

**Page Replacement Packet for DZC Text Amendment 10  
Krisana Park Conservation Overlay  
(November 25, 2016)**

Remove old pages	Insert new pages	Notes
a. Cover (i and ii) b. Article 9, TOC-i to TOC-ii c. Article 9, 9.4-3 to 9.4-4 d. Article 9, 9.4-9 to 9.4-34 e. n/a	a. Cover (i and ii) b. Article 9, TOC-i to TOC-ii c. Article 9, 9.4-3 to 9.4-4 d. Article 9, 9.4-9 to 9.4-34 e. Article 9, 9.4-35 to 9.4-36	a. Page for page replacement b. Page for page replacement c. Page for page replacement d. Page for page replacement e. Insert new pages

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# **DENVER ZONING CODE**

**Effective Date  
June 25, 2010**

**Restated in its Entirety on July 6, 2015**

**As Amended Through November 25, 2016**

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**3. All Other Design Standards**

All other development and design standards applicable to new development in the underlying zone district may be modified.

**9.4.3.4 Conservation Overlay Districts Established**

The following conservation overlay zone districts are established:

CONSERVATION OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Hilltop Heritage Conservation Overlay District	CO-1
Curtis Park Conservation Overlay District	CO-2
Scottish Village Conservation Overlay District	CO-3
Potter Highlands Conservation Overlay District	CO-4
Krisana Park Conservation Overlay District	CO-5

**9.4.3.5 Effect of Approval**

**A. Zoning Map Designator**

Each Conservation Overlay District shall be shown on the official map by an “CO-#” designator and an appropriate number placed after the underlying zone district designation.

**B. Limitation on Permit Issuance**

No zoning permit for development or for a use within a Conservation Overlay District shall be issued by Community Planning and Development unless the development or use meets the standards set forth in the adopted Conservation Overlay District.

**9.4.3.6 Hilltop Heritage Conservation Overlay District (CO-1)**

**A. Creation**

There is hereby created a conservation overlay zone district designated as Hilltop Heritage Conservation Overlay District CO-1.

**B. Limitation on the Establishment of Zone Lots in the Overlay District**

Any zone lots in this overlay zone district that existed on July 21, 2000, may be amended or subdivided only if each of the zone lots that are created or result therefrom is not less than 75 feet wide at any street (Side Street or Primary Street) setback line for structures and are not less than 9,300 square feet in lot size.

**C. Exceptions Inapplicable**

The exceptions from zone lot width and area requirements for zone lots in Section 1.2.3.3, Flag Zone Lots, shall not apply in this overlay zone district, provided however, zone lots containing at least 27,900 square feet existing on March 7, 2000, may be amended into zone lots in compliance with the zone lot width reduction for flag lots contained in Section 1.2.3.3, Flag Zone Lots, if the resultant zone lots contain at least 9,300 square feet.

**9.4.3.7 Curtis Park Conservation Overlay District (CO-2)**

**A. Creation**

There is hereby created a Conservation Overlay District designated as the Curtis Park Conservation Overlay District.

**B. Intent**

Accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.

**C. Applicability**

This Curtis Park Conservation Overlay District shall apply only to zone lots zoned to an -RH zone district.

**D. Building Form Standards for Zone Lots with a Historic Structure**

For any zone lot occupied by a historic structure, as “historic structure” is defined in Article 13, Rule of Measurements and Definitions, development of a detached accessory structure is allowed subject to the following allowances and conditions:

1. The structure may comply with the U-RH-2.5 Detached Garage building form standards and exceed the maximum building coverage; and
2. The structure may comply with the U-RH-2.5 Detached Accessory Dwelling Unit building form standards and:
  - a. May exceed the maximum building coverage,
  - b. Shall be exempt from the bulk plane, and
  - c. May exceed the maximum height in stories not to exceed two stories.
3. The structure shall be located in the rear one-half of the zone lot; and
4. The design and location of the building shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

**E. Building Form Standards for Zone Lots without a Historic Structure**

For zone lots not occupied by a historic structure, development of a detached accessory structure is allowed using the U-RH-2.5 Detached Accessory Dwelling Unit building form, subject to the following allowances and conditions:

1. The structure shall be exempt from the bulk plane,
2. The structure may exceed the maximum height in stories not to exceed two stories,
3. The structure shall be located in the rear one-half of the zone lot, and
4. The design and location of the structure shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

**9.4.3.8 Scottish Village Conservation Overlay (CO-3)**

**A. Creation**

There is hereby created a Conservation Overlay District designated as the Scottish Village Conservation Overlay (CO-3).

**B. Intent**

To allow setback, building coverage, and lot depth building form standards that are consistent with the character of the Scottish Village.

**C. Applicability**

This Scottish Village Conservation Overlay shall apply only to those areas designated as CO-3 on the Official Zone Map.

**D. Primary Building Form Standards Applicable to Urban House, Duplex and Tandem House Building Forms Only**

**1. Side Interior Setback**

The minimum side interior setback shall be 3 feet.

**2. Building Coverage**

- a. Building coverage maximum per zone lot shall be 60%.
- b. An exemption from the maximum building coverage shall not be given for a portion of the zone lot area occupied by a Detached Accessory Dwelling Unit or a Detached Garage form.



**2. Zone Lot Standards**

**a. Zone Lot Size**

The minimum zone lot size shall be 5,500 square feet.

**b. Zone Lot Width**

The minimum zone lot width shall be 50 feet.

**F. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only**

**1. Side Interior Setbacks**

a. The minimum side interior setback shall be 0 (zero) feet.

b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

**9.4.3.10 Krisana Park Conservation Overlay (CO-5)**

**A. Creation**

There is hereby created a Conservation Overlay District designated as the Krisana Park Conservation Overlay District.

**B. Intent**

The intent of the Krisana Park Conservation Overlay District is to apply additional building form standards that are consistent with the established character of the Krisana Park neighborhood, while allowing some flexibility consistent with the overall character. The established character of the neighborhood includes single-story or split-level single family houses with low-pitched roof-line profiles and a strong horizontal emphasis, without rooftop decks. Additions are intended to be compatible in scale and proportion with original buildings.



**C. Applicability**

This Krisana Park Conservation Overlay District shall apply only to those areas designated as CO-5 on the Official Zone Map.

**D. Rule of Measurement for Two Base Planes**

**1. Front Base Plane**

The Front Base Plane shall be the base for measuring height in the front 50% of the Zone Lot Depth.

**2. Rear Base Plane**

The Rear Base Plane shall be the base for measuring height in the rear 50% of the Zone Lot Depth.

**E. Primary Building Form Standards Applicable to Suburban House Building Form**

**1. Height in Stories**

The maximum height in stories shall be 1.5 stories.

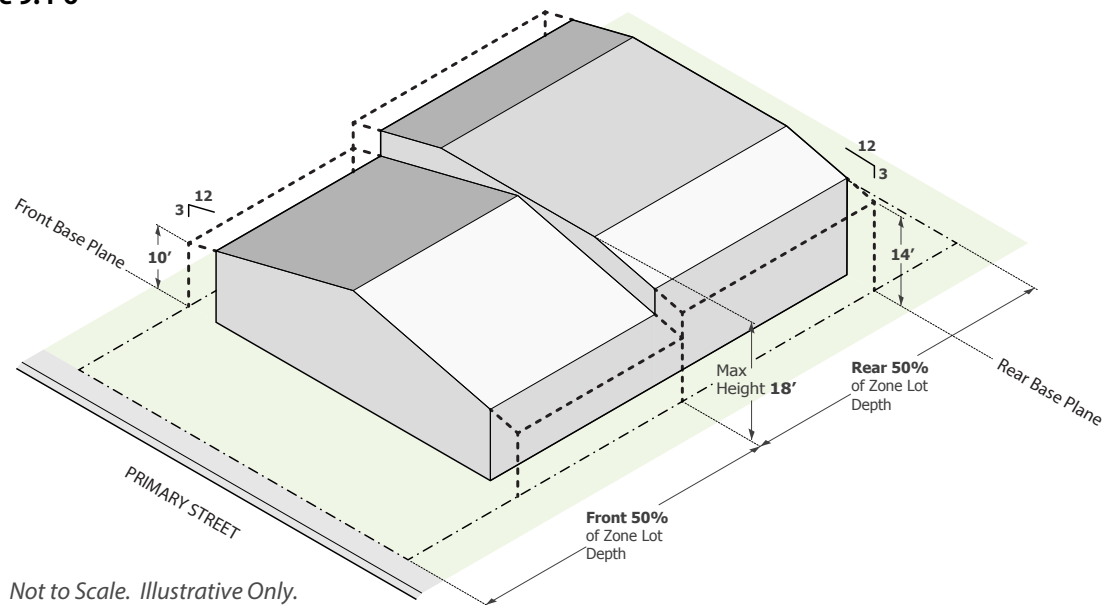
**2. Height in Feet**

- a. The maximum height in feet shall be 18 feet. See Figure 9.4-6.
- b. There shall be no permitted height increase for lot width over 50’.

**3. Bulk Plane**

- a. In the front 50% of the zone lot depth:
  - i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 10 feet.
  - ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).See Figure 9.4-6.
- b. In the rear 50% of the zone lot depth:
  - i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 14 feet.
  - ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).See Figure 9.4-6.

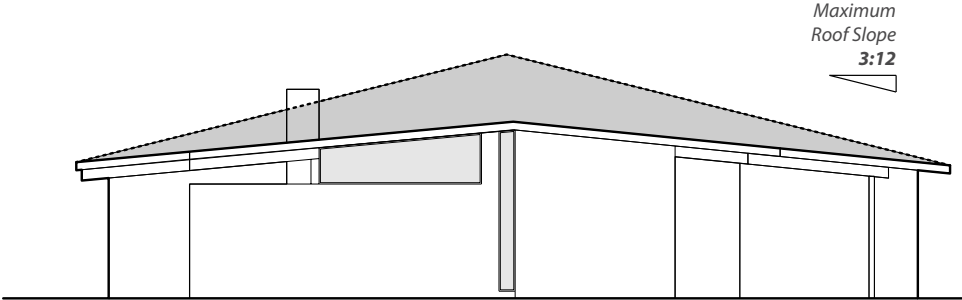
**Figure 9.4-6**



**4. Roof Pitch**

No Roof shall have a sloping plane greater than 3:12. See Figure 9.4-7.

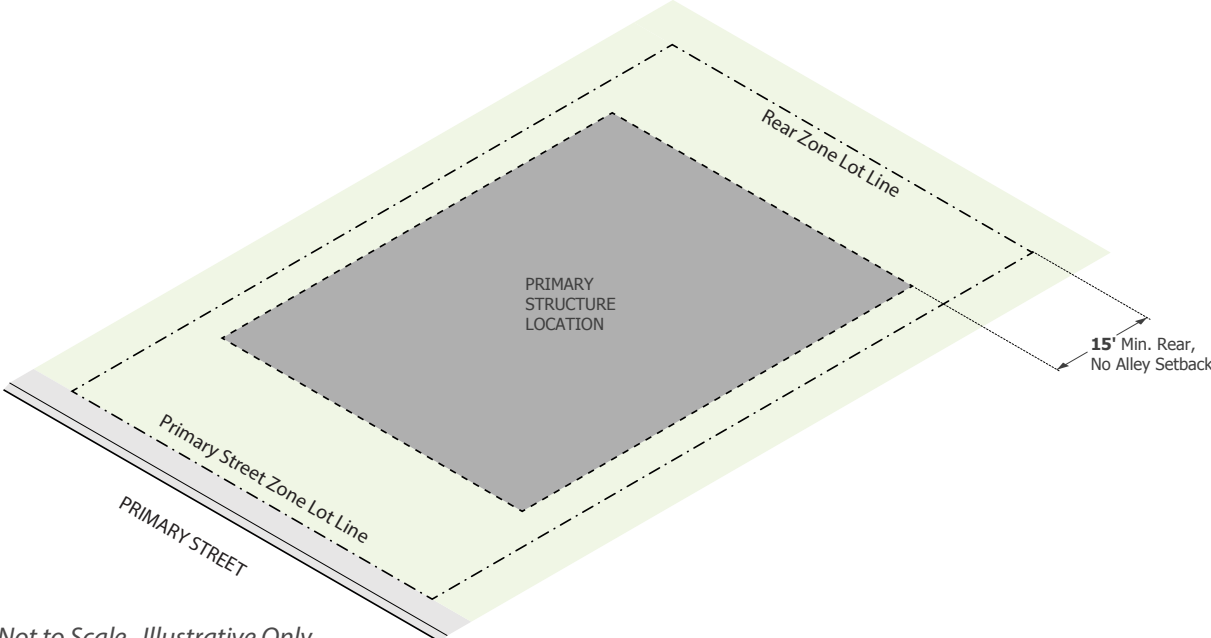
Figure 9.4-7



Not to Scale. Illustrative Only.

- 5. **Setback, Rear, No Alley**  
The minimum Setback, Rear, no alley, shall be 15 feet. See Figure 9.4-8.

Figure 9.4-8



Not to Scale. Illustrative Only.

- 6. **Rooftop and/or Second Story Decks**  
Rooftop and/or Second Story Decks are prohibited on the entirety of the zone lot.

## SECTION 9.4.4 USE OVERLAY DISTRICTS (UO-)

### 9.4.4.1 Purpose

Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010. The purpose of the Historic Structure Use Overlay District is to encourage the continuing preservation and adaptive re-use of landmark and historic structures. Because variation of permitted uses in an underlying zone district is most appropriately the focus of a legislative rezoning or an amendment to the underlying zone district, future application of the use overlay zone districts created herein is strictly limited and the establishment of new use overlay zone districts is prohibited.

### 9.4.4.2 Modification of Underlying Zone District Standards

#### A. Modification of Permitted Uses and Use Limitations Allowed

1. A Use Overlay District may be used to add to the specific permitted uses in the underlying zone district, or prohibit specific permitted uses in the underlying district.
2. Use limitations otherwise applicable to permitted uses in the underlying zone district may be modified.

#### B. Applicable Standards -- Modification Not Allowed

All of the provisions of the underlying zone district shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay zone district.

### 9.4.4.3 Use Overlay Districts Established

The following Use Overlay Districts are established:

USE OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Adult Use Overlay District	UO-1
Billboard Use Overlay District	UO-2
Historic Structure Use Overlay District	UO-3

### 9.4.4.4 Limitation on Applicability of Use Overlay Zone Districts

- A. Except for the three use overlay zone districts expressly established in Section 9.4.4.6, 9.4.4.7, and 9.4.4.8 below, no new use overlay zone districts may be established after June 25, 2010.
- B. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, a use overlay district's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.
- C. No properties may be rezoned to either the Adult Use Overlay District or to the Billboard Use Overlay District after June 25, 2010.
- D. The Historic Structure Use Overlay District may be applied to properties through a rezoning application approved after June 25, 2010.

### 9.4.4.5 Effect of Approval

#### A. Official Map Designator

Each Use Overlay District shall be shown on the official map by an "UO-" designator and an appropriate number placed after the underlying zone district designation.

**B. Limitation on Permit Issuance**

No zoning permit for development or a use within a Use Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable.

**9.4.4.6 Adult Use Overlay District (UO-1)**

**A. Creation**

There is hereby created a Use Overlay District designated as the Adult Use Overlay District.

**B. Allowance for Adult Business Uses**

Notwithstanding the limitations applicable in the underlying zone district, adult business uses shall be permitted in this overlay zone district. See Section 11.12.4.1.A for the definition of “adult business use.”

**C. Distance and Spacing Requirements**

All Adult Business uses shall comply with the following distance and spacing requirements, shown in the table below. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.9.

ADULT BUSINESS OR OTHER RESTRICTED USE	DISTANCE OR SPACING REQUIREMENT
Adult Amusement or Entertainment Adult Bookstore Adult Photo Studio Adult Theater Eating place with adult amusement or entertainment	No adult business use listed in this table row shall be established within 500 feet of one or more of the following zone districts or uses (see related definitions in subsection C below): <ul style="list-style-type: none"> <li>• All Residential Zone Districts</li> <li>• Dwelling Use, Single-Unit</li> <li>• Dwelling Use, Multi-Unit</li> <li>• Dwelling Use, Two-Unit</li> <li>• Religious Assembly</li> <li>• Elementary or Secondary School</li> <li>• Arts Education Center</li> <li>• Learning Center</li> <li>• Day Care Center</li> <li>• Amusement or Special Interest Park</li> <li>• Children’s Indoor Play Center</li> </ul>
Adult Amusement or Entertainment Adult Bookstore Adult Photo Studio Adult Theater Amusement Center Body Art Establishment Eating place with adult amusement or entertainment	Not more than 2 of the uses listed in this table row shall be established within 1,000 feet of each other

**D. Use Definitions for Purposes of Distance/Spacing Requirements**

For purposes of applying the distance and spacing requirements for adult business uses stated in this Section, the uses listed below shall be defined as follows:

1. “Arts education center” solely for purposes of adult use separation requirements, shall mean a place where instruction is regularly provided to persons less than 18 years of age in the fields of painting, drawing, sculpture, etching, craft work, fine arts, dance, drama, photography, music, martial arts, or other similar fields of art.
2. “Amusement center” shall mean a commercial establishment having four or more amusement devices.
3. “Amusement/special interest park” shall mean a complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.

4. “Children’s indoor play center” shall mean a commercial establishment providing active play facilities for children generally under the age of 12 years old. Such facilities shall consist generally of muscle-powered equipment. No pinball, foosball, video or electronic games or similar equipment shall be permitted.
5. “Learning center” shall mean a commercial business that regularly provides on site, specialized or intensive educational services or tutoring to persons less than 18 years of age.

**E. Parking Requirement**

NEIGHBORHOOD CONTEXT	VEHICLE PARKING Vehicle Parking Requirement: # of spaces per unit of measurement	BICYCLE PARKING Bicycle Parking Requirement: # of spaces per unit of measurement (% required spaces in indoor facility / % required spaces in fixed facility)
Suburban (S-)	2.5 / 1,000 ft <sup>2</sup> GFA MS only: 2 / 1,000 ft <sup>2</sup> GFA	1 / 20,000 ft <sup>2</sup> GFA (20/80)
Urban Edge (E-)	2.5 / 1,000 ft <sup>2</sup> GFA MS only: 2 / 1,000 ft <sup>2</sup> GFA	1 / 20,000 ft <sup>2</sup> GFA (20/80)
Urban (U-)	2.5 / 1,000 ft <sup>2</sup> GFA MS only: 2 / 1,000 ft <sup>2</sup> GFA	1 / 10,000 ft <sup>2</sup> GFA (20/80)
General Urban (G-)	1.875 / 1,000 ft <sup>2</sup> GFA	1 / 10,000 ft <sup>2</sup> GFA (20/80)
Urban Center (C-)	1.25 / 1,000 ft <sup>2</sup> GFA	1 / 7,500 ft <sup>2</sup> GFA (20/80)
Downtown (D-) D-GT & D-AS only	1.25 / 1,000 ft <sup>2</sup> GFA	1 / 7,500 ft <sup>2</sup> GFA (20/80)
Industrial (I-)	2.5 / 1,000 ft <sup>2</sup> GFA	1 / 20,000 ft <sup>2</sup> GFA (20/80)
Campus (CMP-)	1.25 / 1,000 ft <sup>2</sup> GFA	1 / 7,500 ft <sup>2</sup> GFA (20/80)
Master Planned (M-)	1.875 / 1,000 ft <sup>2</sup> GFA	1 / 10,000 ft <sup>2</sup> GFA (20/80)

**9.4.4.7 Billboard Use Overlay District (UO-2)**

**A. Creation**

There is hereby created a use overlay district designated as the Billboard Use Overlay District.

**B. Allowance for Billboards**

Notwithstanding the limitations applicable in the underlying zone district, “outdoor general advertising device” signs, also known as “billboards”, shall be permitted in this overlay zone district. See Article 13 for the definition of “outdoor general advertising device.”

**C. Applicable Use Limitations**

All outdoor general advertising device uses in this Use Overlay District shall comply with the sign standards and limitations applicable to “outdoor general advertising devices” stated in Division 10, Signs, and Section 10.10.20, Outdoor General Advertising Devices in the Billboard Use Overlay District, including but not limited to minimum separation and distance requirements.

**9.4.4.8 Historic Structure Use Overlay District (UO-3)**

**A. Creation**

There is hereby created a use overlay district designated as the Historic Structure Use Overlay District.

**B. Establishment**

The Historic Structure Use Overlay District may only be established in conjunction with an underlying Residential Zone District.

**C. Allowance for Certain Commercial Uses**

Notwithstanding the limitations applicable in the underlying zone district, the following commercial uses shall be permitted in this overlay zone district:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

**D. Applicable Use Limitations - Office and Art Studio Uses**

Office (not including dental/medical office or clinic) or art studio uses in this overlay zone district are permitted only in a structure designated for preservation by the Landmark Preservation Commission according to Chapter 30 (Landmarks) of the D.R.M.C., and subject to compliance with the following conditions:

1. The applicant for establishment of the office or art studio use is the owner of record of the subject structure.
2. The subject structure was legally erected.
3. The subject structure contains a minimum of 5,000 square feet of gross floor area.
4. For any modifications to the structure that require landmark approval, the modification shall have been reviewed and approved by the landmark preservation commission before submittal for zoning approval.
5. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the district in which the structure is located.
6. All uses operated in the structure involved shall comply with this Code's off-street parking and off-street loading requirements for each such use in the MS-2 zone district; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive so much of those requirements as are impossible of fulfillment according to the Administrative Adjustment procedures in Section 12.4.5. The parking exemption for historic structures in Section 10.4.5.1.C of this Code shall not be applicable to office and art studio uses permitted in an UO-3 overlay zone district.
7. All uses permitted in the structure shall comply with limitations on permitted signs applicable to uses in the MS-2x zone district.

**E. Applicable Use Limitations - Bed and Breakfast Lodging**

Bed and breakfast lodging uses in this overlay zone district are permitted only in a Historic Structure, as "Historic Structure" is defined in Article 13, Rules of Measurement and Definitions, and subject to compliance with the following conditions:

1. The applicant for establishment of the bed and breakfast lodging use is the owner of record and uses the structure as his/her principal residence.
2. The subject structure contains no more than 10 guest rooms or suites and that the use of the dining room shall be restricted to use by overnight guests, employees, the owner's family and/or nonpaying guests.
3. Off-street parking shall be provided at a ratio of 1 parking space for each of the following: Each guest room or suite, each nonresident employee and the owner. The Zoning Administrator may reduce this ratio by up to 20 percent of the requirement according to the Administrative Adjustment procedure in Section 12.4.5, Administrative Adjustment. The parking exemption for historic structures in Section 10.4.5.1.C of this Code shall not be applicable to bed and breakfast lodging uses permitted in an UO-3 overlay zone district.
4. No other such lodging is located within 500 feet of the proposed use as measured along the same face block from zone lot line to zone lot line.

5. The structure contains a minimum of 1,000 square feet of gross floor area and no guest room or suite contains less than 100 square feet of floor area.
6. The lodging shall provide breakfast as part of the room price.
7. The interior and exterior of the structure shall be maintained in a manner that reflects the original architectural character of the building, and the property shall be landscaped in a manner that protects the appearance and value of surrounding properties and neighborhoods and improves environmental conditions, thereby promoting the general welfare. The landscaping shall be continuously maintained which includes necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement shall occur in the next planting season; but, in any event, replacement time shall not exceed one year.
8. The sign regulations of Division 10.10, Signs, shall apply; provided, however, the maximum sign area permitted on any one street front shall not exceed 10 square feet. The maximum height of any ground sign shall be 4 feet.
9. Related retail sales may be conducted within the structure; however, the floor area allocated to this retail use shall not exceed 10 percent of the gross floor area of the structure. Access to this retail area shall be limited to use by overnight guests only.
10. No social activities, such as weddings, receptions, private parties or similar events, will be permitted unless at least 90 percent of the participants are overnight guests.

## **SECTION 9.4.5 DESIGN OVERLAY DISTRICTS (DO-)**

### **9.4.5.1 General Purpose**

Design Overlay Districts are intended to serve one or more of the following purposes:

- A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;
- B. To provide uniformity in the design standards applicable to arterial streets or to river corridors having varied underlying zoning;
- C. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;
- D. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and
- E. To reinforce the desired character for newly developing areas.

### **9.4.5.2 Applicable Standards and Modifications Allowed**

#### **A. Applicable Standards - In General**

A design overlay zone district includes standards that modify otherwise applicable standards in the underlying zone district. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may include new zoning standards not otherwise applicable in the underlying zone district, but not including new limitations on a permitted use. Any changes or modifications to the standards in a design overlay zone district are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments.



**B. Modification of Underlying Zone District Standards**

- 1. Modification of Permitted Uses and Use Limitations Not Allowed**  
 A Design Overlay District shall not be used to add to the specific permitted uses in the underlying zone district, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations applicable to specific permitted uses in the underlying zone district.
- 2. All Other Applicable Standards -- Modification Allowed**  
 All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay zone district, in which case the standard in the design overlay zone district shall apply.

**9.4.5.3 Design Overlay Districts Established**

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3
Side Interior Setback	DO-4
South Sloan's Lake	DO-5
Peña Station Next Design Overlay District	DO-6

**9.4.5.4 Effect of Approval**

- A. Official Map Designator**  
 Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying zone district designation.
- B. Limitation on Permit Issuance**  
 No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

**9.4.5.5 Uptown Design Overlay District (DO-1)**

- A. Creation**
  - 1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.
  - 2. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.
- B. Lower Floor Building Design**  
 All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

**1. Lower Floor Design Standards**

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street frontages, to reflect Denver's history of primarily solid and masonry building material, and shall address the following:

- a. The percentage of the building that must be built within a short distance of property lines along public streets and sidewalks;
- b. Building and building entry orientation;
- c. Appearance of parking garages;
- d. The percentage of glass to solid materials;
- e. The required use of scaling elements, insets, and projections to break up flat or monotonous facades, to emphasize entries, and to respond to older buildings nearby;
- f. Building and glazing materials;
- g. Location and appearance of access ramps for the handicapped;
- h. Location of adjacent structures; and
- i. Fence height, appearance and materials.

**2. Optional Lower Floor Design Review**

As an alternative to compliance with specific design standards adopted pursuant to this subsection, any new structure or any renovated structure meeting the conditions set forth in Section 9.4.5.5.B may elect to have the lower 80 feet of the building reviewed by the Zoning Administrator according to Section 12.4.3, Site Development Plan Review, and guided by the following standards:

- a. To allow more variation and architectural creativity than the design standards described in Section 9.4.5.5.B.1 above;
- b. To provide human scale through change, contrast, and intricacy in facade form, color, and/or material where lower levels of buildings face public streets and sidewalks;
- c. To spatially define the street space in order to promote pedestrian activity; and
- d. To require building facades to respond to existing building types in the area.

**9.4.5.6 Washington Street Design Overlay (DO-2)**

**A. Creation**

There is hereby created a Design Overlay District designated as the Washington Street Design Overlay District.

**B. Intent**

To provide additional height limitations that create a transition from the adjacent residential properties along Clarkson Street.

**C. Building Height Standard**

The maximum building height in the DO-2 district shall be 45 feet.

**9.4.5.7 Lafayette Design Overlay (DO-3)**

**A. Creation**

There is hereby created a Design Overlay District designated as the Lafayette Design Overlay District (DO-3). The DO-3 District includes Lots 1 through 3, and Lots 20 through 38, Block 27, Park Avenue Addition to Denver.

**B. Intent**

To provide additional height and upper story setback form standards that create a transition from the adjacent residential properties along Humboldt Street.

**C. Height and Upper Story Setback Building Form Standard**

1. The maximum building height shall be 60 feet
2. There shall be an upper story building setback that shall prevent any portion of a building on the eastern 55 feet of lots 20 through 36, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
  - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
  - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines
  - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
3. There shall be an upper story building setback that shall prevent any portion of a building on lots 2 and 3, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
  - a. Terraces at the level of the upper story setback may extend no closer than 30 feet to the southern lot lines
  - b. Unwalled balconies in the upper story building setback may extend no closer than 40 feet to the southern lot lines.
  - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
4. There shall be an upper story building setback that shall prevent any portion of a building on the southern 25 feet of the eastern 55 feet of lot 37, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high.
  - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
  - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines.
  - c. Flush mounted solar panels may encroach any distance into the upper story setback space.

**9.4.5.8 Side Interior Setback Design Overlay (DO-4)**

**A. Creation**

There is hereby created a Design Overlay District designated as the Side Interior Setback Design Overlay (DO-4).

**B. Intent**

To require side interior setbacks that are consistent with the established character of neighborhoods containing structures with narrow side interior setbacks.

**C. Applicability**

This Overlay applies only to those areas designated as DO-4 on the Official Zone Map.

**D. Primary Building Form Standards Applicable to Urban House, Duplex and Tandem House Building Forms**

**1. Side Interior Setbacks**

- a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 3 feet.

**E. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only**

**1. Side Interior Setbacks**

- a. The minimum side interior setback shall be 0 feet.
- b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

**9.4.5.9 South Sloan's Lake Design Overlay (DO-5)**

**A. Creation**

There is hereby created a Design Overlay District designated as the South Sloan's Lake Design Overlay District (DO-5). This applies only to those areas that are mapped DO-5.

**B. Intent**

To apply additional building height limitations that create a transition down in height from new higher-intensity development to surrounding lower-intensity residential neighborhoods and uses, and Sloan's Lake Park.

**C. Primary Buildings - Maximum Height**

**1. Stuart Street - West 17th Avenue to West 16th Avenue**

**a. Applicability**

This Section 9.4.5.9.C.1's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 17th Avenue and West 16th Avenue.

**b. Maximum Primary Building Height**

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-9.

**c. Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-14.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-9

Not to Scale. Illustrative Only.



**2. Stuart Street- West 16th Avenue to West Conejos Place**

- a. **Applicability**  
This Section 9.4.5.9.C.2's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 16th Avenue and West Conejos Place.
- b. **Maximum Primary Building Height**  
The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 4 stories and 60 feet. See Figure 9.4-10.

Figure 9.4-10

Not to Scale. Illustrative Only.



**c. Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-3 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 4 stories and 60 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-14.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

**3. West 17th Avenue**

**a. Applicability**

This Section 9.4.5.9.C.3’s standards shall apply on the south side of West 17th Avenue between Stuart Street and Quitman Street, except that area subject to the standards in Section 9.4.5.9.C.1. above.

**b. Maximum Primary Building Height**

The maximum height of primary structures located within 43 feet of the West 17th Avenue zone lot line shall be 5 stories and 70 feet. See Figure 9.4-11.

Figure 9.4-11



**c. Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-5 zone district” and “All C-zone districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 35 feet from the zone lot line abutting West 17th Avenue. Such projection shall be measured perpendicular to the zone lot line abutting 17th Avenue. See Figure 9.4-14.

- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

**4. Quitman Street**

- a. **Applicability**  
This Section 9.4.5.9.C.4's standards shall apply on the west side of Quitman Street between West 17th Avenue and West Conejos Place.
- b. **Maximum Primary Building Height**  
The maximum height of primary structures located within 60 feet of the Quitman Street zone lot line shall be 5 stories and 70 feet. See Figure 9.4-12.

Figure 9.4-12



- c. **Height Exceptions**  
The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-5 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:
  - i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 52 feet from the zone lot line abutting Quitman Street. Such projection shall be measured perpendicular to the zone lot line abutting Quitman Street. See Figure 9.4-14.
  - ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable base zone district.

## 5. Perry Street

### a. Applicability

This Section 9.4.5.9.C.5's standards shall apply on the west side of Perry Street between West 17th Avenue and West Conejos Place.

### b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Perry Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-13.

Figure 9.4-13

*Not to Scale. Illustrative Only.*



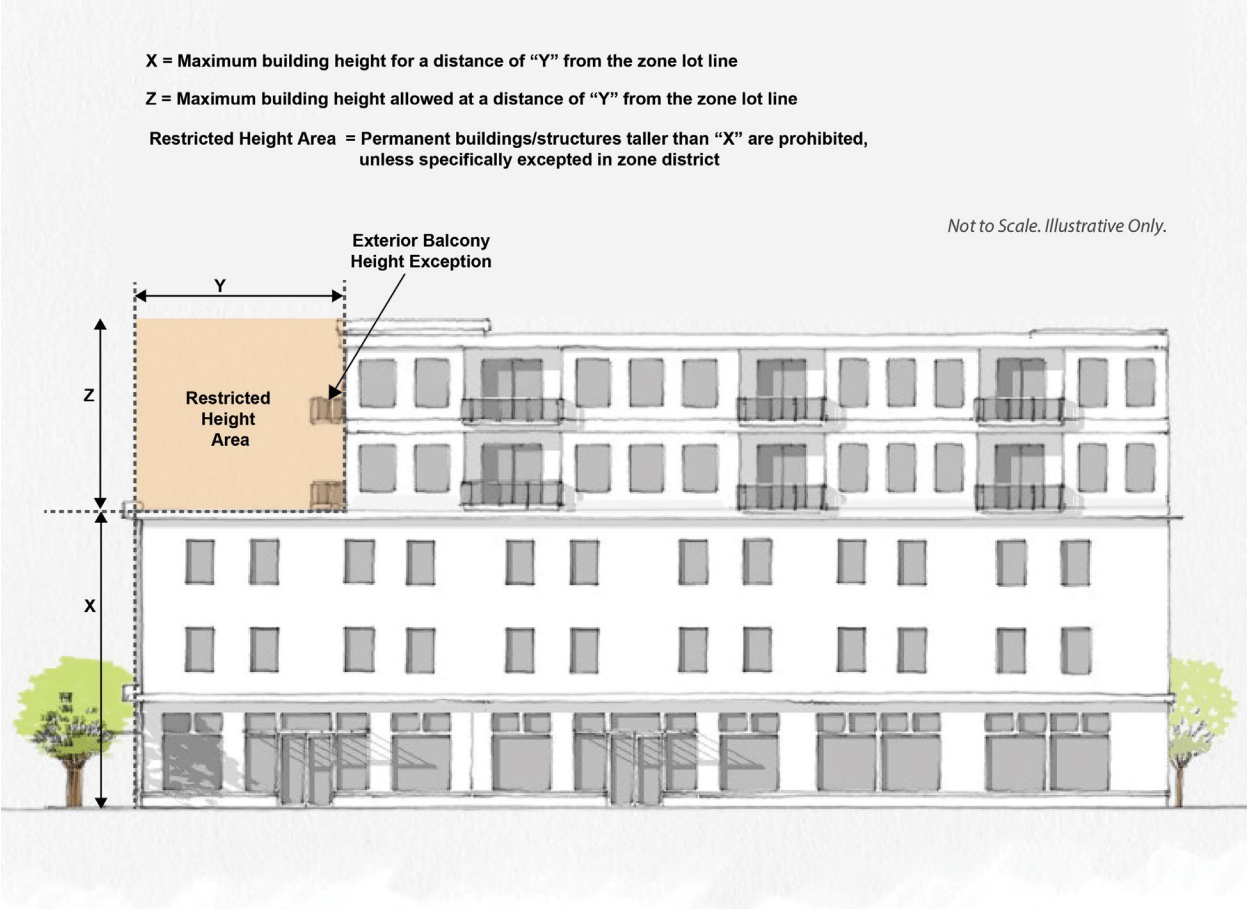
### c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Perry Street. Such projection shall be measured perpendicular to the zone lot line abutting Perry Street. See Figure 9.4-14.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.



Figure 9.4-14



**9.4.5.10 Peña Station Next Design Overlay District (DO-6)**

**A. Creation**

There is hereby created a design overlay district designated as the Peña Station Next Design Overlay District (DO-6).

**B. Intent**

The intent of this Section 9.4.5.10 is to:

1. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to showcase ever-evolving, cutting-edge technology and sustainability in a model transit-oriented development located at the commuter rail station at 61st Avenue near Peña Boulevard. Such ever-evolving, cutting-edge technology and elements supporting sustainability within the District are intended to be incorporated and displayed in ways that will foster civic pride and economic vitality, which may include:
  - a. Creative and artistic signs,
  - b. Special Lighting Elements,
  - c. Signs fused with art,
  - d. Self-illuminated signs,
  - e. Signs integrated with one or more iconic or distinctive features, and
  - f. Non-standard or one-of-a-kind advertising opportunities.

2. The flexibility referenced in Section 9.4.5.10.B.1 is intended to facilitate development of a coordinated program of signage and illumination elements that enhances the aesthetic values of the city and ensures quality design; enhances the city's attraction to and creates greater excitement and anticipation for residents, employees, and visitors; and promotes good urban design. Further, the processes to establish or amend a District Plan, and the review criteria in this Section 9.4.5.10, are intended to mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on residential uses and on users of Peña Boulevard, thereby protecting property values.
3. Signs permitted under the District Plan established in this section are intended to be in addition to signage permitted according to Division 10.10 Signs.

#### **C. Applicability**

1. The provisions of this Section 9.4.5.10, shall apply only with respect to:
  - a. Signs that are located within the DO-6 zone district and permitted by the District Plan, and
  - b. Special Lighting Elements that are located within the DO-6 zone district and permitted by the District Plan.
2. Notwithstanding Section 9.4.5.10.C.1., except to the extent otherwise stated in the District Plan, the provisions of this Section 9.4.5.10 shall not apply to signs permitted in Division 10.10 Signs, except Section 9.4.5.10.F Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and
3. Notwithstanding Sections 9.4.5.10.C.1 and 9.4.5.10.C.2, the provisions of this Section 9.4.5.10 shall not apply to any signs or Special Lighting Elements located on land retaining an underlying zone district designation under Former Chapter 59 until such property is rezoned (through an Official Map Amendment) to an underlying zone district under this Code.
4. A sign or Special Lighting Element that does not require a zoning permit or a building permit under the provisions of either the D.R.M.C. or this Code (other than this Section 9.4.5.10) shall not be deemed to require a zoning permit or a building permit, as appropriate, due to the provisions of this Section 9.4.5.10.

#### **D. Conflicting Provisions**

In addition to the provisions of Sections 9.4.2.2 and 9.4.2.3, if any provision of this Code (other than this Section 9.4.5.10) that is applicable to the underlying zone district is varied by, or conflicts with, the provisions of the District Plan adopted in accordance with the requirements of this Section 9.4.5.10, then the provisions of the District Plan shall control.

#### **E. Glare**

Signs and Special Lighting Elements permitted under this Section 9.4.5.10 or under the terms of the District Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

#### **F. Minimum Pixel Pitch for Signs Using Digital Illumination**

A sign using digital illumination shall have a minimum pixel pitch of 11 millimeters, unless otherwise specified in the District Plan.

#### **G. Maximum Height**

1. Except as provided by Section 9.4.5.10.G.2 and 9.4.5.10.G.3 below, the District Plan shall not allow the height of any sign or equipment constituting any Special Lighting Element to exceed the maximum height specified in the allowed building form with the highest maximum height in feet, not including height exceptions, in the applicable underlying zone district.

2. The District Plan may allow temporary portable signs of any maximum height, subject to any limitations on time, area, size, number, design, illumination, location or other standards specified in the District Plan. Such portable signs shall require a zoning permit.
3. Temporary portable signs and equipment for Special Lighting Elements may extend above the maximum allowable height for the zone district within which the sign or such equipment is located for limited timeframes for special events approved by the City for a period not to exceed the duration of the permitted special event.
4. Roof signs, and equipment for Special Lighting Elements, may extend above the Roof Line of the building to which the sign or Special Lighting Element is attached to the extent allowed by the District Plan; however, the District Plan shall not allow any sign or equipment for Special Lighting Elements to extend above the maximum allowable building form height for the zone district within which the sign is located.

**H. Signs and Special Lighting Elements Subject to the District Plan**

The DO-6 zone district may have signs and Special Lighting Elements in accordance with the approved District Plan. Proposals for individual signs and Special Lighting Elements for which the applicant therefor elects in the subject application to have the provisions of this Section 9.4.5.10 shall comply with the requirements stated in the District Plan.

**I. Sign Types and Special Lighting Elements**

1. All sign types allowed by or defined in this Code, including but not limited to off-premises signs and outdoor general advertising devices, are allowed in the DO-6 zone district. In addition, the District Plan may define and allow other sign types not otherwise allowed or defined in this code. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the DO-6 according to an approved District Plan.
2. Special Lighting Elements are allowed in the DO-6 zone district. For purposes of this Section 9.4.5.10, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or medium are located within the DO-6 District, the illumination of:
  - a. The outside surface of any building, structure, part of any building or structure, or
  - b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.
3. In the DO-6 zone district, Outdoor General Advertising Device Ground Signs shall not be supported only by a pole or poles unless sufficient architectural enhancements are included as approved in the District Plan.

**J. Maximum Number**

There is no maximum on the number of signs or Special Lighting Elements that are allowed, unless otherwise stated in the District Plan.

**K. Maximum Area**

Unless otherwise stated in the District Plan, there is no maximum on: (1) the amount of area for any individual sign or Special Lighting Element, (2) the cumulative area of signage for any building or area, or (3) the cumulative area covered by Special Lighting Elements.

**L. Locations**

1. There is no requirement that signage or equipment for any Special Lighting Element be setback from the zone lot line or any built feature, however, signs and equipment for Special Lighting Elements shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Elements may project into public rights-of-way if such signs and equipment comply with applicable provisions of the D.R.M.C. pertaining to encroachments within public rights-of-way.

2. Signs allowed under this Section 9.4.5.10 may be sited on vacant zone lots.

**M. Illumination**

1. Illumination of signs and illumination integrated into Special Lighting Elements are allowed.
2. Flashing signs and flashing Special Lighting Elements are allowed.
3. Subject to the provision of this Section 9.4.5.10, illumination for or of signs and Special Lighting Elements may be from a concealed light source that may flash, blink or fluctuate by means of movement, changes in colors, changes in the intensity of light, changes in letters, numbers, symbols, designs or other images, ambient conditions such as fog, snow or wind, or otherwise. The frequency, cycle, or movement of any such flashing, blinking or fluctuation shall not be limited except as stated in the District Plan.
4. It is not a violation of this Section 9.4.5.10 if the illumination from or of any sign or Special Lighting Element is visible from beyond the boundaries of the zone lot or the separately-conveyable parcel of land upon which such sign or Special Lighting Element is located. However, the District Plan shall require louvers or other brightness reduction strategies to reduce the luminance of signs comprised of self-illuminated digital screens when viewed at Off-axis Angles.
  - a. For purposes of this Section 9.4.5.10, the term “Off-axis Angle”, with respect to any screen or portion of a screen, as applicable, means any angle other than the angle perpendicular to such screen or portion of such screen, as applicable.

**N. Animation, Dynamic Elements and Full-Motion Video**

Animated Signs and animation, dynamic elements, and full-motion video as part of a Special Lighting Element are allowed.

**O. Materials**

1. The District Plan shall require that signs and equipment for Special Lighting Elements be professionally designed and fabricated from quality, durable materials, including a requirement that only quality illumination equipment be used for illuminated signs and Special Lighting Elements.
2. The District Plan shall not permit internally illuminated, translucent face box signs.

**P. Projecting Signs**

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building wall.

**Q. Accessory Uses**

Signs for accessory uses are allowed to the extent stated in the District Plan.

**R. Prohibition**

As a matter of public necessity, the City must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon unwilling audiences of adults and children, such displays constitute assaults upon individual privacy. Therefore, signs (including signs incorporated into a Special Lighting Element) subject to the District Plan shall not be displayed or exhibited in a manner that exposes to public view from any public streets, sidewalks, transportation facilities, and other public rights-of-way any:

1. Pictorial material that is obscene;

2. Statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;
3. Pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or
4. Pictorial material depicting explicit sexual acts.

**S. Varying Regulations by Subareas within the District Plan**

1. The District Plan shall contain geographically defined areas within the plan that have different regulations from those applicable to other geographic areas within the District Plan.
2. The District Plan shall identify a methodology to identify and characterize subareas within the DO-6 zone district distinguished from one another based on factors including but not limited to:
  - a. The intensity and mix of land uses existing or planned to occur within such subareas,
  - b. The density of the built environment existing or planned within such subareas, and
  - c. The subarea's location within, or in proximity to, (1) existing or planned major gateways or entrances to a rail station, or (2) other existing or planned publicly accessible spaces, major arterials, or major entrances to the DO-6 zone district, such that allowances for signage and Special Lighting Elements are greater and/or more flexible for subareas located closest to existing or planned gateways, major entrances, publicly-accessible spaces, or major arterials.
3. Based on the methodology described above, the District Plan shall assign differing standards to each such subarea, as appropriate, which will result in signage and Special Lighting Elements within each subarea consistent with the differences in character of each such subarea. Differing standards may include, but are not limited to, appropriate scale, permitted sign types, maximum sign areas, appropriate locations, and appropriate illumination levels or animation.

**T. Supplemental Plans**

The District Plan may establish a convention whereby certain signs or and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and replaced unless a Supplemental Plan is approved under Section 9.4.5.10.W with respect to such signs and/or Special Lighting Elements, as appropriate. The District Plan may establish a convention whereby certain signs and/or Special Lighting Elements may be installed, operated, maintained, repaired, and replaced without the need for approval of a Supplemental Plan.

**U. Process to Establish or Amend the District Plan**

**1. Definition**

For purposes of this Section 9.4.5.10, the term "District Plan" means the plan approved in accordance with this Section 9.4.5.10.U, as such plan may be amended from time to time in accordance with the provisions of this Section 9.4.5.10.

**2. Intent of District Plan Approach**

- a. The DO-6 zone district is envisioned to showcase ever-evolving, cutting-edge technologies and sustainability in a unified, cohesive and integrated program throughout the DO-6 zone district. The District Plan is the mechanism that efficiently reconciles the vision for the DO-6 zone district with the reality that the district will be built over a long period of time during which technology and best practices for sustainability will evolve.

- b. The DO-6 zone district will be developed and constructed in multiple phases over time. It is impractical to require detailed plans for signage and Special Lighting Elements to be provided for the entirety of the DO-6 zone district at the very outset of its development. Such a requirement would thwart the design intent for the DO-6 zone district.

### 3. Regulatory Construct

The District Plan shall establish standards applicable to a wide range of allowed signs and Special Lighting Elements within the DO-6 zone district. As a general matter, the District Plan will contain two levels of specificity with respect to signs and Special Lighting Elements.

#### a. Detailed Level

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, applicants for signs and Special Lighting Elements that are included in the more detailed of such two levels, and that elect to have the provisions of this 9.4.5.10 apply to such signs and Special Lighting Elements, will be allowed to request zoning and building permits for such signs and Special Lighting Elements (if such permits are required) without the need for obtaining additional approval of a Supplemental Plan, consistent with the District Plan.

#### b. General Level

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, applicants for signs or Special Lighting Elements that are included in the more general of such two levels, will not be permitted to apply for zoning or buildings permits (to the extent such permits are required) until a Supplemental Plan for such signs and Special Lighting Elements providing the higher level of specificity is approved in accordance with Section 9.4.5.10.W.

### 4. One District Plan

The City shall approve no more than one District Plan within the DO-6 zone district. The District Plan's boundaries shall include all land area within the DO-6 zone district.

### 5. Initiation

- a. Any of the following persons may initiate a request to establish a District Plan or amend the District Plan:
  - i. A member of the City Council;
  - ii. A member of the Planning Board;
  - iii. The City Attorney;
  - iv. The Manager;
  - v. The manager or director of any other city department or agency; or
  - vi. One or more owners of real property located within the DO-6 zone district or their authorized representative.

### 6. Submittal

- a. To establish the District Plan, or amend the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W), the applicant shall submit to Community Planning and Development a District Plan and accompanying materials that incorporate:
  - i. The locations of residential uses, off-street parking areas, landscaped areas, streets, and alleys, to the extent known, within the boundaries and within 200' of the District Plan,
  - ii. Identifications and/or descriptions of all signs and Special Lighting Elements allowed,

- iii. As part of the review procedure for Supplemental Plans, authority for the review body to require specific mitigation measures reasonably necessary to mitigate possible material adverse impacts, when it finds such possible impacts. For purposes of this provision, “material adverse impacts” include, but are not limited to, nuisance or distraction to near-by permitted land uses or to motor vehicles on Peña Boulevard and other major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.
- iv. Provisions allowing technology and elements supporting sustainability and “smart-cities” components to be incorporated and displayed in many ways, which may include:
  - a) Creative and artistic signs,
  - b) Special Lighting Elements,
  - c) Signs fused with art,
  - d) Self-illuminated signs,
  - e) Signs integrated with one or more iconic or distinctive features,
  - f) Non-standard or one-of-a-kind advertising opportunities, and
  - g) Smart signs
- v. Provisions addressing design review for signs and Special Lighting Elements,
- vi. Design standards and guidelines that include:
  - a) The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;
  - b) The parameters for acceptable sign shape, size, typography, lighting, exposed structures, animation, luminance, colors and materials, and the frequency of changeable copy, graphics, or lighting;
  - c) Identification of areas from which signs and Special Lighting Elements are intended to be viewed;
  - d) General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and
  - e) Review criteria that ensure all features of signs, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to and/or integrated into the architecture and architectural features of the building on which it is located or to which it relates.
- vii. Design standards and guidelines for allowable Special Lighting Elements, including:
  - a) A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;
  - b) A general description of the surfaces of any existing or proposed buildings, structures, or other surfaces, materials, mediums or substrates that may be illuminated by Special Lighting Elements; and
  - c) General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.
- viii. Information describing the general locations where signs and Special Lighting Elements are allowed,

- ix. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements,
- x. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and
- xi. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Plan or amendment consistent with the criteria stated in Section 9.4.5.10.U.11.

## **7. Review**

Community Planning and Development will review information received in the applicant's submittal and forward a recommendation to the Planning Board within 45 days after the submittal of a complete application for the District Plan or amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) unless the applicant agrees in writing to an extension of time.

## **8. Notice of Complete Application**

- a. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Plan or any proposed amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or Section 9.4.5.10.W) to:
  - i. Neighborhood organizations registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,
  - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
  - iii. The at-large City Council members.
- b. No later than 10 days after receipt of a determination of a complete application from Community Planning and Development, the applicant shall send informational notice of the proposed District Plan or a proposed amendment to the District Plan (other than amendments effected through Sections 9.4.5.10.V or 9.4.5.10.W) to each property owner within the DO-6 zone district according to the address stated in records of the Denver Assessor's Office as of the date the applicant checked such records, which date shall not be earlier than the date the applicant submitted its application to Community Planning and Development, and not later than 10 days after the applicant's receipt of a determination that the application is complete from Community Planning and Development. However, for property included within any condominium or cooperative, as such terms are defined in C.R.S. Section 38-33.3-103, the applicant shall only be required to send notice to the owners association for such condominium or cooperative and not to each property owner.
- c. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- d. Notification shall include the location and general description of the proposed action; and the process to be followed, including the date, time and place of the Planning Board public meeting, if such has been scheduled; and information concerning when and where written comments may be submitted.
- e. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly



construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**9. Notice of Planning Board Public Meeting**

- a. No later than 15 days before the required Planning Board public meeting, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.
- b. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- c. Notification shall include the location and general description of the proposed action and the process to be followed, including the date, time and place of the scheduled public meeting.
- d. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**10. Adoption of a Plan or Plan Amendment**

The Planning Board shall review Community Planning and Development's recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions, or deny such District Plan or amendment.

**11. Appeals**

The Planning Board's decision on an application for a District Plan or an amendment thereto may be appealed to the District Court.

**12. Criteria for Review**

The Planning Board may approve an application for the District Plan or an amendment to the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) if the application complies with all of the following criteria:

- a. The District Plan complies with all applicable standards contained in this Code.
- b. The cumulative effect of the District Plan's allowances for signs and Special Lighting Elements:
  - i. Encourages exciting, iconographic, and inventive signage, attention-getting devices, and special elements that distinguish the DO-6 zone district from other places in Denver;
  - ii. Creates excitement and anticipation for residents, employees, and visitors of the DO-6 zone district;
  - iii. Exhibits design excellence, inventiveness, and sensitivity to the existing or planned character of a specific subarea;

- iv. Ultimately assists in attracting employers and visitors to the DO-6 zone district; and
- v. Establishes a coordinated program of signage for signage subject to the District Plan.
- c. Sign allowance and design reflects the existing or planned character of the District Plan subarea in which such signs are proposed.
- d. The District Plan contains specific mitigation measures reasonably necessary to mitigate possible material adverse impacts of signs and Special Lighting Elements, on existing nearby residential uses or structures or motor vehicles on major roadways located within the DO-6 zone district.
- e. The District Plan contains restrictions to prevent the cumulative effect of signs approved in reliance on the standards set forth in this Section 9.4.5.10 (as opposed to signs approved in reliance on Division 10.10 Signs or Former Chapter 59) from being visually overwhelming when viewed from various residential areas, major public use roadways and/or other significant public areas outside the DO-6 zone district when used in their ordinary course. Such restrictions may include limitations on signage area, spacing between signs, sign locations, and/or sign heights.

## V. Minor Deviations to the District Plan

### 1. Allowed

Minor deviations from the District Plan for individual signs or individual Special Lighting Elements may be allowed by Community Planning and Development if:

- a. Such deviations appear necessary in light of technical or engineering considerations, or to accommodate the implementation of future technology that is generally consistent with the intent of the District Plan and Section 9.4.5.10.B, and
- b. The at-large city council members and the city council members and registered neighborhood organizations whose boundaries are within 200 feet of the subject sign(s) and/or Special Lighting Element(s) are first notified.
- c. Notwithstanding the foregoing, no minor deviation shall be allowed which violates the Denver Building Code, Denver Fire Code, or any applicable provision of the D.R.M.C.

### 2. Not Allowed

Minor deviations for individual signs and or individual Special Lighting Elements shall not be allowed under any of the following circumstances:

- a. The individual sign or Special Lighting Element is oriented or illuminated so that it adversely affects existing nearby residential uses or structures beyond what is allowed by the District Plan.
- b. For projecting signs, a projection greater than 6 inches above the maximum otherwise allowed.
- c. A change in signage type, illumination, or animation that is not allowed by the District Plan.

### 3. Plan Amendment Required

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Plan and is not allowed under Section 9.4.5.10.V.1 shall require an amendment to the District Plan, approved under Section 9.4.5.10.U.

## W. Supplemental Plans

### 1. Definition

For purposes of this Section 9.4.5.10, the term “Supplemental Plan” means a supplement to the District Plan that is approved in accordance with this Section 9.4.5.10.W.

**2. Intent**

The intent of Supplemental Plans is to allow for a coordinated program with respect to numerous buildings, signs and Special Lighting Elements that will be designed, developed, constructed and installed within the DO-6 zone district over time in phases.

**3. Requirement**

To the extent the District Plan provides that any sign and/or Special Lighting Element may not be installed within certain areas until a Supplemental Plan for such area is approved, then no sign and/or Special Lighting Element, as appropriate, may be installed in such area until a Supplemental Plan for such area is approved or such sign and/or Special Lighting Element is exempt from such requirement as stated in the District Plan.

**4. Submittal Requirements**

An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:

- a. Information as required by the District Plan, and
- b. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criterion stated in Section 9.4.5.10.W.7.

**5. Review**

The Zoning Administrator will review information received in the applicant's submittal and, within 45 days after the submittal of a complete application for a Supplemental Plan, make a final decision to approve, approve with conditions or deny such plan unless the applicant agrees in writing to an extension of time.

**6. Notice to Others**

- a. The Zoning Administrator shall send notice of the Supplemental Plan to:
  - i. Neighborhood organizations which are registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,
  - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
  - iii. The at-large City Council members.
- b. Notices required by this Section 9.4.5.10.V.6. shall be sent at least 14 days prior to the Zoning Administrator's decision to approve, approve with conditions or deny such plan.

**7. Criterion for Review**

The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan is consistent with the provisions of the District Plan.

**8. Appeals**

Any decision of the Zoning Administrator under this Section 9.4.5.10.W may be appealed to the Planning Board. Thereafter, the Planning Board's decision may be appealed to the District Court.

**9. Effect of Approval of a Supplemental Plan**

Upon the Zoning Administrator's approval of a Supplemental Plan, such Supplemental Plan shall be deemed an amendment to, and shall be deemed to have become part of, the District Plan. An approved Supplemental Plan shall be incorporated into the next Amend-ed District Sign Plan, at which time the Supplemental Plan shall expire.

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