



DENVER
THE MILE HIGH CITY

Proposed Denver Zoning Code Text Amendment #2

Removing word 'Colors' from
Definition of 'Sign' and
One-story Porch Encroachment Correction

October 8, 2018
Denver City Council

FOR CITY SERVICES VISIT | CALL
DenverGov.org | **311**

- Purpose of amendment
- Summary of proposed changes
- Public engagement process
- Review criteria
- Staff recommendation

Purpose of Text Amendment

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

Summary of Text Amendment: Color as Sign

DZC §13.3 currently defines ‘Sign’ as:

...“any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, **colors**, designs, symbols, fixtures, motion illumination or projected images...”

What does it mean if color alone is a sign?



Summary of Text Amendment: Color as Sign

- Signs = words, images, designs, etc... that advertise
- “Colors” included in definition of “Sign” as part of 1971 sign code update
- Colors are part of sign designs, but zoning historically has not considered color alone as a sign, and sign permitting regarding color has not been applied consistently.
- Exterior colors not limited by zoning
- Design guidelines (not in Zoning code) may limit color choices – this will not be changed by Zoning amendment, and will continue to apply

Summary of Text Amendment: Color as Sign

- Questions raised recently if use of color alone on a building should be regulated as a sign
- Regulating color alone as signage is inconsistent with historic practice
- Zoning Administrator issued Interpretation (11/6/17) that would have limited ‘colors’ as signs to trademark, trade dress
- BOA overturned this Interpretation 5/5/18
- Effect of BOA decision is that color as sign is not limited to trademark
- Lack of policy direction and need for clarity and consistency in regulation led to this amendment

Summary of Text Amendment: Color as Sign

The amended definition of ‘Sign’ will read:

...“any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, ~~colors~~, designs, symbols, fixtures, motion illumination or projected images...”

(Note definition says ‘*by any means including...*’)

Impact of Text Amendment: Color as Sign

Examples of building colors that would NOT be considered signs, post amendment:

- Public Storage orange doors (words are a sign)
- Colors used in franchise architecture - colored shapes on Taco Bell wall ('bell' & words are signs)



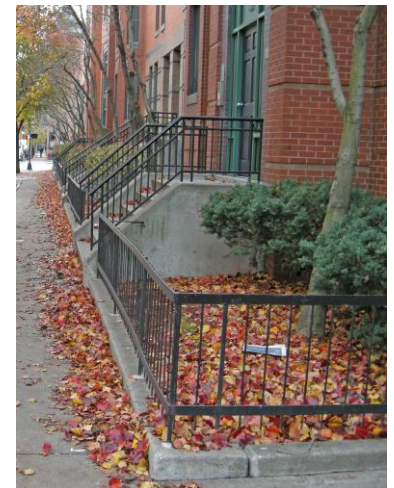
Impact of Text Amendment: Color as Sign

- Reduce ambiguity and possibility for subjective code administration/enforcement
- Ensure consistent application of regulations city-wide
- *No difference on the ground:* What's a sign, and how signs are regulated, will continue consistent with typical practice since 1971

- Question raised at LUTI about next steps
- City to undertake ‘bundle’ of sign-focused text amendments to ensure efficient and legal code administration – not focused on policy changes
- Kick off of ‘bundle’ to begin early 2019
- CPD will host stakeholder meetings
- ‘Bundle’ process typically takes 9-12 months
- City also intends larger scale effort to re-think and update sign code within next few years

Summary of Text Amendment: Porch Encroachment

- Maintain historic allowances for porches and similar features to encroach into minimum primary street setbacks
- Correct a code drafting error adopted in the May 2018 Slot Home text amendment that may cause confusion regarding setback encroachments for one-story porches and similar features in some zone districts



Summary of Text Amendment: Porch Encroachment

The proposed amendment would:

- Return relevant porch encroachment text to pre-Slot Home amendment state to fix a May 2018 drafting error that appears to allow setback encroachments for multi-story porches, but not one-story porches, in some zone districts
- Maintain intended new (May 2018) allowance for one-story porches to encroach into increased side interior setbacks when using new Town House building form
- Standardize formatting and terminology used for allowed porch encroachments

- Review with INC ZAP Committee: June 23
- Public Review Redline Draft posted to CPD website, informational notice sent to RNOs: July 2
- Notice of Planning Board public hearing sent to City Council and RNOs: July 16
- Planning Board Information Item: July 18
- Planning Board Public Hearing: Aug. 1
(Recommended approval 8-1)

- City Council LUTI Committee meeting: Aug. 21
- Mayor Council meeting: August 28
- City Council First Reading – Sept 10
- City Council Public Hearing – Oct. 8
 - Notification to RNOs 21 days prior to public hearing

Consistent with Adopted Plans and Policies

- Comprehensive Plan 2000
 - Flexible and accommodating of land use needs, supportive of City's economic strengths, can be fairly administered & enforced
 - Encourages positive change and diversity, and also development consistent with character of surrounding neighborhoods
 - Applies appropriate controls and incentives, encourages porches
- Blueprint Denver (2002)
 - Amendment consistent with recommendations regarding signs in commercial areas
 - Consistent with recommendations for language amendments in Areas of Stability
 - Consistent with recommendations encouraging front porches
- Consistent with adopted small area plans regarding signs
- (Commercial signage not specifically addressed in draft *Denveright* plans)

- **Furthers Public Health, Safety, and Welfare**
 - Provides clarity and predictability in zoning regulations
 - Implements adopted plans through regulatory changes
- **Results in Regulations that are Uniform with Each Zone District**
 - Regulations uniform in application to buildings and land uses within each zone district
 - Ensures consistency of zoning regulations
 - Improves ability to administer and enforce Code uniformly

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), staff recommends approval of Text Amendment #2 to the Denver Zoning Code.