



**TO:** Denver City Council  
**FROM:** Matthew Seubert, AICP, Development and Planning Supervisor  
Abe Barge, AICP, Principal City Planner  
**DATE:** October 8, 2018  
**RE:** Denver Zoning Code — Text Amendment #2, Colors-as-Signs Clarification and One-story Porch Encroachment Correction

### **Staff Report and Recommendation**

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), CPD staff recommends approval of Denver Zoning Code (5/28/2018 Publication) Text Amendment #2 to the Denver City Council.

### **I. Summary and Purpose**

---

Text Amendment #2 provides two distinct clarifications/corrections to the Denver Zoning Code:

- A. Clarification of what constitutes a “sign” for purposes of zoning regulation
- B. Correction of a code drafting error that may cause confusion regarding permitted setback encroachments for one-story porches and similar features

A brief summary of each clarification/correction is provided below. Additional information is available at [denvergov.org/textamendments](http://denvergov.org/textamendments)

#### **A. Sign Definition Clarification**

Currently the definition of a “sign” refers to “colors” as being one way to convey a commercial advertising message (words, symbols, logos, letters, numbers, illumination, and motion are some of the other ways listed). Signs typically have words, images, designs, and other attributes that serve to advertise, and while colors may be part of such designs, the zoning code has historically not been interpreted to consider color alone as constituting a sign. There is no legislative history to help decipher the definition’s original intent. However, there is considerable history of inconsistent application by City staff of when “colors” are a sign. This amendment will remove the word “colors” from the definition of a “sign” to support a more consistent development review process.

#### **B. Porch Encroachment Correction**

The amendment will also correct a code drafting error adopted in the May 2018 Slot Home Text Amendment to re-establish and clarify setback encroachments for porches, decks, and similar features in some zone districts. One-story and multi-story porches have historically been allowed to encroach into minimum primary and side street setbacks. This amendment would correct code language to ensure that one-story porch allowances match those for multi-story porches. It maintains allowed side interior setback encroachments for one-story porches on the Town House building form added with the May 2018 Slot Home text amendment.

## II. **Criteria for Review and CPD Analysis**

---

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the criteria.

### A. **Text Amendment is Consistent with Adopted Plans**

The Text Amendment is consistent with the City's following adopted plans:

#### Denver Comprehensive Plan 2000:

##### Land Use

- Strategy 2-A (paraphrased): Proposed revisions should ensure that the Denver Zoning Ordinance will be: ...flexible and accommodating of current and future land use needs;...supportive of Denver's competitive economic strengths and its interest in attracting new development of all types;...enforceable through swift and fair procedures. (p. 58-9)

##### Denver's Legacies

- Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver's traditional character (p. 98).
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives (p. 98).

##### Neighborhoods

- Vision of Success, Environment: Neighborhoods are... safe because people are on the sidewalks and porches with 'eyes on the street.' (p. 148)

2018 Text Amendment #2 is consistent with *Comprehensive Plan 2000* in that it proposes changes that are flexible and accommodating of current and future land use needs, supportive of the City's competitive economic strength, and can be fairly administered and enforced. The amendment encourages positive change and diversity while encouraging development that is consistent with the character of surrounding neighborhoods, applies appropriate controls and incentives, encourages the use of porches, and helps achieve the recommendations of *Comprehensive Plan 2000*.

#### Blueprint Denver (2002):

Blueprint Denver recommends various regulatory changes to implement adopted plans and improve compatibility with existing character, including:

- Signs: In commercial areas, signs are essential for business identification, but can cause clutter....the size, design, and location of signage should be carefully considered. (p. 76)

- Language amendments: A change in the land-use standards of a zone district is one tool that can improve compatibility of buildings within an Area of Stability. (p. 124)
- Design standards: For certain Areas of Stability the underlying zoning is generally appropriate, but specific design features of new development are not compatible with existing development that is valued by the community. Specific design standards include... the presence of front porches (p. 124).

Text amendment #2 is consistent with *Blueprint Denver*, and specifically with its recommendations regarding signs in commercial areas, the use of language amendments such as the porch encroachment correction to improve compatibility of buildings in Areas of Stability, and design standards encouraging front porches.

#### Small Area Plans:

- Congress Park Neighborhood Plan (1995): Storefronts and signs should be subordinate to and integrated with each building facade and choice of materials and detailing should be compatible with the adjacent structures. (p. 35)
- Park Hill Plan (2000): Educate residents, businesses and developers about the “Neighborhood Voluntary Design Guidelines” — Storefronts and signs should be subordinate to and integrated with each building façade and choice of materials and detailing should be compatible with well-designed and maintained adjacent structures. (p. 41)
- Lower Downtown Neighborhood Plan (2000): Building signs, awnings and lighting help establish the perceived liveliness and safety of Lower Downtown street life. (p. D-8)
- East Colfax Corridor Plan (2004), West Colfax Plan (2006), University Park Neighborhood Plan (2008): Ensure that signs are compatible with and enhance the character of the surrounding area in terms of scale, color, material, and lighting levels (pp. 87, 88, and 71 respectively).
- Louisiana-Pearl Station Area Plan (2007): Ensure that signs enhance the character of the neighborhood through: Appropriate scale, color, material and lighting levels. (p. 42)
- Evans Station Area Plan (2009): Signs should compliment (sic) the building architecture, be pedestrian-scaled with consistent and distinct graphics. Plastic backlit or overly bright signs should be discouraged. (p. 22)
- Cherry Creek Area Plan (2012): Retain positive elements of current zoning including... interesting signage (p. 61).

Some small area, station area, and neighborhood plans have guidance regarding compatible sign color. However, that is different than the question of whether color *by itself* can be a sign. Removing the word “colors” from the definition of “Sign” is not incompatible with the direction in these small area plans that signs should be compatible with and enhance the character of their surroundings.

Overall, 2018 Text Amendment #2 is consistent with the above-adopted plan policies because this update to Denver’s zoning regulations responds to the needs of new and

emerging businesses, industries and technologies, responds to evolving trends in residential and commercial development and design, and makes these important rules for development more clear to residents, developers and other code users.

**B. Text Amendment Furthers Public Health, Safety, and General Welfare**

This text amendment furthers the general public health, safety, and welfare of Denver residents, land owners, and businesses by providing clarity and predictability in zoning regulations, by removing regulatory barriers to planned and desired private enterprise and redevelopment, and by continuing to implement the city's adopted comprehensive, land use, and transportation plans through regulatory changes.

**C. Text Amendment Results in Regulations that are Uniform within Each Zone District**

This text amendment results in zoning regulations which are uniform in their application to buildings and land uses within each zone district. Moreover, the amendment includes improvements to ensure consistency of zoning regulations, which will improve the City's ability to administer and enforce the Code uniformly.

**III. Public Outreach and Comments**

Below is a summary of the public outreach for this amendment:

- June 23, 2018:* CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing on Color-as-Signs
- July 2, 2018:* Summary and redline draft of text amendments posted to website for public review and email notice sent to all Registered Neighborhood Organizations (RNOs) and City Councilmembers
- July 16, 2018:* Email notice to all RNOs and City Councilmembers of scheduled Planning Board public hearing, with link to updated summary of all items
- July 18, 2018:* Televised Planning Board Informational Item
- July 25, 2018:* Planning Board staff report and updated redline draft posted to website
- August 1, 2018:* Planning Board recommends approval of Text Amendment #2 (8-1, F. Schultz opposed)  
Planning Board attached the following condition to their recommendation:  
The Planning Board Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the Planning Board Review Draft made necessary by such edits.  
Three people spoke in favor of the Text Amendment. No one spoke in opposition to the Amendment.
- August 21, 2018* LUTI Committee  
The Committee forwarded the Amendment to City Council.  
Councilmembers asked questions about the timing and scope of future updates to the sign code, as well as about consistency of the amendment

regarding the definition of sign with adopted small area/neighborhood plans. See discussion in II.A above in response to question about the definition of sign with regard to adopted small area plans.

*September 10, 2018* City Council First Reading

As of the date of this staff report, CPD has received no written comments related to this Text Amendment.

#### **IV. CPD Staff Recommendation**

---

Based on the criteria for review as described above, CPD Staff recommends **approval** to the Denver City Council of Denver Zoning Code (5/28/2018 Publication) Text Amendment #2.

#### **ATTACHMENT**

- A. Redlined Draft of Proposed Denver Zoning Code Text Amendment #2 Colors-as-Signs & One-story Porch Encroachment Clarification