



**2009
Executive
Committee
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Mission
INC believes
neighborhood
organizations
deserve a greater
role in participating
in city
government, as
well as a shared
vision that
neighborhoods are
stronger when
they work together
and learn from one
another.

*31 Years of
Service, and
counting*

October 21, 2009

Peter Park, Manager
Community Planning and Development
City and County of Denver
201 West Colfax Avenue
Denver, CO 80202

Dear Mr. Park,

At the INC Delegation meeting on October 10, 2009, submission of the following **comments regarding the proposed zoning code and map** was approved by the Delegates with a vote of 20 in favor, 0 opposed, and 0 abstentions.

Inter-Neighborhood Cooperation (INC), an association of 80 registered Denver neighborhood organizations, understands the importance and the great complexity of the new zoning code and new zoning map and appreciates the opportunity for INC, other neighborhood representatives, and other citizens to be involved. INC particularly commends the very hard work of the Community Planning and Development Department, the Zoning Code Task Force, Planning Board, and City Council in this very difficult task. However, **INC wishes to make the following general comments. INC also encourages CPD, the Planning Board and City Council to consider carefully all of the thoughtful comments** made by individual RNOs and individual citizens about concerns in specific neighborhoods.

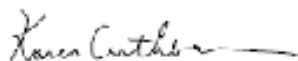
1. In stable residential neighborhoods, **height and density** and character of new structures must be compatible with the predominant character of the neighborhood. The **draft zoning map proposes too much height and density in some stable neighborhoods** and the building forms in some districts do not allow the traditional heights of older, larger residences to be achieved in new residences.
2. **Solar access** is an important Denver value. **The new zoning code should recognize the importance of both passive and active solar access.** The new building forms should encourage preservation of solar access for residences in stable residential neighborhoods. INC recommends that the new limits for building wall and roof heights should improve the solar access conditions over that which exists in the current code.
3. Registered neighborhood organizations must receive **adequate notice** (at least 30 days) of proposed re-zonings, administrative reviews, variances, etc. **The current draft, which provides for RNOs to receive a copy of an applicant's second submission of a re-zoning application, is much better than the current practice.**
4. Zoning for **historic districts** should match existing structures and not give the impression that higher and larger structures will be allowed and encouraged.
5. Construction of **new single-unit and duplex forms** should be allowed in General Urban, Mixed-Use, and Main Street Districts.
6. **Accessory dwelling units should only be allowed where the form will fit the character of a neighborhood** and where neighborhood organizations desire them. ADUs should have off-street parking requirements.

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7. **Parks and parkways** are extremely important to Denver citizens and neighborhoods. INC agrees that there should be a new zone district established in the zoning code specifically for public parks and parkways (OSA). Regarding the new OSA zone district, however, **INC strongly believes that control of zoning in parks should not be removed from elected City Council representatives** (where it now resides as required by the City Charter) and given to the Parks and Recreation Department. Citizens must have an opportunity for: 1) meaningful involvement and comment about new structures and uses in parks and 2) a public hearing and decision-making on zoning issues in parks by elected officials.
8. The needs of neighborhood residents for on-street and off-street **parking** must be carefully balanced with the needs of nearby businesses. In some neighborhoods adjacent to business areas, residents are severely impacted by insufficient parking.
9. **Open space** is an important Denver value. **The new code omits the concept of open space.** Open space requirements should be preserved and should be more clearly explained in the code.
10. There must be adequate front, side and rear **setbacks** in stable residential neighborhoods. Front setbacks are a major defining characteristic of blocks and new structures should be required to conform to the existing setback character of a block.
11. **Vegetation should be maintained in a living state.** Section 10.4.1 of the draft code requires developments to maintain plant material (including pruning, weed control, watering, replacing dead material, etc.), but there is nothing that holds residential homeowners to the same standard.
12. **The public and RNOs must be involved in reviewing campus district plans** before they are reviewed by the Planning Board. The code should be improved to clarify that timely notice must be given to RNOs. In addition, new buildings on the edges of campus districts must transition to the heights of adjacent residential districts.
13. **Transitions** between residential neighborhoods and businesses must be sensitively regulated, regarding the height and form of structures and also the environmental impacts, such as placement of dumpsters, speakers, noisy generators, glare, lighting etc.
14. **Outdoor patios** for eating and/or drinking places **within 50 feet of any residential district should be required to obtain an exception** from the Board of Adjustment Zoning in order to address noise and other issues that impact nearby residents.
15. **The new code does not sufficiently address the presence and potential expansion of non-conforming business uses in residential zones** to protect neighboring residences. The current noise, parking and patio provisions are insufficient. Existing zoning decisions that address specific situations should be enforced. Any change to a non-conforming business use in a residential zone should be presented to the Board of Adjustment Zoning for review.
16. The **Main Street 2 zone district does not sufficiently protect adjacent residential areas** from adverse impacts.
17. Currently **illegal uses** (not including legal grandfathered uses) **should not be legalized by new zoning code.**
18. The city must commit adequate resources to **enforcement** of the new code.
19. **All comments from the public** about the new zoning code and zoning map and the city's responses to those comments **should be made available promptly** for the public to review in an easily accessible manner.
20. The public and RNOs must have **adequate time to review and comment** on draft #3 of the code and map before the final draft is presented for adoption.

Thank you,



Karen Cuthbertson
Chair - Inter-Neighborhood Cooperation

cc: Tina Axelrad and Caryn Wenzara, CPD
The Zoning Code Task Force c/o Diane Barrett and Steve Kaplan
Denver City Council
Planning Board members c/o Ellen Ittelson

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