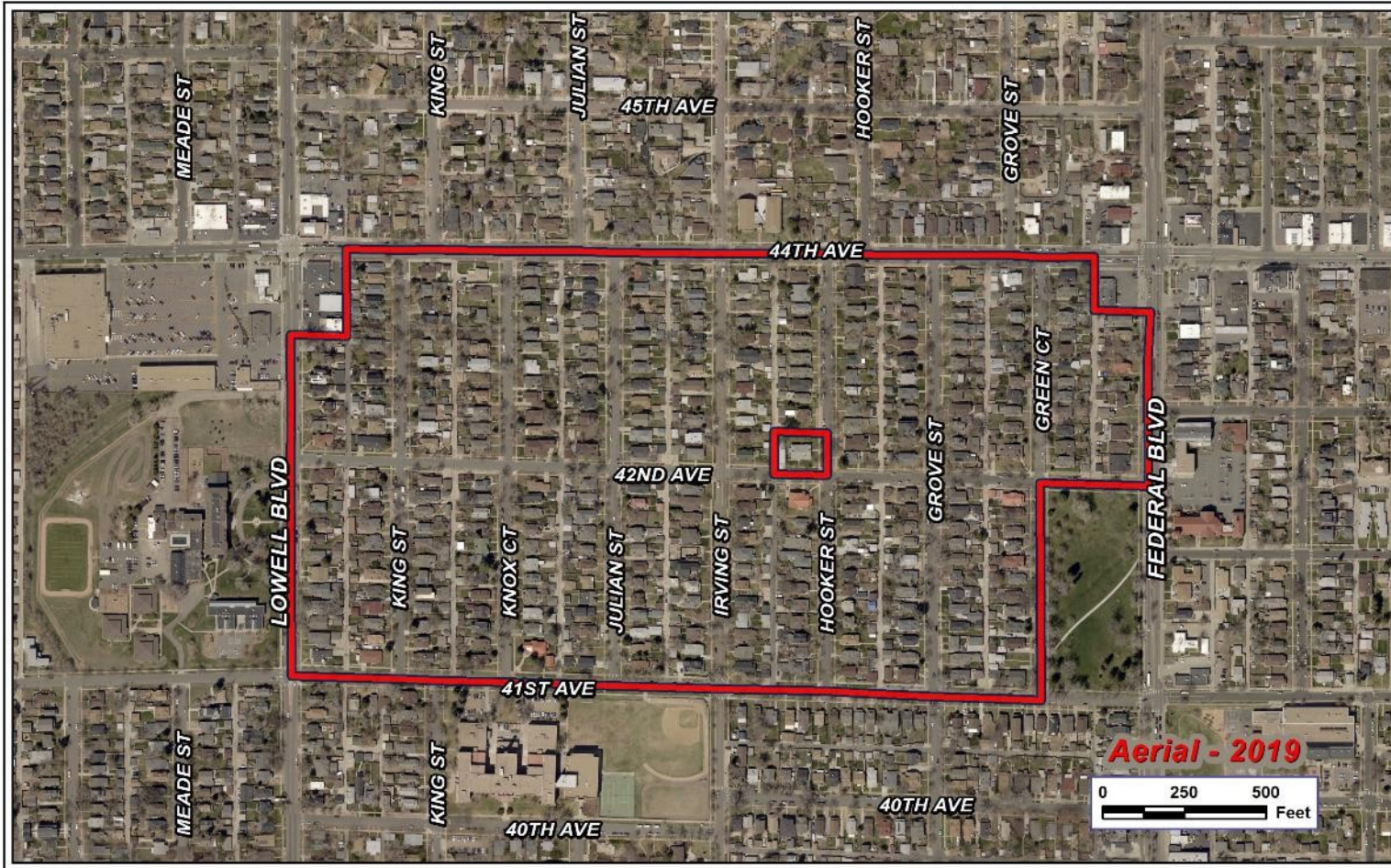
How it began

- RNO identified a threat of incompatible development
- Branched off from work that was ongoing by Berkeley Regis United Neighbors
- Reached out to their council representative
- Established a neighborhood task force to investigate and explore issues and potential solutions



Case Study: Bungalow Conservation Overlay

- 353 properties
- Approximately 73 acres



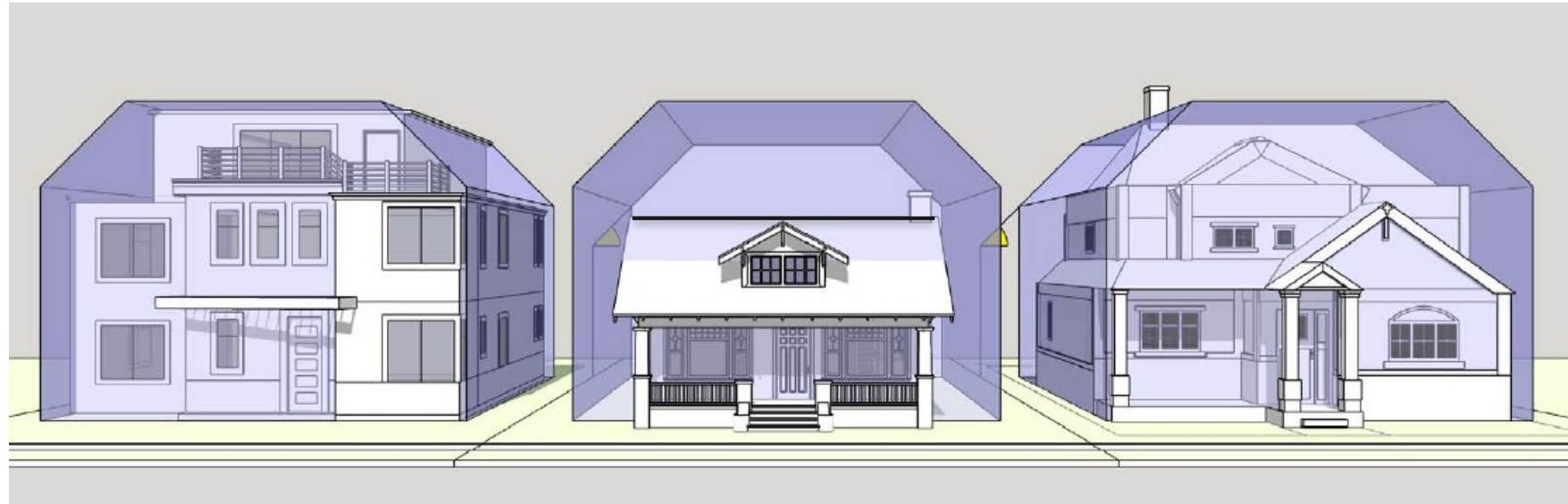
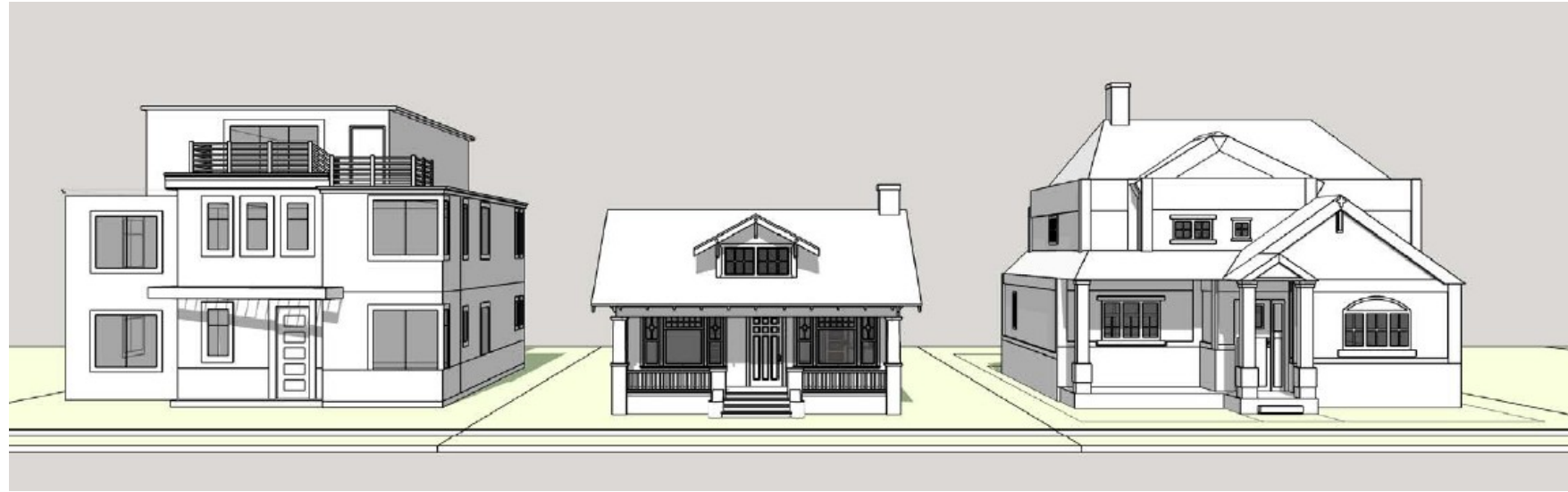
Key Neighborhood Characteristics

- 1- to 2-story
- Pitched roofs
- Modest footprints/home sizes
- Rhythm of traditional front porches
- Raised foundations/basements
- Generous side setbacks



Compatibility Concerns

- Scale and massing
- Siting/building width
- Street relationship/rhythm
- Impact of upper level outdoor spaces



Conservation Overlay Objectives

- Ensure development is compatible in scale and massing with existing context
- Reflect prevailing side setback patterns
- Maintain a rhythm of one-story elements along the street
- Mitigate impacts of upper-level outdoor space on adjacent properties
- Maintain design flexibility



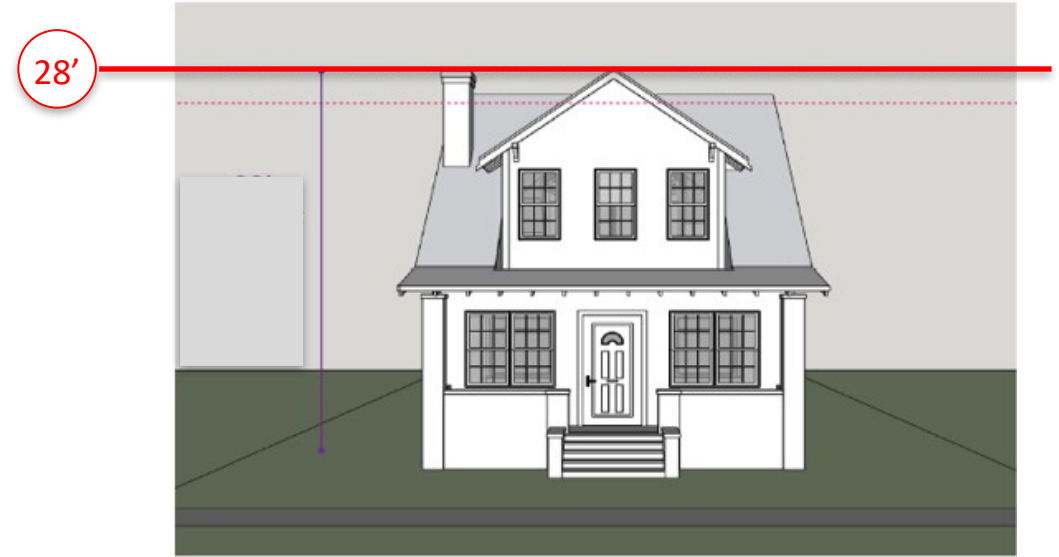
Example Conservation Overlay Elements **SCALE and MASSING**

Reducing the maximum building height by feet or stories.

28' for pitched roofs

22' for low-slope roofs

Base zoning: 30' and 2.5 stories



Example Conservation Overlay Elements

SCALE and MASSING

Requiring the street level floor to be raised by a min of 12”

Base zoning: no requirement



Allowed



Allowed



Not Allowed

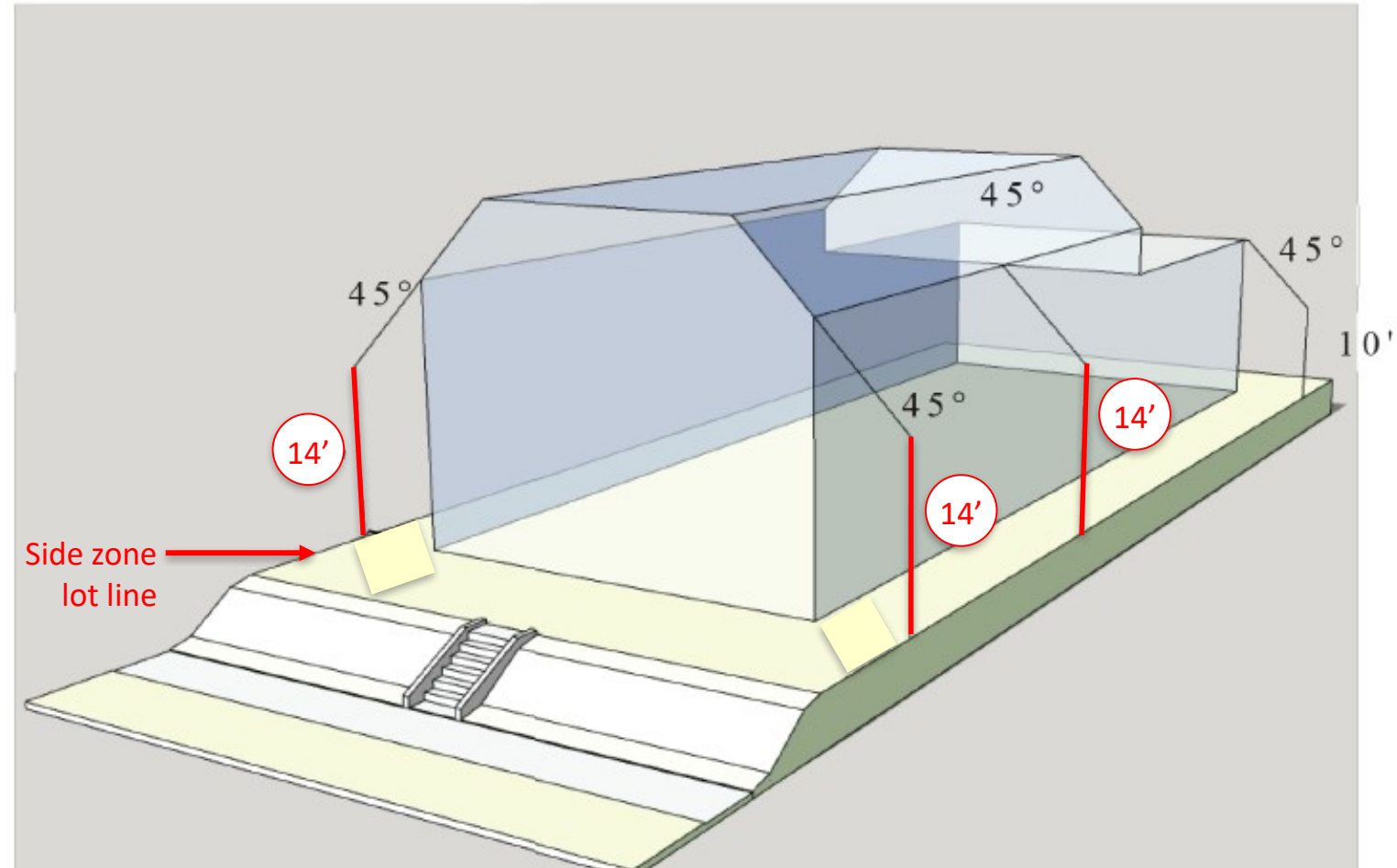
Example Conservation Overlay

Elements SCALE and MASSING

Modifying the “Bulk Plane”

**14’ bulk plane
starting point**

Base zoning: 17’



Bulk Plane (proposed dimensions)

Example Conservation Overlay Elements

SCALE and MASSING

Setting a maximum square footage

3,000sf max for lots

<7,000sf

Base zoning: No maximum sf



Example Conservation Overlay Elements

STREET RELATIONSHIP

Requiring front porches



Example Conservation Overlay Elements

STREET RELATIONSHIPS

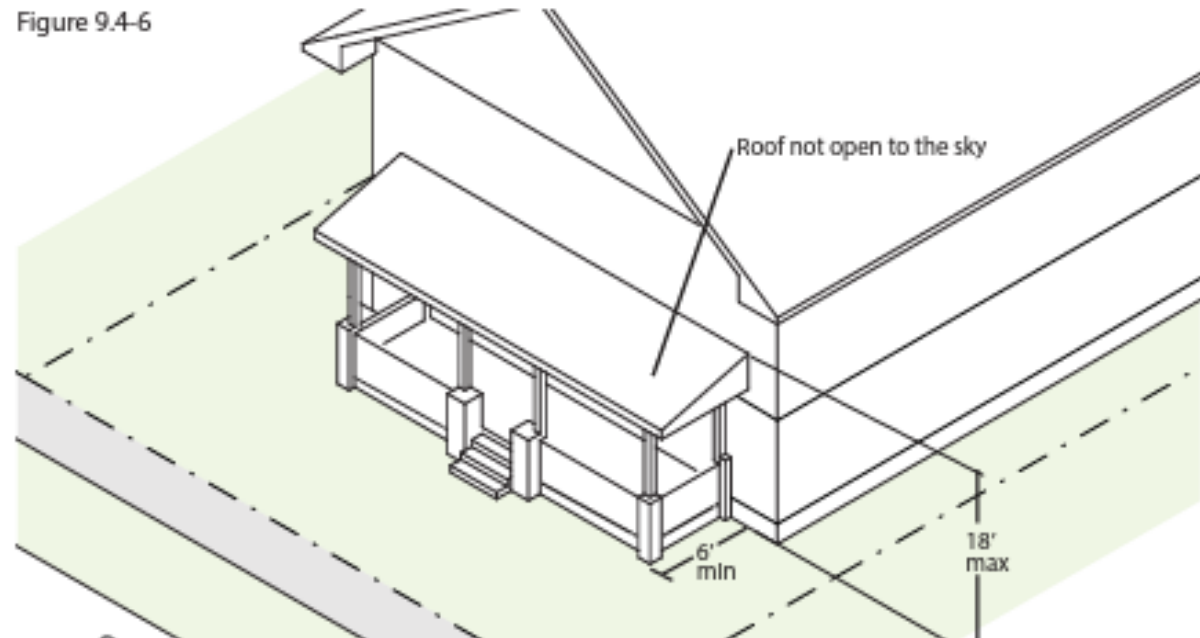
Requiring front porches
of a certain size/location

- minimum area of 48sf
- minimum depth of 6' must be covered
- roof must be covered
- max height of 18'

1. Pedestrian Access, Primary Street

- One Unenclosed Porch is required.
- At least one Unenclosed Porch or a portion of an Unenclosed Porch shall:
 - Be located between the Primary Street Zone Lot Line and the Primary Street-facing façade of the Primary Structure;
 - Have an upper walking surface with a minimum area of 48 square feet, including posts, railings, walls or other structural features, but excluding any above grade stairways at the Street Level connected to an Unenclosed Porch;
 - Have an upper walking surface a minimum depth of 6 feet as measured perpendicular to the Primary Street Zone Lot Line from the exterior face of the Primary Street-facing façade to the furthest edge of the Unenclosed Porch including posts, railings, walls and other structural features, but excluding the depth of any above grade stairways at the Street Level connected to an Unenclosed Porch (See Figure 9.4-6);
 - Not be located below a Story;
 - Have a maximum height of 18 feet as measured from the Front Base Plane to the highest point of the Unenclosed Porch. (See Figure 9.4-6);
 - Have an upper walking surface entirely covered by a Roof that is not open to the sky (See Figure 9.4-6); and
 - Not abut more than two Exterior Walls.

Figure 9.4-6



Example Conservation Overlay Elements

Exterior wall cladding

Requiring brick

60% of front facade

60% of side street

facade

40% of side interior

2. Exterior Wall Cladding

a. Applicability

i. New Primary Structures

This Section 9.4.3.12.E.2 applies to Development of a new Primary Structure. This section does not apply to an Alteration, expansion, or repair of an existing Primary Structure.

ii. Exterior Walls in the Front of a Zone Lot

This Section 9.4.3.12.E.2 applies to Exterior Walls in the front 65% of Zone Lot Depth.

iii. Street Level and Above

This Section 9.4.3.12.E.2 applies to Exterior Walls above the upper surface of the floor of the Street Level Story.

b. Design Standard

A minimum percentage of the surface area of Exterior Wall(s), excluding fenestration (windows and doors), shall be clad with with a minimum amount of Brick as indicated below (see Figures 9.4-7 and 9.4-8):

i. Primary Street Zone Lot Line Facing Exterior Walls: 60%

ii. Side Street Zone Lot Line Facing Exterior Walls: 60%

iii. Side Interior Zone Lot Line Facing Exterior Walls: 40%

iv. Rear Zone Lot Line Facing Exterior Walls: No requirement

South City Park

- Front Porches (parameters that include size, roof cover, elevation, unenclosed, etc.)
- Setbacks (front and side)
- Roof Styling (including how it pertains to the bulk plane)
- Building materials (brick cladding)



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