

## **ARTICLE 10. GENERAL DESIGN STANDARDS**

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## INTRODUCTION TO ARTICLE 10

- A. Article 10, General Design Standards contains general design standards that apply throughout the city and are not unique to a Neighborhood Context or Special Context, including general standards for parking, landscaping, site grading, outdoor lighting, and signs.
- B. Article 10, General Design Standards is comprised of separate Divisions that present all regulations related to a single subject matter. For example, Division 10.4, Parking and Loading includes all regulations related to the provision of off-street parking and loading, including exceptions and exemptions from minimum requirements and minimum design for the layout of Off-Street Parking Areas.
- C. All development shall comply with this Article 10's general design standards in addition to compliance with a zone district's more specific building form and design standards, and with applicable use limitations. Each Division in Article 10, General Design Standards includes an applicability provision as to what specific types of development activity trigger application of the Division's standards.

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## DIVISION 10.1 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

In addition to the zoning design standards applicable to development under this Code, design standards found in other parts of the Denver Revised Municipal Code may apply. An applicant for development is encouraged to investigate whether these other standards may apply, and to work with Community Planning and Development and other agencies to determine how all applicable standards interplay with applicable zoning regulations. Other applicable design standards include, but are not limited to:

- 10.1.1 Chapter 49 (Streets, Sidewalks and Other Public Ways), D.R.M.C., regarding the designation of Parkways and the establishment of Parkway setbacks for buildings and structures.
- 10.1.2 Chapter 30 (Landmark Preservation), D.R.M.C., regarding the designation of Historic Structures and historic districts;
- 10.1.3 Chapter 10 (Buildings and Building Regulations), D.R.M.C., regarding the establishment of view plane protection areas, which may restrict the height of structures more stringently than the applicable zoning.
- 10.1.4 Chapter 8 (Animals), D.R.M.C., regarding licensing and permitting for the keeping of animals, including but not limited to dogs, cats, livestock, and fowl, within the City of Denver.
- 10.1.5 Chapter 56 (Utilities), D.R.M.C., regarding water, drainage, sanitary and floodplain regulations affecting land development.
- 10.1.6 Chapter 57 (Vegetation), D.R.M.C., regarding preservation of trees prior to residential demolition or construction, maintenance of landscaping in general, and maintenance of plantings in the public rights-of-way.
- 10.1.7 Chapter 27 (Housing), D.R.M.C., regarding requirements for certain developments to include a minimum amount of affordable housing.
- 10.1.8 Chapter 24 (Health and Sanitation), Article XI (Medical Marijuana Dispensaries) for regulations relating to the establishment and operation of medical marijuana retail dispensaries, a type of retail sales and service land use.
- 10.1.9 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article IV (Malt, Vinous and Spirituous Liquors), D.R.M.C., for regulations relating to the establishment and operation of Liquor Stores, a type of retail sales and service land use.
- 10.1.10 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article V (Denver Retail Marijuana Code), D.R.M.C., for regulations relating to the establishment and operation of retail marijuana dispensaries, a type of retail sales and service land use.
- 10.1.11 Rules and regulations adopted by the Manager according to D.R.M.C., Chapter 12, including but not limited to Urban Design Standards and Guidelines and the Denver Streetscape Manual.

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## **DIVISION 10.2 GENERAL SITE DESIGN AND FACILITY STANDARDS**

### **SECTION 10.2.1 INTENT**

This Division's general site design and facility standards are intended to supplement the more specific zone district building and design standards found in Articles 3 through 9 and, consistent with this Code's context-based approach, ensure that new development: (a) Provides adequate on-site facilities to meet the demands of residents, employees, and visitors; (b) Assures and promotes convenient pedestrian and bicycle access to parks, community amenities, and activity or employment centers; and (c) Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods.

### **SECTION 10.2.2 APPLICABILITY**

In addition to compliance with applicable building form and design standards, all development shall comply with the following general site and facility design standards. In case of conflict between an applicable zone district standard or an applicable and more specific building form standard in Articles 3 through 9 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific building form standard shall apply, unless otherwise expressly stated. In case of conflict between a more specific design standard stated in this Article 10 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific design standard shall apply, unless otherwise expressly stated.

### **SECTION 10.2.3 GENERAL SITE DESIGN AND FACILITY STANDARDS**

All development shall provide, as applicable:

- 10.2.3.1 Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust;
- 10.2.3.2 Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal;
- 10.2.3.3 Arrangement of buildings and vehicular circulation open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;
- 10.2.3.4 Adequate amount and proper location of pedestrian walks, malls and landscaped spaces to separate horizontally or vertically pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities;
- 10.2.3.5 Arrangement and orientation of buildings and location of Off-Street Parking Areas so as to minimize the impacts on adjacent properties;
- 10.2.3.6 Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts;
- 10.2.3.7 In development providing for family occupancy, adequate amount and safe location of play areas for children and other recreational areas according to the concentration of occupancy;
- 10.2.3.8 In development intended for nonresidential uses and located near or abutting Residential Zone Districts, provide fences, walls or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architectural, signs and activity on residential privacy and residential neighborhood character;
- 10.2.3.9 Adequate consideration for the access needs of disabled or handicapped residents through the provision of special parking spaces, accessible routes between Off-Street Parking Areas and buildings, passenger loading zones and access to other facilities in order to give disabled residents an increased level of mobility;

10.2.3.10 Adequate identification of buildings, particularly in developments where two or more buildings use one street address or where two or more buildings are located on private streets or drives. For these cases, this Section's standards shall apply to all existing and future projects and shall require the following:

- A. The installation of temporary signs identifying each individual building at the beginning stage of its construction;
- B. The installation of permanent identifying signs on each building that will allow quick identification by emergency service personnel and visitors; and
- C. The installation of legible maps at the main vehicle entry points and/or signs showing all private streets or drives and their alignment throughout the project.

## **DIVISION 10.3 MULTIPLE BUILDINGS ON A SINGLE ZONE LOT**

### **SECTION 10.3.1 INTENT**

This Division's standards are intended to provide design flexibility in the siting of multiple buildings on a single zone lot, while assuring the siting of such multiple buildings results in adequate air, light, and pedestrian access and circulation, and mitigates any potential adverse impact on adjacent properties,

### **SECTION 10.3.2 APPLICABILITY**

This Section's design standards shall apply to all development on a single zone lot containing multiple primary buildings. Refer to Division 1.2, Zone Lots and Section 13.1.5, Siting Form Standards.

### **SECTION 10.3.3 EXCEPTION TO COMPLIANCE WITH BUILDING FORM STANDARDS**

#### **10.3.3.1 Exception for Required Build-to, Zone Lots Developed Using Multiple or Different Building Forms**

##### **A. Applicability**

This Section 10.3.3.1 shall apply to all zone districts where a building form(s) has required Build-to standards and:

1. Where multiple Primary Structures are developed on a single zone lot using multiple or different assigned building forms, or
2. Where multiple Primary Structures are developed on a single zone lot containing one or more existing Compliant or Nonconforming Structures.

For example, a single zone lot in a C-MX zone district will be developed with 2 Primary Structures, with one structure assigned the General building form and the other assigned the Shop-front building form.

##### **B. Exception**

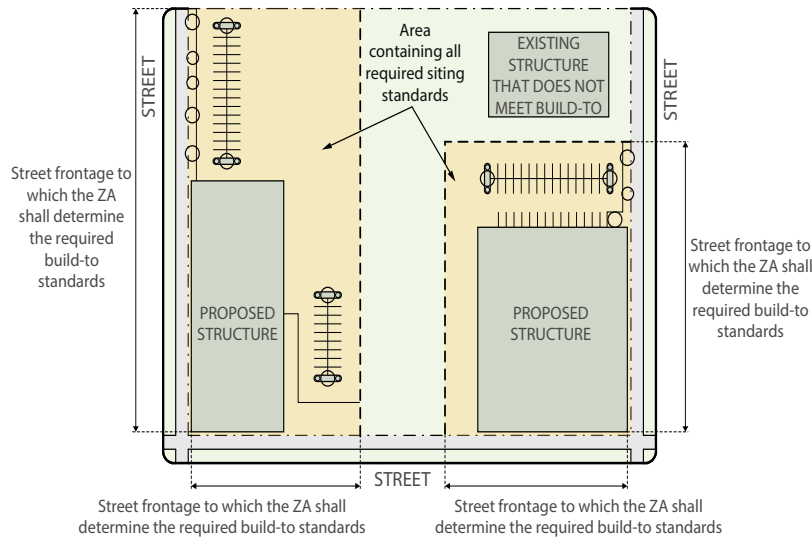
1. Where a single zone lot contains more than one Primary Structures with an assigned building form subject to minimum Build-to requirements, the Zoning Administrator shall determine the portions of the total Primary or Side Street zone lot line dimension subject to the required minimum percent Build-to standards for each Primary Structure. In such cases, the Zoning Administrator may determine that less than the total zone lot line dimension shall be subject to the required minimum Build-to percentage standards for each structure.
2. In making the determination, the Zoning Administrator shall consider the intent and purpose of the Build-to standards stated in this Code, the specific siting of structures and uses proposed on the zone lot (including but not limited to accessory parking, landscaping, or open space), and where specific application of the minimum percent of Build-to standard will most effectively meet or exceed the Build-to standards' stated intent and purpose.

##### **C. Example**

For example, a project is proposed in a C-MX zone district with two Primary Structures on a single zone lot (both new, or one new and one existing but Compliant or Nonconforming). The total zone lot line dimension is 350 feet abutting the Primary Street. Both Primary Structures are assigned the General building form. For each structure applying the General building form's minimum requirement of 70% of Primary Street Build-to, the Zoning Administrator may determine the 70% standard be applied only to a portion of the total 350-feet of zone lot dimension, such as only that portion located parallel to each proposed structure's Street Level footprint.

The remaining portion of zone lot line dimension is excepted from application of either structure's percent build-to requirement upon a finding that such remaining frontage is occupied by landscaping and required open space meeting or exceeding the stated intent of the Build-to standard, which is to provide a consistent street edge and to activate and promote pedestrian activity and sense of place. (See Figure 10.3-1)

Figure 10.3-1



### 10.3.3.2 Exception for Required Build-To, Surface Parking Location and Street Level Activation

#### A. Applicability

This subsection 10.3.3.2 shall apply to all zone districts and building forms that have a Required Build-to and that allow multiple primary structures.

#### B. Exception

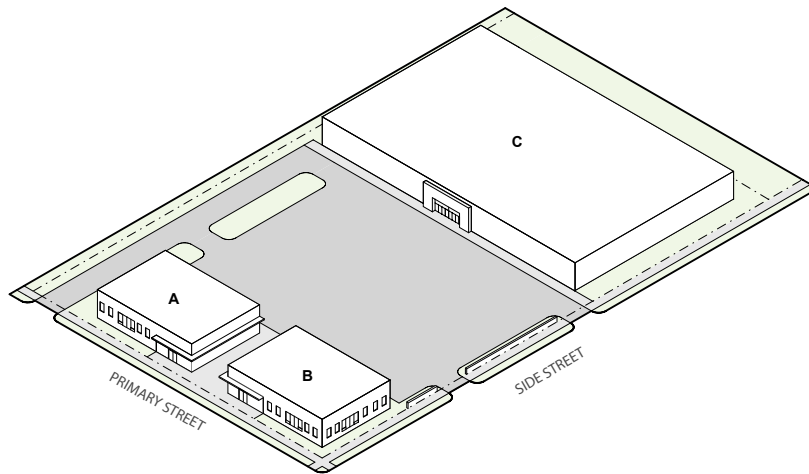
When Primary and Side Street Build-to are met for the entire zone lot, and the Surface Parking Location, and Street Level activation standards are met for those buildings being used to meet the Required Build-to, additional buildings on the site are not subject to the Build-to, Surface Parking Location, and Street Level activation standards.

- a. For example, in Figure 10.3-2, if buildings "A" and "B" comply with the required Primary and Side Street Build-to and with the Street Level activation standards, then building "C" may be sited with more flexibility on the zone lot and need not comply with the build-to or Street Level activation standards.



Figure 10.3-2

*Not to Scale. Illustrative Only.*

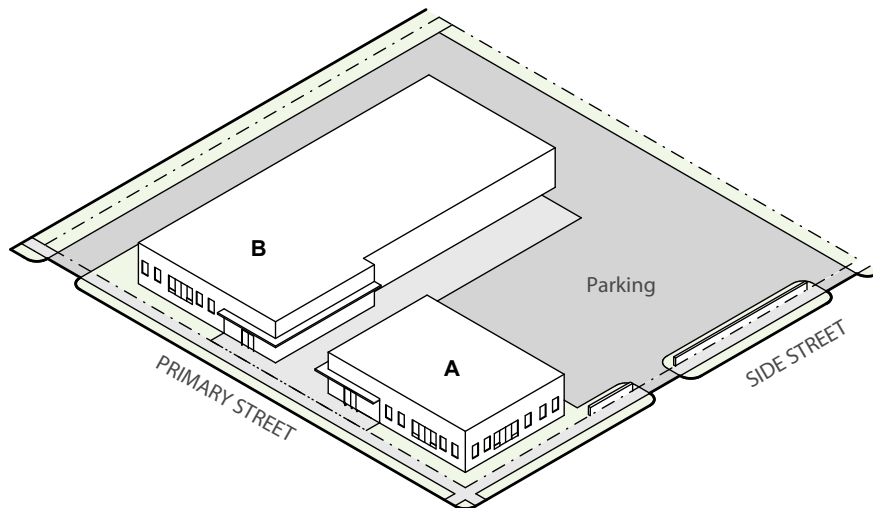


### 10.3.3.3 Exception for Surface Parking Location in Main Street

In the Main Street (-MS) zone districts only, when a Side Street build-to is met with a building (A), surface parking is allowed between additional buildings on the zone lot (B) and that Side Street. (See Figure 10.3-3)

Figure 10.3-3

*Not to Scale. Illustrative Only.*



#### **10.3.3.4 Exception for Phased Development**

When multiple buildings on the zone lot will be developed in phases, and the first phase(s) of development would not meet applicable build-to, surface parking location, and Street Level activation standards as required above, an applicant shall reserve an area along the street frontage for future building phases that will comply with such standards, provided the following conditions are met:

- A. The reserved area shall include the entire zone lot frontage abutting the Primary Street or Side Street for a depth of no less than 60 feet, measured from the zone lot line except for approved vehicular access lanes.
- B. Parking of vehicles is not allowed within the reserved area.
- C. Water quality and detention/retention facilities, or utilities, are not allowed within the reserved area.
- D. The reserved area shall be improved with at least 50% live landscape material, following Section 10.5.4.6 Landscaping Material Standards.
- E. Required pedestrian access and circulation shall be provided, following Section 10.3.4.

### **SECTION 10.3.4 PEDESTRIAN ACCESS & CIRCULATION**

#### **10.3.4.1 Intent**

This Section's Pedestrian Access & Circulation standards are intended to:

- A. Provide safe, convenient pedestrian access and circulation patterns within and between developments.
- B. Create a continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk (rather than drive) between destinations.
- C. Create a friendlier, more inviting environment by providing a pedestrian network that offers clear circulation paths from the Off-Street Parking Areas to building entries.

#### **10.3.4.2 Exemptions**

Development in the following zone districts is exempt from compliance with this Section 10.3.4's Pedestrian Access & Circulation standards except as specifically stated:

**A. Exemption for All CMP Districts**

Development in all Campus (CMP) zone district is exempt. Pedestrian access and circulation shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Section.

**B. Exemption for I-A, -B-Zone Districts**

Development in the I-A, -B zone districts is exempt.

**C. Partial Exemption for I-MX and -IMX Zone Districts**

Development in all I-MX and M-IMX zone districts shall comply with the standards requiring one or more pedestrian connections between the primary entrances to buildings on the site and the public sidewalk system along streets abutting the development (or to the curb of an abutting street where there are no public sidewalks). Compliance with all other standards in this Section 10.3.4 is encouraged, but not mandatory.

#### **10.3.4.3 Required Pedestrian Connections**

An on-site system of pedestrian walkways shall be designed to provide direct access and convenient connections to and between the following:

- A. Primary entrances to each primary building, including pad site buildings;
- B. All Off-Street Parking Areas or parking structures;

- C. All site amenities or public gathering places;
- D. The public sidewalk system along the perimeter streets abutting the development (or to the curb of an abutting street where there are no public sidewalks); and
- E. Public and private sidewalks on adjacent properties that extend to adjoining land uses, developments, and public facilities such as parks, greenways, schools, recreational facilities and public office buildings.

#### **10.3.4.4 Minimum Walkway Width**

- A. All on-site pedestrian walkways shall provide not less than 5 feet clear walking area.
- B. Where walkways are included on parking islands and medians that include landscape requirements, the required walkway width must be clear of low branching trees, vegetation and similar impediments.
- C. Where walkways occur along buildings walls, the required walkway width must be clear of door swings, exterior display, shopping cart storage, low branching trees and similar impediments.
- D. See Section 10.4.6.4.C Protection of Landscaping & Pedestrian Access for additional standards.

#### **10.3.4.5 Walkways Through Vehicle Areas**

At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials distinguished by their color, texture, or height.

### **SECTION 10.3.5 MINIMUM SPACING BETWEEN BUILDINGS**

The Building and Fire Codes require minimum spacing between buildings.

### **SECTION 10.3.6 ACCESSIBILITY BY EMERGENCY VEHICLES**

Multiple buildings on a single zone lot shall be arranged to provide accessibility for emergency vehicles, as required by the Denver Fire Code, Chapter 5, and associated Denver amendments.

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## DIVISION 10.4 PARKING AND LOADING

### SECTION 10.4.1 INTENT

The intent of Parking Standards, in conjunction with the building form standards according to Articles 3 through 9, is to:

- 10.4.1.1 Balance the provision of adequate off-street parking to meet demand with city-wide objectives to encourage pedestrian-friendly environments and the use of multiple modes of transportation, including mass transit and bike parking requirements to reduce vehicle parking demand.
- 10.4.1.2 Provide a variety of mechanisms to meet parking needs while promoting development and reinvestment in existing buildings, including Historic Structures.
- 10.4.1.3 Recognize, through parking reductions, the parking efficiencies gained through mixed use development, mixed income development, development proximate to rail and bus transit, and their impact on parking demand.
- 10.4.1.4 Promote bicycle use by providing safe and convenient bike parking through minimum requirements for type of bike parking facility and amount of bicycle spaces.
- 10.4.1.5 Encourage comprehensive, efficient, multi-site parking strategies.
- 10.4.1.6 Minimize the visual impacts of Off-Street Parking Areas, structures and garages on streets, open spaces, and adjoining development.
- 10.4.1.7 Design surface parking and parking structures to be visually compatible with the surrounding development, convenient for users, and mitigate the negative impact of vehicle noise, headlights, lighting and mechanical systems.
- 10.4.1.8 Integrate the function and appearance of parking structures into building groups so as to minimize negative impacts on public space and the pedestrian environment.
- 10.4.1.9 Design parking structure facades to reflect the predominant fenestration patterns of area buildings and to the extent possible wrap street facing elevations with active uses, especially at the Street Level.

### SECTION 10.4.2 VEHICLE AND BICYCLE PARKING - GENERAL APPLICABILITY- RULES AND EXCEPTIONS

#### 10.4.2.1 Vehicle and Bicycle Parking Required Responsibility of Owner/Operator

The owner and operator of any land area, structure, or primary use that generates a vehicle and bicycle parking requirement under this Code shall have joint and several responsibility for providing all parking required by this Division 10.4 and maintaining that parking in accordance with the provisions of this Division.

#### 10.4.2.2 Maintenance of Existing Parking Spaces

##### A. No Reduction Allowed

Except as otherwise allowed in this Division 10.4 or Code, fFor land, structures, or primary uses, occupied or operated on or after June 25, 2010, the number of existing off-street vehicle and bicycle parking spaces shall not be reduced below the lesser of the number of spaces required under this Division 10.4 or the number of spaces legally established, including taking into account any exceptions allowed.

**B. Reduction Allowed for Improvement of Existing Off-Street Parking Area**

The Zoning Administrator may reduce the number of parking spaces otherwise required by this Section 10.4.2.2 to allow the renovation or improvement of an existing Off-Street Parking Area, if the Zoning Administrator finds the following:

1. The reduction results in a substantial and material improvement to vehicle access, vehicle circulation, or pedestrian or bicyclist safety, and
2. The improved Off-Street Parking Area complies with all applicable standards stated in Sections 10.4.6, Vehicle Parking Design, and 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards.

Requests for this reduction shall be submitted and reviewed according to the procedure stated in Section 12.4.5, Administrative Adjustment.

**10.4.2.3 Minimum/Maximum Parking Amount Required - General Rules and Exceptions**

**A. General Requirement**

All primary uses shall provide a number of vehicle and bicycle parking spaces consistent with the context-specific minimum or maximum parking ratios ~~according to stated in~~ Articles 3 through 9, unless otherwise exempt, reduced, or allowed according to this Division 10.4.

**B. Exception for Expansions and Change of Use**

~~If land area, structures, or primary uses are changed from one Primary Use to any other a new Primary Use which that requires more parking spaces than the previous Primary Use, the following rules shall apply:~~

- i. ~~If the new use's minimum parking requirement exceeds the previous use's minimum parking requirement by 25 percent or less, no additional parking spaces shall be required; or~~
  - a) ~~For example: The new use has a parking requirement that results in 126 required parking spaces. The previous use had a parking requirement that resulted in 100 required parking spaces. The new use shall only have to provide 1 additional parking space.~~

**1. When Required Parking is Based on GFA**

**a. Applicability**

This subsection shall apply to expansions of existing Primary Uses, or a change in Primary Use, where the subject primary use(s)'s required amount of parking is based on the use's gross floor area (GFA) (e.g., a parking standard of 1 space/1,000 sf GFA).

**b. No Additional Parking Required**

After an expansion or change in use, if the gross floor area (GFA) of the expanded or new Primary Use(s) is reduced, stays the same, or increases by 25 percent or less compared to the previous Primary Use, no additional parking spaces are required.

**c. Additional Parking of Increment Required**

- i. If the gross floor area (GFA) of an existing Primary Use is expanded by more than 25 percent compared to the previously permitted gross floor area (GFA), additional off-street parking spaces minimum parking (in addition to any existing spaces) shall be provided for the for the expanded additional Gross Floor Area ("additional increment") above the 25% increase in Gross Floor Area.
- ii. After a change of use, if the gross floor area (GFA) of the new Primary Use(s)'s minimum parking requirement exceeds the previous Primary Use(s)'s gross floor area (GFA) minimum parking requirement by more than 25 percent, additional off-street parking spaces shall be provided for the new additional Gross Floor Area ("increment") above the 25% increase in Gross Floor Area. equal to the number that exceeds 125 percent of the previous use's minimum parking requirement.

**2. When Required Parking is Based on Number of Units**

**a. Applicability**

This subsection shall apply to expansions of existing Primary Uses, or a change of Primary Use, where either one or all the subject Primary Uses' required amounts of parking are based on the use's total number of units (e.g., a parking standard of 1 space/unit).

**b. No Additional Parking Required**

If the expanded or new Primary Use(s)'s minimum parking requirement exceeds the previous Primary Use(s)'s minimum parking requirement by 25 percent or less, no additional parking spaces shall be are required.

**c. Additional Parking of Increment Required**

- i. If land area, structures, or primary uses are enlarged or expanded, minimum parking (in addition to any existing spaces) shall be provided for the increment
- ii. After an expansion, if the expanded Primary Use (s)'s minimum parking requirement exceeds the previous Primary Use(s)'s minimum parking requirement by more than 25 percent, additional parking spaces shall be provided equal to the number that exceeds 125 percent of the previous Primary Use(s)'s minimum parking requirement.
- iii. After a change in use, if the new Primary Use (s)'s minimum parking requirement exceeds the previous Primary Use(s)'s minimum parking requirement by more than 25 percent, additional off-street parking spaces shall be provided equal to the number that exceeds 125 percent of the previous Primary Use(s)'s minimum parking requirement.

**For example:** After a change in use, tThe new Primary Use has a minimum parking requirement that results in 126 required vehicle parking spaces. The previous Primary Use had a parking minimum requirement that resulted in 100 required vehicle parking spaces. The new Primary Use shall only have to provide 1 additional vehicle parking space.

**d. Calculation of Minimum Parking Requirements**

For purposes of this Section 10.4.2.3.B, to calculate minimum parking requirement, the parking requirements contained in the applicable Use and Parking Table in Articles 3 through 9 of this Code shall be applied to the subject Primary Use(s).

**3. Retention of Existing Parking Required**

In the case of expansions and changes of use, existing and legally established parking spaces shall be retained according to Section 10.4.2.2, Maintenance of Existing Parking Spaces.

**4. Credit for On-Street Parking**

If additional vehicle parking is required per this subsection, "Exception for Expansions and Change of Use," a credit may be taken against the minimum number of additional vehicle parking spaces required ~~by this subsection~~ in the amount of 1 space for each 25 feet of abutting street frontage, up to a maximum credit of 4 vehicle parking spaces.

**5. Improvement of Existing Off-Street Parking Area**

Except as otherwise allowed, when this subsection requires additional off-street parking spaces, all existing Off-Street Parking Areas shall comply with applicable standards in Section 10.4.6, Vehicle Parking Design. The Zoning Administrator may approve a reduction in the number of required parking spaces according to the findings, criteria, and procedure stated in Section 10.4.2.2.B., Reduction Allowed for Improvement of Existing Off-Street Parking Area.

**C. ~~Exemption~~Exception for Change in Use in Existing Buildings Built Prior to 1967**

In all Mixed Use Commercial Zone Districts where minimum vehicle parking requirements apply, buildings shall be exempt from providing additional parking in the event of a change of use, provided all of the following are met:

1. The building was built before 1967;
2. The building meets the required build-to requirements of its assigned building form; ~~the subject property's zone district~~, and
3. The building meets the minimum height requirement of its assigned building form ~~the subject property's zone district~~.

**D. Exception for Change in Use Subject to Maximum Vehicle Parking Standards**

In areas subject to maximum vehicle parking standards, if land area, structures, or primary uses providing off-street parking are changed from one primary use to any other primary use that has a lower maximum number of parking spaces allowed than the previous primary use, the following shall apply:

1. If the parking spaces from the previous primary use are equal to or less than 125 percent of the allowed parking maximum under the new primary use, then parking spaces may continue to be utilized by the uses located on that zone lot, and may be used jointly, or may be provided as shared vehicle parking according to Section 10.4.5.4, Shared Vehicle Parking; or
2. If the parking spaces from the previous primary use are greater than 125 percent of the allowed parking maximum under the new primary use, then parking spaces exceeding 125 percent of the maximum parking allowed under the new primary use shall be provided as shared vehicle parking according to Section 10.4.5.4, Shared Vehicle Parking.
  - a. **Example:** The maximum parking allowed under a new primary use equals 60 parking spaces. The existing parking spaces from a previous primary use equals 100 parking spaces. The new primary use shall be required to provide 25 spaces as shared vehicle parking (60 maximum allowed spaces multiplied by 125 percent = 75 allowed spaces. 100 existing spaces minus 75 allowed spaces = 25 spaces required to be provided as shared vehicle parking).



## SECTION 10.4.3 BICYCLE PARKING

### 10.4.3.1 Applicability

Section 10.4.2, General Applicability, shall apply, with the following exceptions:

- A. This Section 10.4.3 Bicycle Parking shall not apply in the D-C, D-TD, or D-CV zone districts. See Section 8.3.1.5, Off-Street Parking Requirements, for applicable bicycle parking standards for these districts.

### 10.4.3.2 Calculation

- A. When a primary use's required amount of bicycle parking is 2 spaces or less, the use shall provide a minimum of 2 bicycle parking spaces in a fixed rack bicycle parking facility.
- B. In determining the number of bicycle parking spaces required, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.
- C. In determining the number of bicycle parking spaces that must be sited in an enclosed bicycle facility or a fixed rack bicycle facility, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.
- D. All required spaces "per square feet" are measured as gross floor area, unless otherwise specified.
- E. For residential uses, the bicycle parking requirement shall be calculated separately for separate residential buildings.
- F. Where any building or zone lot contains two or more uses having different bicycle parking requirements, the bicycle parking requirements for each use shall apply proportionally to the extent of that use's gross floor area in the building or on the zone lot.

### 10.4.3.3 Bicycle Parking Exceptions

#### A. Reductions in Required Amount of Bicycle Parking

The Zoning Administrator may adjust the bicycle parking requirement in ~~one of~~ the following ways:

1. A reduction in the ~~overall~~total number of bicycle parking spaces required for a primary use, up to a maximum 20% reduction. A reduction in the ~~overall~~total number of spaces does not change the proportional (%) distribution of the required spaces to an enclosed or fixed bicycle rack parking facility; or
2. A modification in the number of bicycle parking spaces that must be provided in either an enclosed or fixed bicycle rack parking facility, up to a maximum 20% adjustment, provided any reduction in the number of spaces provided in one type of parking facility shall be providing in the other type of parking facility.
  - a. **For example:** When a total of 20 bicycle parking spaces is required and 10 shall be provided in an enclosed storage facility and 10 shall be provided in a fixed bicycle rack parking facility, the Zoning Administrator may modify the amount that

must be enclosed, resulting in a reduction from the original 10 enclosed spaces to 8 enclosed spaces. That would require a total of 12 spaces in a fixed bicycle rack parking facility.

3. Wherever fixed bicycle parking requirements result in 20 or more fixed bicycle spaces per street frontage, only 20 fixed bicycle parking spaces shall be required along each street frontage. Any additional required fixed bicycle parking may instead be provided as enclosed bicycle parking. This shall not reduce the total number of bicycle parking spaces required.

**B. Preservation of Existing Trees**

If, in order to comply with bicycle parking requirements, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in the number of required bicycle parking spaces.

**10.4.3.4 Required Types of Bicycle Parking Facilities**

In order to meet the minimum required bike parking spaces, there are two types of bicycle parking facilities that may be required. The description and minimum standards for each type of bicycle parking facility are as follows. Such facilities may be placed on private property or within the public right-of-way. Facilities in the public right-of-way require a permit by the Department of Transportation and Infrastructure ("DOTI").

**A. Enclosed Bicycle Parking Facility**

An enclosed bicycle parking facility shall be provided through various methods provided it meet the following minimum standards:

1. Shall provide enclosed bicycle storage in lockers, a room within a building, or within a parking structure.
2. All types of enclosed bicycle storage shall be easily accessible to all building occupants and to public entrances and walkways, secure, well lighted and weather resistant.
3. Each storage space shall provide a minimum of 15 square feet in area. The Zoning Administrator may reduce the minimum area up to 6 square feet if a more efficient layout is provided.

**B. Fixed Bicycle Rack Parking Facility**

A fixed bicycle rack parking facility shall be provided through various methods provided it meet the following minimum design standards:

1. Fixed bicycle racks shall be securely anchored.
2. Fixed bicycle racks must be publicly accessible to building entrances and walkways.
3. Spacing of the racks shall provide clear and maneuverable access.
4. Where two bikes can be locked on both sides without conflict, each side can be counted as one required space.

**SECTION 10.4.4 MINIMUM AND MAXIMUM VEHICLE PARKING**

**10.4.4.1 Applicability**

Section 10.4.2.1, General Applicability, shall apply.

### 10.4.4.2 Calculations

#### A. General Rule

1. In determining the minimum number of vehicle parking spaces required or the maximum number of vehicle parking spaces allowed, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.
2. Except when shared parking is allowed (see Section 10.4.5.4 Shared Vehicle Parking), when a zone lot is used for a combination of uses, the minimum vehicle parking requirement shall be the sum of the requirements for each use and may be used jointly. In areas where maximum vehicle parking standards apply, except when shared parking for off-site uses is being provided according to Section 10.4.5.4, Shared Vehicle Parking, where a zone lot contains multiple primary uses subject to maximum parking standards, the total amount of parking provided on the zone lot shall not exceed the aggregate maximum parking allowed for those uses, and may be used jointly.
3. Vehicle queuing spaces serving permitted fuel pumps where the spaces meet the dimensional standards for a 0° parking space as required in Section 10.4.6, ~~may~~shall count toward the ~~minimum required~~ number of vehicle parking spaces.
4. **Van-accessible, Electric Vehicle Charging Parking Spaces**
  - a. Note: This addition is being made in response to HB2023-1233. For purposes of calculating minimum parking requirements, any parking space that complies with the following shall be counted as 2 required parking spaces:
    - i. The parking space meets the minimum dimensional standards for a van-accessible parking space;
    - ii. The parking space is served by Electric Vehicle Supply Equipment; and
    - iii. The parking space shall be made available for general use, rather than reserved exclusively for the holders of an identifying plate or placard issued under C.R.S. section 42-4-1208.
  - b. The parking spaces provided to meet the requirements in 10.4.4.2.A.4.a.i-iii shall count as 1 required parking space for purposes of calculating maximum vehicle parking where applicable.

#### B. Gross Floor Area for Purposes of Calculating Parking Amounts

For the purposes of complying with minimum and maximum parking requirements, gross floor area shall mean the sum of the gross horizontal areas of all of the floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area, the following shall be excluded:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located;
2. Any floor area used exclusively as parking space for vehicles or bicycles; and
3. Any floor area that serves as a pedestrian mall or public access way to shops and stores.

#### C. “Unit” for Purposes of Calculating Parking Amounts

For the purposes of complying with minimum and maximum parking requirements, the term “unit” shall mean, as applicable, either:

1. A dwelling unit in a household living use, as “dwelling unit” is defined in Article 11, Use Limitations and Definitions; or

2. A Room, which may or may not contain kitchen or bathing facilities, intended for occupancy by a resident or guest in a Residential Care or Congregate Living use.

**D. Guest Parking in Districts with Maximum Vehicle Parking Standards**

**1. Intent**

To allow flexibility for a limited amount of guest parking in zone districts with maximum vehicle parking standards.

**2. Applicability**

This Section 10.4.4.2.D applies to all residential primary uses in zone districts where maximum vehicle parking standards apply.

**3. Standards**

- a. On a zone lot containing at least 3 and no more than 19 dwelling units, one additional vehicle parking space may be provided for guest parking.
- b. On a zone lot containing 20 or more dwelling units, one additional vehicle parking space may be provided for guest parking for every 20 dwelling units. For example, a 42-unit development may provide two additional parking spaces for guest parking.
- c. Except when shared parking is being provided on a separate zone lot according to Section 10.4.5.4, Shared Vehicle Parking, all guest parking must be located on the same zone lot as the residential primary use for which it is being provided.

**10.4.4.3 Accessible Vehicle Parking**

**A. Minimum Required**

All primary uses subject to this Division 10.4 shall provide accessible parking for disabled persons that complies with the Denver Building and Fire Code and with the Americans with Disabilities Act (ADA) standards, provided, however, that the amount of accessible parking provided for multi-unit dwelling uses shall be no less than one (1) space for each dwelling unit constructed for occupancy by a disabled person.

**10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development**

**A. Intent**

To promote active, transit-supportive development and uses proximate to transit stations, thereby leveraging regional investment in transit infrastructure and promoting livability and sustainability in Denver's transit neighborhoods.

**B. Applicability**

1. This Section 10.4.4.4 shall apply to all uses located within 1/4 mile of the outer boundary of a Rail Transit Station Platform in all zone districts except the CMP and zone districts; and
2. This Section 10.4.4.4 shall apply only to limit the amount of Surface Parking.
3. If a structure or use is exempt from minimum parking requirements, this subsection's maximum parking standard shall still apply, based on the minimum amount otherwise required by the underlying zone district for such use or structure absent any exemption or reduction.
  - a. If the underlying zone district does not include minimum parking requirements, this subsection's maximum parking standard shall still apply, based on the minimum requirement otherwise required for the subject use or uses in the C-MX Zone Districts.
4. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

**C. Maximum Vehicle Surface Parking Permitted**

For all applicable zone districts where minimum parking requirements apply, Surface Parking spaces shall not exceed 110 percent of the minimum parking spaces required by the subject property's zone district, except that up to 1 vehicle surface parking space per dwelling unit shall be allowed even if exceeding the 110 percent. For all applicable zone districts where maximum vehicle parking standards apply, the more restrictive standard shall determine the maximum vehicle Surface Parking allowed.

**10.4.4.5 Location of Required Vehicle Parking**

Required vehicle parking spaces shall be located on the same zone lot as the primary use for which provided, except as allowed below:

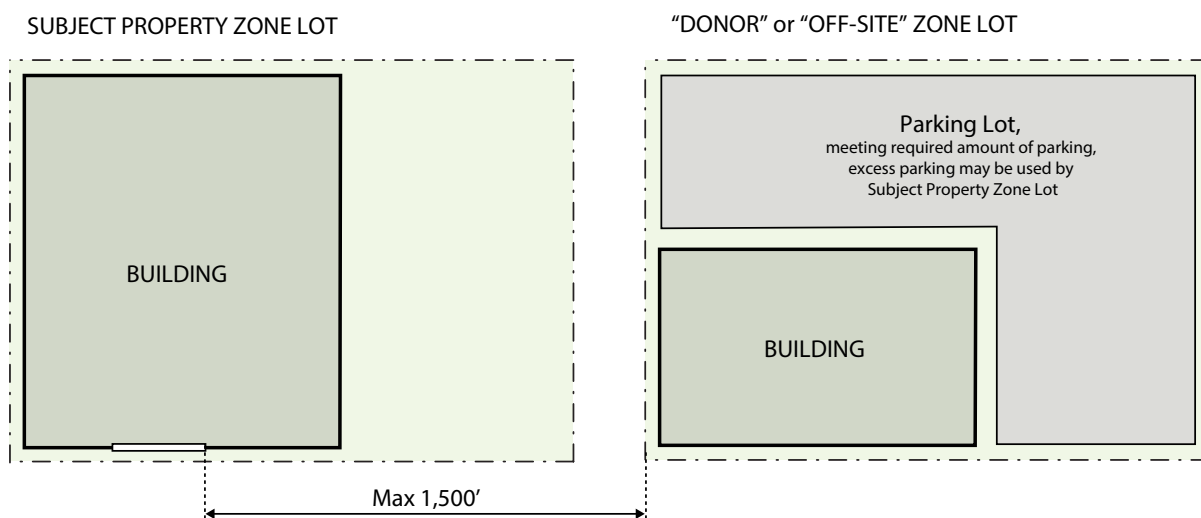
A. As allowed in Section 10.4.5.4, Shared Vehicle Parking, or

**B. Off-Site Vehicle Parking**

A primary use's required vehicle parking may be located on a Zone Lot different from the Zone Lot containing the primary use ("off-site vehicle parking"), subject to compliance with the following standards:

1. The subject Primary Use may provide off-site vehicle parking provided that the parking spaces on the off-site Zone Lot are not required vehicle parking spaces for any other Primary Use(s) (See Section 10.4.5.4 Shared Vehicle Parking for that scenario).
2. Parking requirements may be met off the zone lot by ownership or a current lease of parking spaces on another zone lot and dedicated to the primary use being served. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the zoning permit until the parking deficiency is remedied.
3. Off-site parking shall be located within a "walking distance" of 1,500 feet from the use served by the remote parking. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

Figure 10.4-1



## SECTION 10.4.5 VEHICLE PARKING EXEMPTIONS AND REDUCTIONS

### 10.4.5.1 Vehicle Parking Exemptions

The following uses and circumstances are exempt from providing the minimum amount of vehicle parking otherwise required by this Code, but only to the extent specified in this Section.

#### A. Pre-Existing Small Zone Lots

##### 1. Intent

Encourage the preservation of pre-existing Small Zone Lots through exempted vehicle parking requirements to facilitate the reuse of existing buildings and/or the redevelopment of Small Zone Lots.

##### 2. Applicability

- a. All Mixed Use Commercial Zone Districts; and
- b. Where the subject Zone Lot is currently equal to or smaller than 6,250 square feet and was equal to or smaller than 6,250 square feet on June 25, 2010 ("Small Zone Lot").

##### 3. Exemption Allowed

###### a. Reuse of Existing Buildings on Small Zone Lots

- i. If a building (1) is located on a Small Zone Lot and (2) existed on March 23, 2017, then of all uses in such building, including any modifications, alterations, and expansions, shall be exempt from providing vehicle parking.
- ii. Any building located on a Small Zone Lot that is ~~v~~Voluntarily ~~d~~Demolished shall not be considered an existing building. ~~"Voluntarily demolished" shall have the same meaning as the term "Demolition, Voluntary" defined in Article 13.~~

###### b. New Buildings on Small Zone Lots Located within Proximity to Transit Service

All uses housed in the lowest two Stories entirely above the base plane of a new building constructed on a Small Zone Lot located within 1/2 mile of the outer boundary of a Rail Transit Station Platform or located within 1/4 mile from a High-Frequency Transit Corridor may be exempt from providing vehicle parking. The Zoning Administrator shall determine whether a Small Zone Lot is within proximity to transit service as specified in Section 13.1.11.

###### c. New Buildings on All Other Small Zone Lots

All uses housed in the first Story that is entirely above the base plane of a new building constructed on any other Small Zone Lot may be exempt from providing vehicle parking.

###### d. Vehicle Parking Exceptions for Required Vehicle Parking on Small Zone Lots

- i. All exceptions to minimum vehicle parking requirements set forth in Section 10.4.5 are available to any required minimum vehicle parking not exempted as described in this Section 10.4.5.1.A.
- ii. The total number of vehicle parking spaces required may be reduced by up to 100% under any one or combination of the vehicle parking reductions provided in accordance with Section 10.4.5.3.

#### B. Ground-Floor Retail Uses in Mixed Use Projects

##### 1. Applicability

- a. All Mixed Use Commercial Zone Districts, except MS-2, MS-2x, MX-2, MX-2x, MX-2A;
- b. Multi-story mixed use buildings; and



- c. Where one or more of the following uses is located on the ground floor:
  - i. Retail sales, service, or repair uses, provided no single retail sales, service, or repair use is more than 10,000 square feet of gross floor area;
  - ii. Food sales or market, provided no single food sales or market use is more than 10,000 square feet of gross floor area; or
  - iii. Eating or drinking establishment, provided no single eating or drinking establishment is more than 3,500 square feet of gross floor area.

**2. Exemption Allowed**

A maximum of 5,000 square feet of gross floor area of the uses listed in Section 10.4.5.1.B.1.c above per building shall be exempt from vehicle parking requirements.

**C. Historic Structures**

- 1. Required parking for Historic Structures shall be the lesser of the following:
  - a. The number of parking spaces required for the land use and located on site as of August 1, 2007, or for structures designated after August 1, 2007, as of the date of designation; or
  - b. The number of parking spaces required for the land use under this Code.
- 2. Parking spaces required to serve the Historic Structure that are located off of the zone lot as of August 1, 2007, need not be retained unless the provision of off-site parking spaces is a condition resulting from the quasi-judicial decision of the city council (e.g., as a condition or waiver attached to a rezoning approval).
- 3. Additions to Historic Structures shall be parked in accordance with this Division, and may be eligible for exemption according to Sections 10.4.2.1.C.1 and 2 Exceptions for Expansion and Change of Use. The parking spaces for an addition to a Historic Structure are in addition to the number of parking spaces required according to Section 10.4.5.1.C.1 above. Off street parking requirements for the addition may be met off of the zone lot according to Section 10.4.4.5.B, Off-Site Vehicle Parking.
- 4. In the D-LD zone district, this subsection 10.4.5.1.C. shall have no force and effect, and Section 8.4.1.4, Off-Street Parking Requirements, shall govern the parking of Historic Structures.

**D. Preservation of Existing Trees**

If, in order to comply with standards in this Article 10 for the landscaping of parking areas and with this Division 10.4. Parking and Loading, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces. Requests for this exception from the minimum parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

**E. ~~Vehicle Parking Exemptions for~~ Enhanced Affordable Housing near Multi-Modal Transportation**

**1. Intent**

To remove barriers to mixed income development by eliminating vehicle parking requirements for projects that are near high- or medium-capacity transit and provide enhanced affordable housing beyond mandatory requirements.

**2. Applicability**

- a. This Section 10.4.5.1.E shall apply to Zone Lots that meet the following criteria:



- i. Have their nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform or within 1/4 mile of a High/Medium-Capacity Transit Corridor; and
  - ii. Are located in a Mixed Use Commercial Zone District, Multi Unit (MU) zone district, Residential Office (RO) zone district, or Residential Mixed Use (RX) zone district.
- b. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11 Measurement of Separation or Distance.

**3. Exemption**

All Dwelling Units on a Zone Lot shall be exempt from the minimum amount of vehicle parking otherwise required by this Code if the Structure qualifies for the incentives for enhanced on-site compliance as set forth in D.R.M.C. Chapter 27, Article X Mandatory Affordable Housing and any applicable Rules and Regulations.

**10.4.5.2 Alternative Minimum Vehicle Parking Ratios**

The following uses are allowed alternative minimum vehicle parking ratios instead of the minimum parking ratios otherwise required by this Code, but only to the extent specified in Section 10.4.5.2.

**A. General Provisions Applicable to All Alternative Minimum Vehicle Parking Ratios**

**1. ~~Alternative Minimum Vehicle Parking Ratios Not Applicable to Accessible Parking~~**

~~The number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required for the subject land use in the applicable Use and Parking Table before application of an eligible alternative minimum vehicle parking ratio. The number of required accessible parking spaces shall not be calculated based on alternative minimum vehicle parking ratios.~~

**2. No Combination with Reductions**

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

- a. For example: A Zone Lot in a Main Street zone district includes 100 housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**3. Combination of Multiple Alternative Ratios Allowed**

If more than one alternative parking ratio applies to an applicable use(s), an Applicant may choose which alternative parking ratio to apply or may combine multiple alternative parking ratios in the same development.

- a. For example, in a Main Street zone district, a new primary structure will include 80 housing units that are affordable at 60 percent area median income and below, and another 50 housing units that are market-rate rentals but are each under 550 square feet in gross floor area. In this case, the applicant may apply the affordable housing alternative parking ratio to the 80 affordable units, and the small dwelling units alternative parking ratio to the 50 small units.

**B. Alternative Minimum Vehicle Parking Ratios Allowed**

The Zoning Administrator shall allow an applicant to apply an alternative minimum vehicle parking ratio upon finding that the additional requirements stated in the following table have been met:





TYPE OF ALTERNATIVE	APPLICABLE ZONE DISTRICTS	APPLICABLE USE	ADDITIONAL REQUIREMENTS	ALTERNATIVE ALLOWED
Affordable Housing	All Zone Districts	Primary Residential Uses	Housing that is affordable at 60 percent Area Median Income and below	Alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit
Mandatory Affordable Housing On-Site Compliance	All Zone Districts	Primary Residential Uses	All required Income Restricted Units are located on the Zone Lot	Alternative minimum vehicle parking ratio for all Dwelling Units of 0.75 vehicle parking spaces per unit in Suburban (S) and Industrial (I) contexts; 0.5 vehicle parking spaces per unit in Urban Edge (E), Urban (U), and General Urban (G) contexts; and 0.25 vehicle parking spaces per unit in Urban Center (C) context
Small Dwelling Units	All Main Street Zone Districts	Primary Residential Uses	Dwelling Units that are under 550 square feet in gross floor area may utilize this reduction	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit
Shelters	All Zone Districts	Primary Residential Care Use	Residential Care Uses that provide temporary housing or shelter primarily to guests who are at risk of homelessness or are experiencing homelessness.	Alternative minimum vehicle parking ratio of 0.125 vehicle parking spaces per 1,000 sf GFA
Congregate Living	All Main Street Zone Districts	Congregate Living Primary Use	n/a	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit
Household Living for Older Adults	All Main Street Zone Districts	Household Living Primary Use	Dwelling unit must be occupied only by older adults (individuals 55 or more years of age) who comprise a single, non-profit housekeeping unit, and do not meet the definition of a "Residential Care Use."	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit
Other Housing	All Main Street Zone Districts	Primary Residential Uses	Other special needs housing with similar reduced parking demands, as approved by the Zoning Administrator	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit

### 10.4.5.3 Vehicle Parking Reductions

#### A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

##### 1. Calculation

In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section's permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based on an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

##### 2. ~~Reductions Not Applicable to Accessible Parking~~

~~The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.~~ **Note:** This is proposed for removal because the building code governs the number of required accessible parking spaces based on the total number of parking spaces provided; this is not a necessary provision in the zoning code.

**3. No Combination with Alternative Minimum Vehicle Parking Ratios**

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

- a. For example: A Zone Lot in a Main Street zone district includes 100 housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**4. Maximum Reduction Allowed**

- a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, with the following exceptions:
  - i. Vehicle parking reductions ~~for small lots in the C-CCN zone districts~~ provided in Section 10.4.5.3.C, Vehicle Parking Reduction for sSmall H Lots in the C-CCN zZone dDistricts.
  - ii. ~~Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.~~
  - iii. Vehicle parking reductions provided in Section 11.10.14.3.C, Flexibility for Outdoor Gathering Areas.
- b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection's permitted reductions.
  - i. **For example**, a Zone Lot in a G-MS-5 zone district includes 100 housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The housing use may apply the alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 90% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**5. Informational Notice Required ~~for Certain Reduction Requests~~**

A request for ~~greater than~~ a reduction greater than 25% ~~reduction~~ in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, ~~with the following exceptions:~~

- a. ~~Alternative vehicle parking ratios~~
- b. ~~Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.~~

## 6. Withdrawal from Participation in Plans or Programs

- a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
- b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:
  - i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,
  - ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

### B. Reductions Allowed

The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:

TYPE OF REDUCTION	APPLICABLE ZONE DISTRICTS	APPLICABLE USE	ADDITIONAL REQUIREMENTS	REDUCTION ALLOWED	SPECIAL REVIEW PROCESS
Assisted Living Facility	All Zone Districts	Assisted Living Primary Use	The reduction shall be allowed only upon finding that the assisted living facility generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors; and If a reduction is permitted under this provision, no additional parking reduction otherwise available under this Code shall be granted	0.5 space per unit reduction in the total number of required vehicle parking spaces	Section 12.4.2, Zoning Permit with Informational Notice
Proximity to Multi-Modal Transportation	Suburban (S-), Urban Edge (E-), Urban (U-), or General Urban (G-), Industrial (I-), or Master Planned (M-) Zone District	Any Primary Use	Any Primary Use located on a Zone Lot having its nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform or 1/4 mile of a transit priority street as defined in Blueprint Denver	25% reduction in the total number of required vehicle parking spaces	See Section 10.4.5.3.A.5

TYPE OF REDUCTION	APPLICABLE ZONE DISTRICTS	APPLICABLE USE	ADDITIONAL REQUIREMENTS	REDUCTION ALLOWED	SPECIAL REVIEW PROCESS
<b>On-Site Car Sharing</b>	All Zone Districts, except Campus Zone Districts	Any Residential Primary Use	Where an active car-sharing program is available in the same building or on the same zone lot as that Primary Use and is made available to the residents in the same building where the residential units are located	5 required vehicle parking spaces reduced for each 1 car share space provided	See Section 10.4.5.3.A.5
	Campus Zone Districts	Any Primary Use			
<b>Off-Site Car Sharing</b>	All Zone Districts	Any Primary Use	The car sharing program shall be: (1) Located on a zone lot and not within public right-of-way; (2) Located within a walking distance no greater than 1,500' of the zone lot containing the subject primary use; (3) Either in existence or being developed concurrently with the proposed development; and (4) Has the capacity to meet a portion of the vehicle parking needs of the subject primary use	Determined by the Zoning Administrator	See Section 10.4.5.3.A.5
<b>Bike Sharing</b>	All Zone Districts, except Campus Zone Districts	Any Nonresidential Use	The bike share program shall be located in the same building, on the same zone lot, or in the public right-of-way abutting the subject zone lot.	1 required vehicle parking space reduced for each 5 bike share parking spaces provided	See Section 10.4.5.3.A.5
	Campus Zone Districts	Any Primary Use			

#### C. Vehicle Parking Reduction for Small Lots in the C-CCN Zone Districts

1. In the C-CCN zone districts, zone lots which are equal to or smaller than 9,375 square feet in area on October 27, 2014, shall be granted a 67 percent reduction in the total number of required vehicle parking spaces.
2. This vehicle parking reduction shall not be allowed in combination with any vehicle parking reduction allowed under section 10.4.5.3.B.

#### 10.4.5.4 Shared Vehicle Parking

##### A. Applicability

1. An applicant may request shared parking to meet the minimum/maximum vehicle parking requirements for mixed use developments, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
2. Parking spaces that may be shared according to this subsection:
  - a. Shall be located on a zone lot (on-street parking spaces are not eligible), and
  - b. Shall be capable of being specifically allocated or reserved for the primary uses served (spaces in a surface lot or garage that are accessible by the general public are not eligible), except that this provision shall not apply in areas where only maximum parking standards apply;
  - c. However, in the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the zone lot will count toward the vehicle parking requirement. Although allocated to a specified zone lot, said spaces need not be reserved for said specified zone lot.

**B. Shared Parking Where Maximum Parking Standards Apply**

1. When located on a Zone Lot subject only to a vehicle Surface Parking maximum according to section 10.4.4.4, each shared vehicle Surface Parking space shall be counted only once in the calculation of vehicle Surface Parking spaces that contribute to the maximum allowed.
2. When shared vehicle parking is required for a change of use according to Section 10.4.2.1.C.2.c, the number of shared spaces provided may exceed the number required to be shared according to that section. Shared spaces shall be counted only once in the calculation of the number of spaces that contribute to the maximum parking allowed for each Primary Use included in the parking analysis.
3. In all other areas subject to maximum vehicle parking standards the following shall apply:
  - a. Parking may be shared between Primary Uses located on separate Zone Lots according to this subsection.
  - b. Surface Parking and/or Garage Parking shall only be permitted as a Primary Use on a Zone Lot if the spaces are provided as shared vehicle parking according to this subsection.

**C. Shared Amount Allowed**

The Zoning Administrator shall determine the total amount of parking allowed to be shared based upon the shared parking analysis.

**D. Process for Review and Approval**

Requests for shared parking shall be processed according to Section 12.4.3, Site Development Plan Review. In addition to the requirements for a Site Development Plan, requests for shared parking shall comply with this Section's standards and criteria.

**E. Shared Parking Analysis Required**

A parking analysis shall be submitted as part of the Site Development Plan application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a Qualified Professional. A shared parking study shall, at a minimum, address:

1. The intensity and type of activities and the composition of uses;
2. Hours of operation of the uses;
3. The rate of turnover for proposed shared spaces;
4. Distances of shared parking spaces from the uses they serve; and
5. The anticipated peak parking and traffic loads for the site.
6. Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.
7. In areas subject to minimum parking requirements, if the shared parking spaces are located on a different zone lot than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 1,500 feet from the use served. This provision shall not apply in areas where only maximum parking standards apply.
  - a. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.
  - b. The Zoning Administrator may increase the allowed distance or waive the standard entirely when there is a shared parking entity and support in the shared parking analysis.

8. In areas subject to maximum parking requirements, when multiple off-site Primary Uses are included, the number of shared spaces shall be specified for each off-site Primary Use contributing to the maximum parking allowed.

**F. Withdrawal from Participation in Plans or Programs**

1. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.4 may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
2. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.4 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if the owner(s) demonstrates that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement.

## **SECTION 10.4.6 VEHICLE PARKING DESIGN**

### **10.4.6.1 Vehicle Parking Layout - Single-Unit and Two-Unit Development**

**A. Intent**

The intent of these standards is to ensure adequate space for vehicle maneuvering when entering or exiting carports and garages.

**B. Applicability**

This Subsection 10.4.6.1 shall apply to all Off-Street Parking Areas for all Single-Unit and Two-Unit Dwelling development.

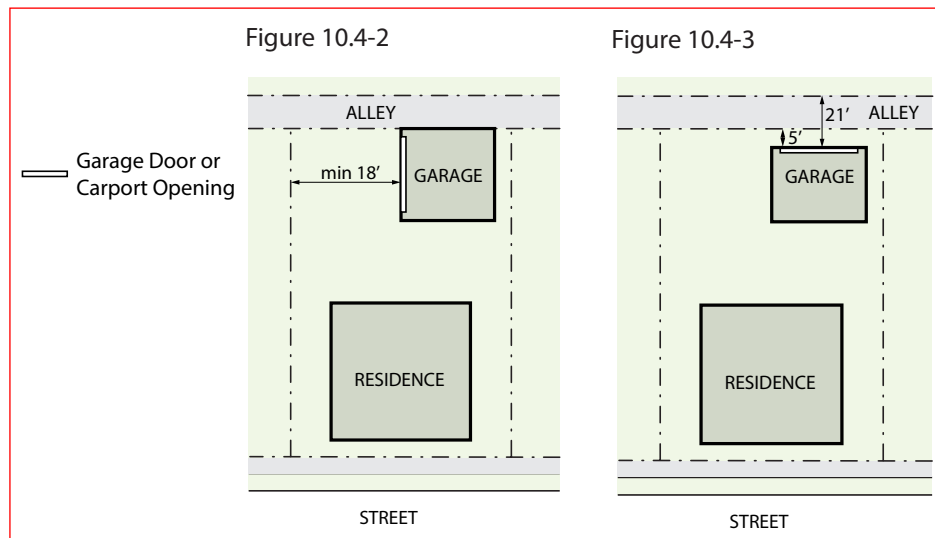
**C. Parking Space Standard**

All required parking spaces shall have a minimum width of 8.5 feet and a minimum length of 17.5 feet.

**D. Garage and Carport - Minimum Vehicle Maneuvering Area Setbacks**

1. Garage doors or Carport openings that do not open directly to a street or public or private Alley shall provide a minimum distance of 21 feet of maneuvering area as measured perpendicular from the face of the garage door or Carport opening. For access to a Garage or Carport, when the Garage doors or Carport "openings" are not "facing" the alley, there shall be a minimum dimension of 18 feet as measured from the face of the Garage door or Carport opening to the Side Interior Zone Lot Line. (See Figure 10.4-2)  
Alley Right-of-Way Width 13 Feet or Less
2. If an alley right-of-way is 13 feet wide or less, w~~When~~ Garage doors or Carport openings are facing the alley, the Garage doors or Carport openings shall be located a minimum of 18 feet from the farthest alley right-of-way boundary line. Garage doors or Carport openings that open directly to a street or public or private Alley shall be located a minimum distance of 5 feet from the nearest right-of-way or private Alley boundary line as measured perpendicular from the face of the garage door or carport opening

3. Garage doors or Carport openings that open directly to a private or public Alley shall be located a minimum distance of 21 feet from the farthest public or private Alley boundary line as measured perpendicular from the face of the garage door or carport opening.



#### E. Other Standards

1. See Section 10.4.6.3.B, Vehicular Access
2. See Section 10.4.6.4.A, Drainage and Surface Materials

### 10.4.6.2 Vehicle Parking Layout - All Other Development

#### A. Applicability

1. This Subsection 10.4.6.2 shall apply to all All Off-Street Parking Areas except for Single-Unit and Two-Unit Dwelling development and except that mechanized parking spaces are exempt from the parking dimensions standards.
2. This Subsection 10.4.6.2 shall not apply to any portion of a zone lot that is established as an Event Space with Alternate Parking and Loading use within the CMP-NWC-G or CMP-NWC-F zone districts.

#### B. Parking Space and Module Standards

Off-street parking spaces shall be laid out in accordance with the standards shown in Table A and Figure 10.4-4, with the following additions and exceptions:

##### 1. Parking Angle

- a. Parking angles greater than 0 degrees and less than 30 degrees are not allowed.
- b. Other angles between 30 and 90 degrees are allowed and the dimensions for those angles shall be determined through interpolation.
- c. Parking angles for spaces within individual garage units shall be determined by the angle of the entry to the garage structure.

##### 2. Parking Aisle

- a. A minimum of 5 feet of back out space shall be provided at ends of parking rows unless the aisle is 30 feet or more in width.
- b. If a public alley is allowed to be used as the aisle or access to adjoining parking spaces or garages, the spaces or projection must be lengthened as necessary to



provide a total alley or aisle width of 20 feet for 30-degree through 75-degree angle parking and 23 feet for 90-degree angle parking. This requirement shall apply to all new uses and developments except single-unit and two-unit dwellings.

### 3. Garage Door Setbacks

When a public alley is allowed to be used as the access to a parking garage, any garage door that faces the alley shall be setback at least 5 feet from the zone lot line abutting the public alley.

### 4. Compact Spaces

- No more than 10 percent of the total parking spaces provided (required and excess spaces) may be compact.
- When provided in a parking garage, compact spaces may be used only where the layout of the structure requires such spaces at the end of a row or to accommodate a column.
- All compact parking spaces shall be clearly and visibly striped and labeled (e.g., by a sign) for compact car use only.

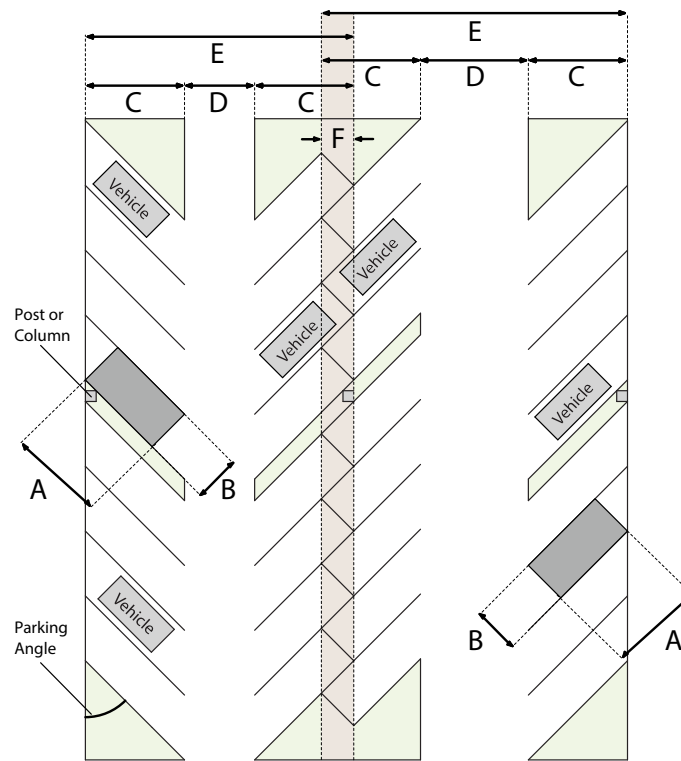
### 5. Measurements

- In a parking structure, stall dimensions shall be measured from the surface of an adjacent pillar, post, or column closest to the parking stall.

TABLE A: DIMENSIONS OF PARKING SPACES & MODULES						
Parking Angle	Stall Length (A)	Stall Width (B)	Projection (C)	Parking Aisle One-Way / Two-Way (D)	Module One-Way / Two-Way (E)	Interlock Reduction (F)
Standard Parking Space						
0°	22'	8.5'	8.5'	13' / 20'	30/37'	--
30°	17.5'	8.5'	16.11'	13' / 20'	45.22/52.22'	2'
45°	17.5'	8.5'	18.38'	13' / 20'	49.77/56.77'	2'
60°	17.5'	8.5'	19.41'	16' / 20'	54.81/58.81'	1.5'
75°	17.5'	8.5'	19.1'	18' / 20'	56.21/58.21'	1'
90°	17.5'	8.5'	17.5'	23' / 23'	58/58'	--
90° *	17.5'	8.5'	17.5'	20' / 20'	55/55'	--
Compact Parking Space						
0°	18'	7.5'	7.5'	13' / 20'	28/35'	--
30°	15.5'	7.5'	15.11'	13' / 20'	43.22/50.22'	2'
45°	15.5'	7.5'	16.97'	13' / 20'	46.94/53.94'	2'
60°	15.5'	7.5'	17.67'	16' / 20'	51.35/55.35'	1.5'
75°	15.5'	7.5'	17.17'	18' / 20'	52.34/54.34'	1'
90°	15.5'	7.5'	15.5'	23' / 23'	54/54'	--
90° *	15.5'	7.5'	15.5'	20' / 20'	51/51'	--
*Applies to vehicle parking layout for development under any combination of the following building forms on a Zone Lot: the Town House, Row House, and Garden Court. Standards cannot be used in combination with other building forms such as Apartment, General or Shopfront.						



Figure 10.4-4



Not to Scale. Illustrative Only.

### 10.4.6.3 Vehicular Access and Circulation

#### A. Internal Drive Dimensions

The following standards shall apply in all zone districts to all Off-Street Parking Areas, excluding single-unit and two-unit dwelling development:

##### 1. Definition

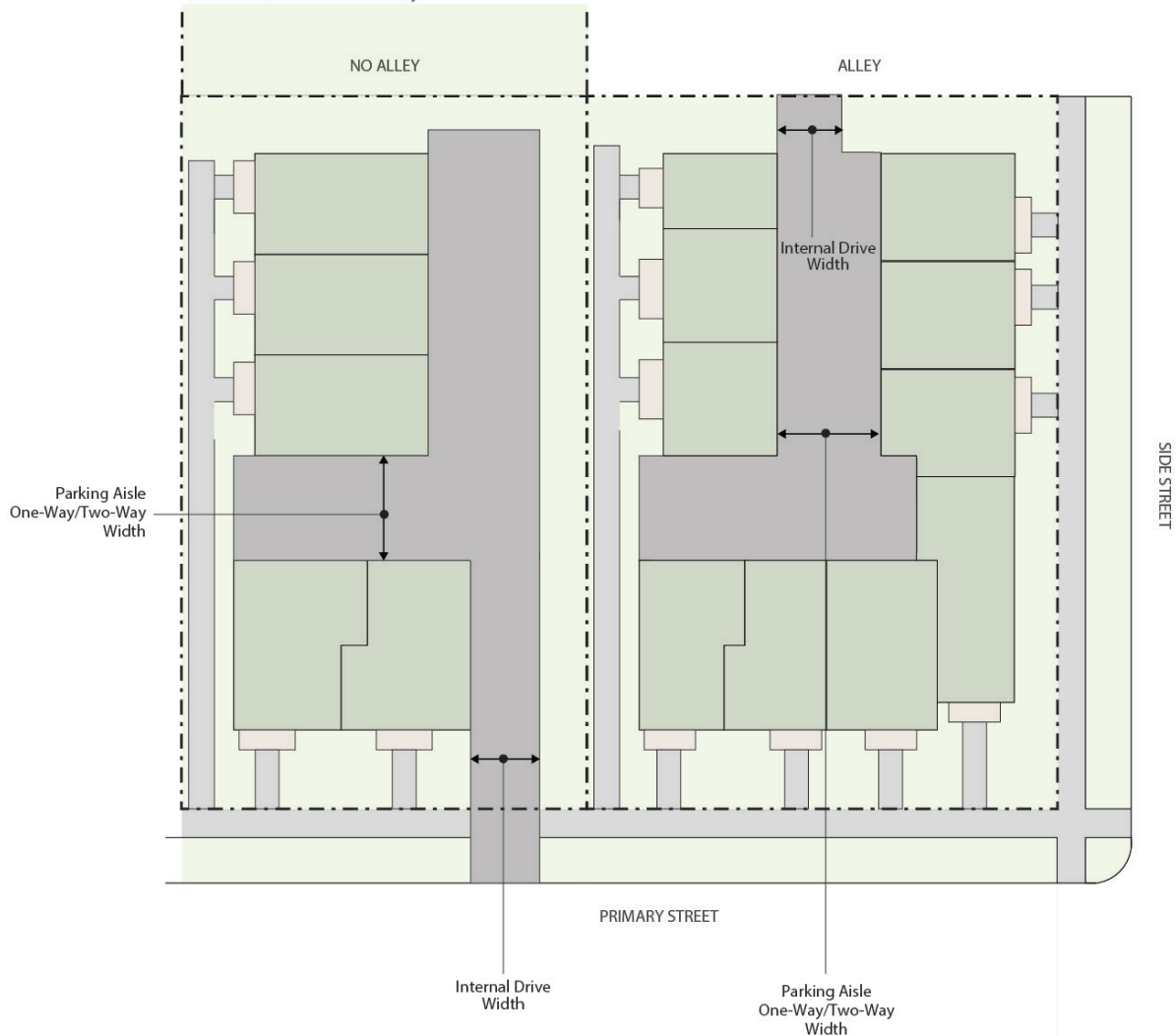
“Internal drives” mean the part of a Off-Street Parking Area used for vehicular circulation, but which do not abut parking stalls in a manner that allows their use for vehicular access to the parking stalls.

##### 2. Minimum Internal Drive Dimensions

- a. Internal drives shall be a minimum width of 10 feet for one-way traffic and shall be a minimum width of 20 feet for two-way traffic except for development under the Town House, Row House, or Garden Court building forms.
- b. Internal drives for development under the Town House, Row House, or Garden Court building forms shall be a minimum width of 12 feet for one-way and/or two-way traffic on Zone Lots that contain no other building forms. (See Figure 10.4-5)

Figure 10.4-5

*Not to scale. Illustrative Only.*



- c. The Zoning Administrator may reduce the minimum internal drive width standard in accordance with Section 12.4.5, Administrative Adjustments.

## B. Vehicular Access

The following standards shall apply in all zone districts to all Off-Street Parking Areas:

1. Access to and egress from each parking space shall be obtained with no more than a standard two-movement entrance or exit from the parking space by a vehicle parking there.
2. Curb cuts for vehicular access from the public right-of-way and vehicle stacking space on the parking lot proximate to any entry pay station or other control device are subject to review by the Department of Transportation and Infrastructure ("DOTI") according to Section 10.4.6.3.B.3, below. "Vehicular Access from the public right-of-way" means the part of the parking lot used for vehicles to transition between the public right-of-way and the parking lot.
3. Access from the public right-of-way to all Off-Street Parking Areas shall comply with DOTI Access criteria. Parking areas shall be provided with entrances and exits located to minimize traffic congestion and the effect of headlights at night.

4. All surface Off-Street Parking Areas shall be designed to enable all vehicle maneuvers to occur on private property and not in the public right-of-way unless specifically allowed by this Code.
5. Controlled access (e.g. gated or other access control) Off-Street Parking Areas shall be designed to accommodate anticipated queuing of vehicles entirely on private property and not in the public right-of-way.

#### 10.4.6.4 Surface Parking Design Standards

The following design standards shall apply in all zone districts to any surface Off-Street Parking Area.

##### A. Drainage and Surface Materials

All Surface Off-Street Parking Areas shall:

1. Be graded for proper drainage; and
2. Be provided with an all-weather surface material of either:
  - a. Asphalt,
  - b. Asphaltic concrete,
  - c. Concrete, or
  - d. Any equivalent material as approved by the Zoning Administrator; additionally:
    - i. For single-unit dwellings, any “equivalent material” shall be an all-weather surface with a minimum of 4” thickness that provides proper drainage and is the equivalent of asphalt, asphaltic concrete or concrete. This includes, but is not limited to, 3/4 inch recycled asphalt pavement (RAP) and 3/4 inch driveway gravel (crushed aggregate).
3. Additionally, for purposes of this provision, an “all-weather surface material” may include materials with a pervious surface of no greater than 15%.

##### B. Screening and Landscaping

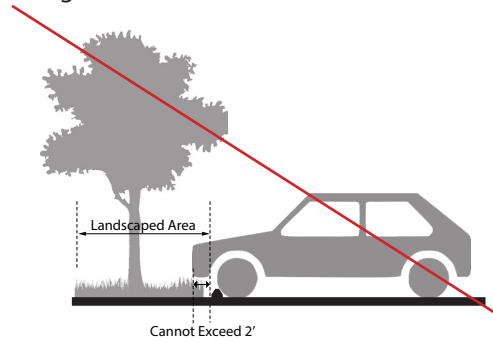
See Division 10.5, Landscaping, Fences, Walls and Screening, for minimum parking lot landscaping and screening standards.

##### C. Protection of Landscaping & Pedestrian Access

###### 1. Protection of Landscaped Areas

- a. Surface Off-Street Parking Areas shall be provided with curb ~~stops located no closer or wheel stops located so that no part of parked vehicles will extend more~~ than 2 feet ~~into from~~ any landscaped area. (See Figure 10.4-6)
- b. Planting strips or areas, fences, walls or hedges must be protected from vehicles and maintenance equipment by curbs, bollards, wheelstops, headers or other similar means.

Figure 10.4-6



## 2. Protection of Sidewalks and Pedestrian Walks

- Surface Off-Street Parking Areas shall be provided with curbs or wheel stops located a minimum of 2 feet from any sidewalk or pedestrian walkway so that no part of a parked vehicle will reduce a sidewalk or pedestrian walkway to less than 5 feet in width (See Figure 10.4-7); or
- In all locations where the edge of the pedestrian walks are directly abutted by parking spaces, an additional 3 feet of walkway width must be provided to accommodate vehicle overhangs. (See Figure 10.4-8)

Figure 10.4-7

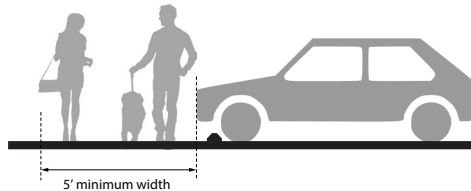
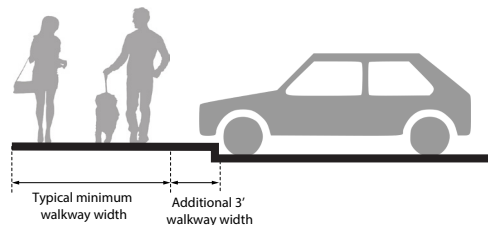


Figure 10.4-8



## 3. Other Protection Required

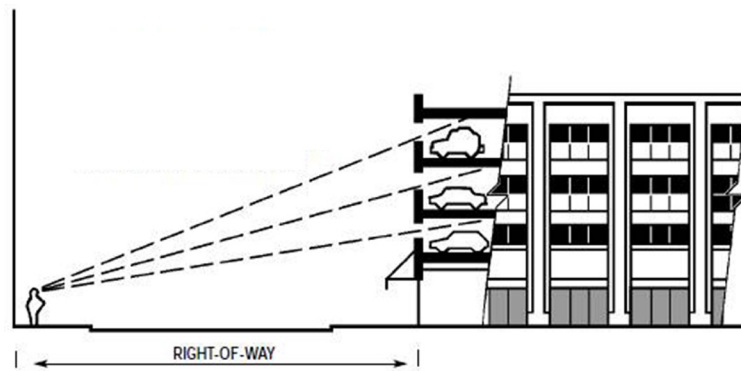
Surface Off-Street Parking Areas shall be provided with curbs or wheel stops located a minimum of 2 feet from any sidewalk or pedestrian walkway, so that no part of parked vehicles will extend beyond the zone lot line.

### 10.4.6.5 Parking Structure Design Standards

This Section 10.4.6.5 shall apply to all parking garage structures:

- Facade openings that face any Street public right-of-way or publicly accessible open space shall be vertically and horizontally aligned, and
- a ~~All floors fronting on such abutting Street-facing~~ facades or publicly accessible open space shall be level.
- Parking structures shall be designed to conceal the view of all parked cars and internal light sources from adjacent public rights-of-way and publicly accessible open space for the full height of the structure.

Figure 10.4-9



### 10.4.6.6 Tandem Parking

#### A. Applicability

This Section 10.4.6.6 shall apply to all tandem parking.

#### B. Where Allowed

1. Tandem parking is allowed in a residential development, but may not be used to provide guest parking for a residential development and both parking spaces shall be assigned to the same residential unit.
2. Tandem parking is only allowed in a nonresidential development where attendant parking is provided on the zone lot and where parking on the zone lot is subject to a tandem parking management program, as approved by the Zoning Administrator.
  - a. For purposes of this provision, a “tandem parking management program” means a formal program undertaken by a property owner or property manager to mitigate the potential adverse effects of tandem parking on vehicle owners and other Off-Street Parking Area users.
  - b. Elements of a tandem parking management program include, but are not limited to:
    - i. A secured vehicle key storage system located near the tandem parking area;
    - ii. A vehicle key management system administered by on-site personnel;
    - iii. Reserved tandem program where specific individuals share specific tandem spaces; or
    - iv. A fleet/motor pool vehicle management program.

#### C. Design Standards

1. A maximum of 2 parking spaces may be provided in tandem.
2. Two parking spaces in tandem shall have a combined minimum dimension of 8.5 feet in width and 35 feet in length.
3. It must be possible to get any vehicle in or out of a tandem space by moving only 1 vehicle.

### 10.4.6.7 Packed Parking

Packed parking, where it can provide more efficient surface parking through the reduction of maneuvering area when an attendant or mechanical parking system is used to park vehicles, is allowed subject to compliance with the following standards:

- A. An attendant or mechanical parking system shall be provided to park vehicles during all business hours of the primary use.
- B. All maneuvering, stacking, parking and loading for packed parking must be accomplished on private property.
- C. ~~Except when a mechanized parking system is used, t~~The area of each packed parking space shall be no less than 150 square feet. ~~The minimum 150 square feet dimension may be reduced if the Zoning Administrator finds the reduction results in a more efficient layout of the packed parking area.~~
- D. ~~An access lane of no less than 23 feet in width must be provided through the packed parking area.~~

#### 10.4.6.8 Attendant Shelters or Pay Stations

An attendant shelter or pay station may be provided on the same zone lot as a surface parking lot. If provided, an attendant shelter or pay station shall comply with the building form standards in the applicable zone district, as applicable, in addition to the following design standards. In case of any conflict with an applicable building form standard, the building form standard shall apply .

- A. Maximum Number of Attendant Shelters Permitted: 1 attendant shelter building.
- B. Maximum Number of Pay Stations Permitted: 1 pay station for each 50 surface parking spaces.
- C. Minimum Setback: An attendant shelter shall be setback a minimum of 20 feet from any boundary of the surface parking lot abutting a Protected zone district.

#### 10.4.6.9 Reference to Other Applicable Design Standards

- A. **Lighting**  
All off-street parking space lighting shall meet the standards of Division 10.7, Outdoor Lighting.
- B. **Landscaping**  
Landscaping standards shall apply to all surface Off-Street Parking Areas according to Division 10.5, Landscaping, Fences, Walls and Screening.

### SECTION 10.4.7 USE AND MAINTENANCE OF PARKING AREAS

#### 10.4.7.1 General Use and Maintenance Standards

Off-street parking space, including the spaces in which vehicles are parked as well as all drive aisles and access drives, shall be maintained and used in compliance with the following standards:

- A. Off-street parking space shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- B. No cleaning or maintenance of parking lots in a Residential Zone District utilizing motorized equipment may be performed between 11:00 p.m. and 6:30 a.m. each day.
- C. Except in the CMP-NWC-F and CMP-NWC-G zone districts, loudspeaker or other amplified systems shall not be used in Off-Street Parking Areas.
- D. For additional standards applicable to the parking of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

#### 10.4.7.2 Fee for Required Parking Allowed

Required parking may be available as free parking, contract parking, or on an hourly or daily fee basis.

### 10.4.7.3 Flexibility in Use of Accessory Parking Areas

#### A. Intent

1. Provide flexibility in a property owner's use of accessory parking spaces when such spaces are not fully utilized by the owner for the subject primary use(s).
2. Allow for the limited sharing of otherwise unused or under-utilized accessory parking spaces to satisfy parking demand in areas near the subject Off-Street Parking Area where the supply of on-street or off-street parking may be insufficient to meet such demand.

#### B. Applicability

This Section 10.4.7.3 allowance shall apply only under the following conditions:

1. Shall be applied only to the use of existing Accessory Parking spaces, where the subject zone lot contains both a Primary Use and Accessory Parking serving that Primary Use.
2. Shall not apply to a zone lot containing a primary Surface Parking land use, regardless of the legal status of such Surface Parking use, and the BOA shall not have the authority to issue a variance to allow application of this Section 10.4.7.3 to such zone lots.
3. This allowance shall not be used to meet the minimum parking requirements of any primary use. (For that scenario, see Section 10.4.5.4, Shared Vehicle Parking, or Section 10.4.4.5.B, Off-Site Vehicle Parking.)

#### C. Flexible Use of Accessory Parking Spaces Allowed with Zoning Permit

1. At any time when Accessory Parking spaces are not needed to meet the parking demand of the subject Primary Use (e.g., when the Primary Use is closed for business), the property owner may make available any unused or under-utilized Accessory Parking spaces to serve the parking needs of one or more Primary Uses not located on the same zone lot.
2. At all times, regardless of the option for flexible use allowed under this Section 10.4.7.3, the property owner shall maintain adequate Accessory Parking during all operating hours to serve the Primary Use(s) for which the Accessory Parking spaces are provided.
3. Such unused or under-utilized Accessory Parking spaces may be made available for a fee, at the property owner's option.
4. Such unused or under-utilized Accessory Parking spaces may be made available to serve a Primary Use located on a different zone lot whose parking is otherwise capped by a maximum parking standard.
5. ~~A Zoning Permit is required according to Section 12.4.1, Zoning Permit Review.~~

## SECTION 10.4.8 LOADING

### 10.4.8.1 Intent

The intent of this Section's loading standards is to assure the provision of adequate off-street areas to allow vehicle to access, circulate, and service one or more Primary Uses on the zone lot.

### 10.4.8.2 Applicability

This Section 10.4.8, Loading, shall apply as follows:

- A. Loading spaces according to this Section shall be required when a primary use is established in  
aAll zone districts, except for the following:
  1. Establishment of a primary use in the SU, TU, TH, RH, MU, or RO, ~~or~~ MS zone districts.

2. ~~This Section 10.4.8 shall not apply to a~~ Establishment of ~~any portion of a zone lot that is established as~~ an Event Space with Alternate Parking and Loading primary use on any portion of a zone lot that is established as within the CMP-NWC-G or CMP-NWC-F zone districts.
  3. An expansion of an existing Primary Use, or a Change of Use, when the expansion or Change of Use results in an increase the use's Gross Floor Area or the number of units by 25 percent or less.
- B. The duty to provide and maintain off-street loading spaces shall be the joint and several responsibility of the operator and owner of the structure for which off-street loading spaces are required to be provided.
- C. No new structure shall be designed, erected, altered, used or occupied unless the off-street loading space required is provided, and the number of off-street loading spaces for structures actually used, occupied and operated on or after June 25, 2010, shall not be reduced below the minimum number of spaces required by this Division. ~~If such occupied structures are enlarged or expanded, there shall be provided for the increment only the amount or number of off-street loading spaces that would be required as if the increment were a separate structure.~~

### 10.4.8.3 Standards

#### A. Required Number of Spaces

At least the following number of loading spaces, shall be provided:

PRIMARY USES	SQUARE FEET OF GROSS FLOOR AREA *	REQUIRED NUMBER OF SPACES
Retail Sales and Wholesale Trade or Storage Primary Uses	Less than or equal to 15,000	None
	Greater than 15,000 and less than or equal to 50,000	1
	Greater than 50,000 and less than or equal to 200,000	2
	Greater than 200,000 and less than or equal to 350,000	3
	Greater than 350,000	4
All Other Primary Uses	Less than or equal to 25,000	None
	Greater than 25,000 and less than or equal to 250,000	1
	Greater than 250,000 and less than or equal to 500,000	2
	Greater than 500,001 and less than or equal to 750,000	3
	Greater than 750,000	4
* "Gross Floor Area" for purposes of calculating required loading spaces shall be determined as stated in Section 10.4.4, Vehicle Parking Required.		

#### B. Dimensions

At least the following dimensions shall be provided, plus an area or means adequate for maneuvering, ingress and egress entirely within zone lot boundaries. Backing to or from a public right-of-way for loading maneuvering is prohibited unless the Department of Transportation and Infrastructure ("DOTI") expressly approves such movements in unusual situations where the site is constrained and as part of an approved Site Development Plan.

1. For Wholesale Trade or Storage Primary Uses, each loading space shall be at least 35 feet long, 10 feet wide and 14 feet high in vertical clear height.
2. ~~For Multi-Unit Dwelling Primary Uses, loading space dimensions shall be determined at Site Development Plan.~~
3. For all other Primary Uses, each loading space shall be at least a minimum of 26 feet long, 10 feet wide, and 14 feet in vertical clear heighthigh.



**C. Shared Loading**

The Zoning Administrator may approve shared loading to meet the minimum loading requirements for adjacent Primary Uses on the same Zone Lot or adjacent Zone Lots. The number of required loading spaces shall be calculated by adding the cumulative Gross Floor Area of all uses on all Zone Lots with access to the shared loading area.

**D. Location**

**1. On-Site**

Off-street loading spaces shall be located on the same zone lot as the structure for which provided, except as allowed in ~~sub~~Section 10.4.8.4.C, Shared Loading and subsection DC.2 below.

**2. On-Street**

**a. Applicability**

On-street loading shall only be allowed where at least two or more loading spaces are required and where the Zoning Administrator has determined that the subject property is unusually small or irregularly shaped so that the reasonable development of the zone lot with the required loading spaces is difficult to achieve.

**b. Standards**

- i. No more than two required loading spaces may be located on the public right-of-way;
- ii. The spaces shall not create any adverse impacts on traffic or pedestrian movement;
- iii. DOTI must approve the loading space(s); and
- iv. At least one of the following shall be provided on the subject property zone lot:
  - a) One loading space that is 10 feet wide and 26 feet long; or
  - b) Two loading spaces that are each 10 feet wide and 20 feet long.

**10.4.8.4 Maintenance**

All off-street loading space shall be maintained in compliance with the regulations for the maintenance of off-street parking space according to Section 10.4.7, Use and Maintenance of Parking Areas.

**SECTION 10.4.9 PARKING CATEGORIES**

**10.4.9.1 Vehicle Parking Categories**

**A. Purpose**

Parking categories are used to determine the minimum amount of parking spaces required for a specific primary use.

**B. Unclassified Uses**

If for any reason the parking category of any primary use cannot be determined for the purpose of establishing the number of required vehicle parking spaces, the parking category of such use shall be determined by the Zoning Administrator according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

### C. Parking Category Table

The following parking categories apply to all primary uses permitted by this Code.

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
<b>Residential</b>		
Household Living	Dwelling, Single Unit	No Requirement
	Dwelling, Two Unit (includes provision of two units on one zone lot in a tandem house form)	Multi-Unit
	Dwelling, Multi-Unit	Multi-Unit
	Dwelling, Mixed Use	Multi-Unit
	Dwelling, Live / Work	Multi-Unit
Residential Care	Residential Care, Type 1	Residential Low
	Residential Care, Type 2	Residential Low
	Residential Care, Type 3	Residential Low
	Residential Care, Type 4	Residential Low
Congregate Living	All Types	Residential Medium
<b>Civic, Public and Institutional</b>		
Basic Utilities	Utility, Major Impact	Commercial Low
	Utility, Minor Impact*	Commercial Low
Community/Public Services	Community Recreational Facility	Public Use Medium
	Day Care Center	Public Use Medium
	Postal Facility	Commercial Medium
	Public Safety Facility	Public Use Medium
	Hospital	Public Use High
	Correctional Institution	Public Use Medium
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	No Requirement
	Library	Public Use Medium
	Museum	Public Use Medium
	Performing Arts Center	Public Use Medium
	City Park	No Requirement
	Open Space - Recreation	Public Use Low
	Open Space - Conservation	No Requirement
Education	Elementary School	Public Use Medium
	Secondary School	Public Use High
	University or College	Public Use Medium
	Vocational or Professional School	Public Use Medium
Public and Religious Assembly	All Types	Public Use Medium
<b>Commercial Sales, Services and Repair</b>		
Adult Business	All Types	Commercial Medium
Arts, Entertainment & Recreation	Recreation and Entertainment Services, Indoor	Commercial Medium
	Recreation and Entertainment Services, Outdoor	Commercial Medium
	Sports and/or Entertainment Arena or Stadium	Public Use Medium
	Theater and/or Performance Space	Public Use Medium
Parking of Vehicles	Parking, Garage	No Requirement
	Parking, Surface	No Requirement
Eating & Drinking Establishments	All Types	Commercial High

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
Lodging Accommodations	Bed and Breakfast Lodging	Commercial Medium
	Lodging Accommodations, All Others	Commercial Medium
Office	Dental / Medical Office or Clinic	Commercial Medium
	Office, All Others	Commercial Medium
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Services and Sales, Household Pets Only	Commercial Medium
	Animal Services and Sales, All Others	Commercial Medium
	Body Art Establishment	Commercial Medium
	Food Sales or Market	Commercial Medium
	Pawn Shop	Commercial Medium
	Pay Day Lending Services	Commercial Medium
	Retail Sales, Service & Repair -- Outdoor	Commercial Medium
	Retail Sales, Service & Repair, Special: Includes Gun Sales	Commercial Medium
	Retail Sales, Service & Repair, All Others	Commercial Medium
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection	Commercial Low
	Automobile Gas / Service Station	Commercial Low
	Automobile Wash, Laundry, Detail or Polishing Shop	Commercial Low
	Automobile Repair Garage	Commercial Low
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing	Commercial Low
	Automobile Pawn Lot or Vehicle Auctioneer	Commercial Low
	Heavy Vehicle/ Equipment Sales, Rentals & Service	Commercial Low
<b>Industrial, Manufacturing and Wholesale</b>		
Communications and Information	Communication Services	Commercial Low
	Telecommunications Towers*	No Requirement
	Telecommunication Facilities -- All Others	No Requirement
Industrial Services	Contractors, Special Trade -- General	Commercial Low
	Food Preparation and Sales, Commercial	Commercial Low
	Laboratory -- Research & Development, Technological Services	Commercial Low
	Service/Repair, Commercial	Commercial Low
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom	Commercial Low
	Manufacturing, Fabrication & Assembly -- General	Commercial Low
	Manufacturing, Fabrication & Assembly -- Heavy	Commercial Low
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	Commercial Low
	Sand or Gravel Quarry	Commercial Low
	Wind Energy Conversion Systems*	No Requirement
Transportation Facilities	Airport	No Requirement
	Helipad, Helistop, Heliport	No Requirement
	Railroad Facilities	Commercial Low
	Railway Right-of-Way	No Requirement
	Terminal, Station, or Service Facility for Passenger Transit System	Commercial Low
	Terminal, Freight, Air Courier Services	Commercial Low

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
Waste Related Services	Automobile Parts Recycling Business	Commercial Low
	Junkyard	Commercial Low
	Recycling Center	Commercial Low
	Recycling Collection Station	Commercial Low
	Recycling Plant, Scrap Processor	Commercial Low
	Solid Waste Facility	Commercial Low
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard	Commercial Low
	Contractors, Special Trade - Heavy, Yard	Commercial Low
	Container Storage (Mini-Storage)	Commercial Low
	Heavy Equipment Sales or Rentals	Commercial Low
	Storage Services	Commercial Low
	Vehicle Storage, Commercial	Commercial Low
	Wholesale Trade, General, and/or Storage of Toxic and/or Hazardous Materials	Commercial Low
	Wholesale Trade, Light, and/or Storage of Nontoxic and/or Nonhazardous Materials	Commercial Low
<b>Agriculture</b>		
Agriculture	Aquaculture	Commercial Low
	Garden, Urban	Commercial Low
	Husbandry, Animal Husbandry, Plant	Commercial Low
	Plant Nursery	Commercial Low

#### 10.4.9.2 Bicycle Parking Categories

Bicycle parking is required based on the specific primary uses's assigned parking category, according to Section 10.4.9.1, Vehicle Parking Categories. The bicycle parking standards are then varied by neighborhood context, as set forth in the tables below.

SUBURBAN NEIGHBORHOOD CONTEXT AND I-A, -B ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/5 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/5,000 sq. ft. GFA	0%/100%
Commercial Medium	1/20,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/20,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a
URBAN EDGE NEIGHBORHOOD CONTEXT		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/5 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/5,000 sq. ft. GFA	0%/100%

URBAN EDGE NEIGHBORHOOD CONTEXT		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Commercial Medium	1/20,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/20,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

URBAN NEIGHBORHOOD CONTEXT AND MASTER PLANNED CONTEXT		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/4 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/3,000 sq. ft. GFA	0%/100%
Commercial Medium	1/10,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/10,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

GENERAL URBAN NEIGHBORHOOD CONTEXT AND ALL I-MX ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/4 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/3,000 sq. ft. GFA	0%/100%
Commercial Medium	1/10,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/10,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

URBAN CENTER NEIGHBORHOOD CONTEXT AND CAMPUS ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/2 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/1,500 sq. ft. GFA	0%/100%
Commercial Medium	1/7,500 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/5,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%

URBAN CENTER NEIGHBORHOOD CONTEXT AND CAMPUS ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Public Use Low	No Requirement	n/a

DOWNTOWN NEIGHBORHOOD CONTEXT - D-LD, D-GT, D-AS, D-AS-12+, D-AS-20+ ZONE DISTRICTS ONLY		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit	1/2 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/1,000 sq. ft. GFA	0%/100%
Commercial Medium	1/7,500 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/5,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

DOWNTOWN NEIGHBORHOOD CONTEXT - D-CPV-T, D-CPV-R, D-CPV-C ZONE DISTRICTS ONLY		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility/Fixed Bicycle Rack Parking Facility
Multi-unit	1.1/unit	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/1,000 sq. ft. GFA	0%/100%
Commercial Medium	1/4,000 sq. ft. GFA Lodging accommodations uses: 1/7,500 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/5,000 sq. ft. GFA	0%/100%
Public Use Medium	1/5,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

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## DIVISION 10.5 LANDSCAPING, FENCES, WALLS AND SCREENING

### SECTION 10.5.1 INTENT

The intent of this Division's landscaping, fences, walls, and screening standards is to:

- 10.5.1.1 Establish an attractive landscaped edge and screening adjacent to street right-of-way and residential.
- 10.5.1.2 Increase Denver's urban tree canopy, reduce heat island effects, and improve air quality.
- 10.5.1.3 Preserve existing trees and vegetation.
- 10.5.1.4 Promote and enhance the community's appearance as viewed from the public realm.
- 10.5.1.5 Improve site permeability and reduce stormwater runoff.
- 10.5.1.6 Incorporate required water quality and storm water management features into the overall site and landscape design in way that is attractive and a positive part of an integrated landscape design.
- 10.5.1.7 Mitigate visual impacts on surrounding properties, open spaces, and public rights-of-way arising from roof-top mechanical equipment, outdoor storage of materials and waste, surface parking lots, and other similar outdoor uses and activities.

### SECTION 10.5.2 GENERAL STANDARDS

#### 10.5.2.1 **Corner Sight Triangles**

~~Corner~~Sight triangles are areas at intersection corners of streets, driveways, or alleys where the height of landscaping, fences, walls, and screening may be limited to preserve clear vehicle sight lines to oncoming vehicular and pedestrian traffic. Any landscaping, fence, or wall, or screening within a corner sight triangle shall be approved by the Department of Transportation and Infrastructure ("DOTI").

#### 10.5.2.2 Maintenance

##### A. Responsibility

The owner of the property, his successors, heirs and assignees are responsible for the proper maintenance of required landscaping, fences, walls and screening.

##### B. Continuous Maintenance Required

Required landscaping, fences, walls and screening must be Continuously Maintained including necessary watering, weeding, pruning pest control and replacement of dead or diseased plant material or damaged fence and wall materials.

##### C. Replacement of Planting Material

Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan. Replacement of dead or diseased plant material shall occur within 30 days of such event during the growing season of April 1 to October 1. At all other times, replacement shall occur within 45 days of the start of the following growing season. In no event shall replacement time exceed one year.

##### D. Irrigation

1. Landscaped areas must have a properly designed irrigation system providing full coverage on all plant material areas from drip irrigation lines, impulse sprinklers, pop-up and surface spray sprinklers or other means appropriate for the area to be irrigated.
2. The applicant or a qualified irrigation specialist, must certify, either on the required landscape plan or in a written statement attached to the plan, that the proposed irrigation system is adequate.



## SECTION 10.5.3 ~~TREE PRESERVATION – RESIDENTIAL ZONE DISTRICTS~~ RESERVED

Proposal to remove the entirety of 10.5.3 because all tree preservation regulations and enforcement are covered in Chapter 57 of The Denver Revised Municipal Code.

### 10.5.3.1 ~~Applicability – Preservation of Established Trees in Residential Primary and Side Street Setbacks~~

~~As a condition of any permit to demolish or construct any building containing a single unit dwelling, two-unit dwelling, or multi-unit dwelling in a Residential Zone District, the owner of the zone lot shall be required to preserve any established tree not otherwise diseased or decayed within the primary and side street setbacks.~~

### 10.5.3.2 ~~Preservation Measures Required~~

~~In order to protect an established tree from damage or destruction and to enhance the tree's chance of survival after construction activities on the zone lot are completed, the owner shall take and maintain throughout the course of demolition or construction the following measures:~~

- ~~A. Erect and maintain temporary fencing surrounding the area beneath the tree in order to mitigate the chance of impact injuries to the tree during demolition or construction;~~
- ~~B. Refrain from operating construction equipment or storing construction materials beneath the canopy of the tree or engaging in other activities that would cause the undue compaction of the soil in the tree's root zone; and~~
- ~~C. Refrain from any excavation beneath the canopy of the tree that would cause undue destruction of the tree's roots.~~

### 10.5.3.3 ~~Permit for Tree Removal~~

~~The owner may be relieved from the requirements of this Section only upon obtaining a permit for tree removal from the City Forester according to the provisions of Sections 57-20(b) and 57-25 of the D.R.M.C.~~

### 10.5.3.4 ~~Definition of “Established Tree”~~

~~See Article 13, Rules of Measurement and Definitions, for the definition of “established tree.”~~

## SECTION 10.5.4 LANDSCAPING STANDARDS

### 10.5.4.1 Applicability and Exceptions

#### A. Applicability

1. This Section 10.5.4 shall apply to development in all zone districts, except residential development in all SU or TU zone districts.
2. Whenever the area of an existing surface parking lot is expanded or when a new area is constructed, the entire Off-Street Parking Area shall be landscaped according to this Section 10.5.4.
3. For Surface Parking as a Primary Use in the D-LD, D-CV, D-C, D-TD, D-GT and D-AS zone districts, Section 8.10.3, Surface Parking Lot Landscaping, shall apply rather than this Section 10.5.4.
4. The City of Denver Landscaping of Parking Areas Rules and Regulations shall not apply to properties zoned under the Denver Zoning Code.
5. See the City of Denver Streetscape Design Manual for additional provisions.

## **B. Exceptions**

### **1. Process for Exception Requests**

All requests for exceptions from the general site and surface parking landscaping requirements shall be reviewed according to Section 12.4.5, Administrative Adjustments.

### **2. Exception for Physical Limitations**

If the Zoning Administrator determines that, because of physical limitations imposed by the location and arrangement of existing buildings or by site dimensions, it is impossible or impractical to meet the requirements of this Section, the Zoning Administrator may:

- a. Allow part or all of the landscaped area required to be provided elsewhere on the zone lot; or
- b. Waive part or all of such requirements altogether, provided that the standards are implemented to the fullest extent possible, given the physical limitations.

### **3. Exception for Excessive Improvement Costs**

If the landscaping requirements of this Section are applicable because of either an addition to the gross floor area of an existing building or the change of use of an existing building, the Zoning Administrator may:

- a. Waive certain of landscape requirements on the basis that the cost of meeting such requirements exceeds 50 percent of the cost of either constructing the building addition or changing the use.
- b. This waiver may be granted only if the applicant provides the Zoning Administrator with an itemization of the landscape improvements and costs necessary to meet the requirements, together with an estimate prepared by a licensed contractor or other qualified professional, of the construction cost of the building addition or the construction and other tenant improvement costs related to the change of use.

### **4. Exception for Preservation of Existing Trees**

- a. Preservation of existing trees may count toward landscape requirements of the Code.
- b. If, in order to comply with both (1) these standards for the landscaping of Off-Street Parking Areas, and (2) the off-street parking requirements, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or 2) the number of required parking spaces.

## **10.5.4.2 Site Landscaping Standards - Group 1**

### **A. Applicability**

#### **1. Zone Districts**

Section 10.5.4.1, Applicability and Exceptions shall apply, except this Section 10.5.4.2 shall not apply in the I-A and, I-B zone districts, and in the I-MX zone districts for development using the Industrial Primary Building Form.

#### **2. Build-To Range**

All "open areas" within a required build-to range along the entire applicable street frontage shall be landscaped (e.g., the area located within the 0 to 15 feet build-to range along the primary street).

#### **3. Required Setbacks**

All "open areas" within a required minimum setback shall be landscaped.

#### **4. Open Area Defined**

For purposes of this Section 10.5.4.2, "open area" shall mean areas not occupied by either:

- a. Building(s);
- b. An allowed encroachment into a build-to or setback;
- c. A required entrance and/or pedestrian connection;
- d. On-site pedestrian walkways no wider than 5 feet;
- e. Surface Off-Street Parking Areas;
- f. Area dedicated to permanent outdoor amenities related to the primary use, such as an outdoor eating and serving area; or
- g. Areas that other City laws require to be kept free of live planting material.

## B. Minimum Landscaping Standards

1. A minimum of 50% of the applicable area shall be landscaped with live planting material and the remaining 50% shall be landscaped with either live or non-live landscaping material, according to Section 10.5.4.6 Landscaping Material Standards. (See Figures 10.5-1 and 10.5-2)
2. Trees and shrubs in the Campus National Western Center-Core (CMP-NWC-C), Urban Center ("C-") and Downtown ("D-") zone districts may be located in planters.
3. Existing trees and shrubs located in the required landscape areas shall be credited towards this requirement, provided they meet Section 10.5.4.6, Landscaping Material Standards.

Figure 10.5-1

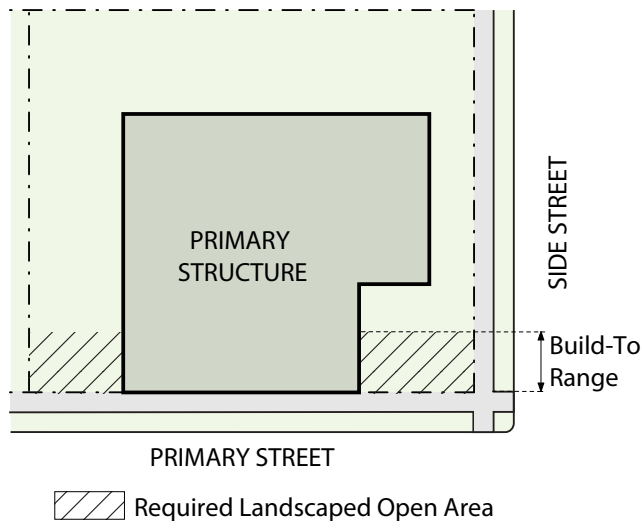
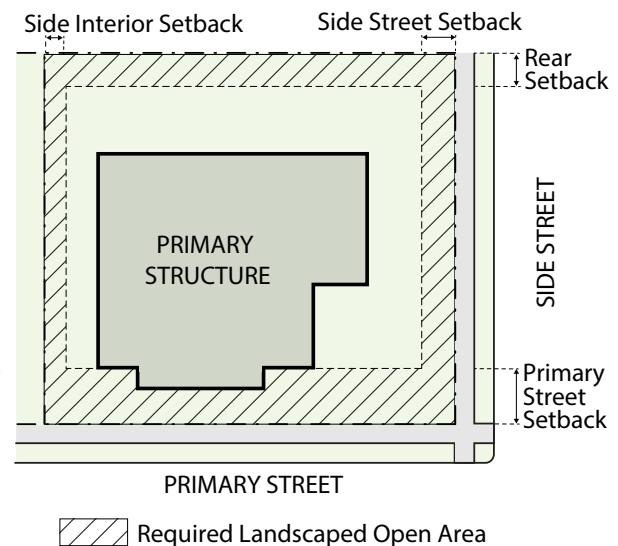


Figure 10.5-2



## 10.5.4.3 Site Landscaping Standards - Group 2

### A. Applicability

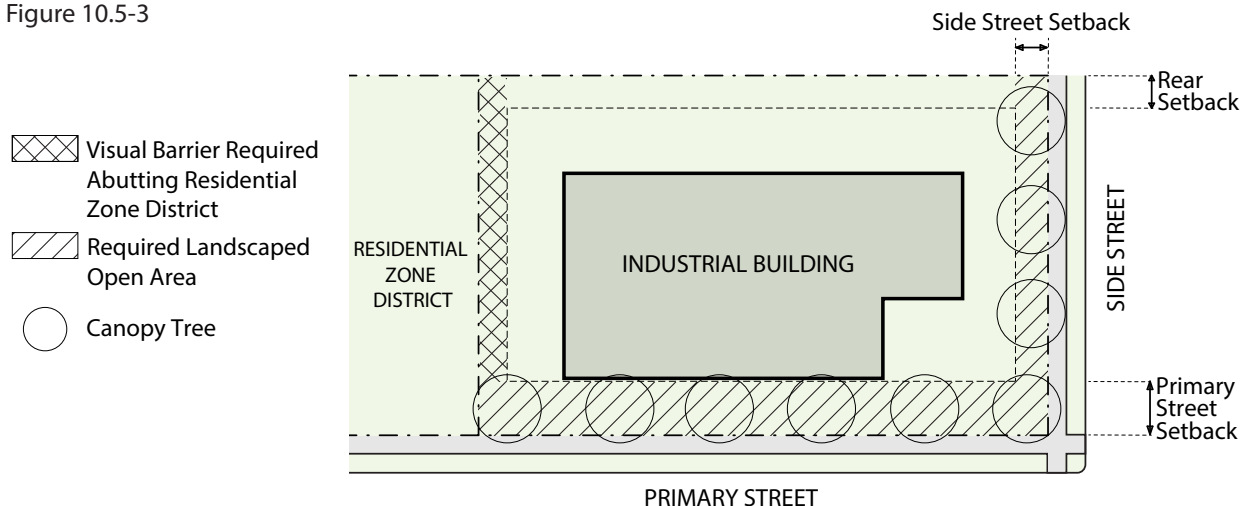
1. This subsection 10.5.4.3 shall apply in the I-A and I-B zone districts and in I-MX zone districts to development using the Industrial Primary Building Form.
2. **Expansions of Existing Use**
  - a. This Section 10.5.4.3 shall apply to the expansion of an existing use only if the site area or gross floor area of such use is enlarged more than 15 percent of that existing on June 25, 2010.

- b. The area of landscaping required shall be the ratio of additional floor or site area to the gross floor area or site area existing on June 25, 2010, multiplied by 5 percent.
- i. For example, assume an industrial use is to be expanded by 23 percent of the present gross floor area or site area:  $0.23 \text{ (23\%)} \times 0.05 \text{ (5\%)} = 0.0115$ .  $0.0115 \times \text{Present zone lot area} = \text{Area of required new landscaping}$ . See Figure 10.5-3)

## B. Standards

PLANTING AREA	MINIMUM WIDTH OF PLANTING STRIP	PLANTINGS AND SCREENING REQUIRED
Required Primary and Side Street Setback	N/A	A Minimum of 50% of the required primary street and side street setback, exclusive of driveways, shall consist of live ground cover. 1 shade tree or ornamental tree shall be provided every 40 feet of linear frontage. Trees may be grouped or spaced to accommodate building placement, driveways or corner triangles
Required Side Interior and Rear Setback Abutting Residential Zone District. The presence of a street or alley shall not destroy abutment.	10 ft	Shall create a visual barrier between the Industrial zone lot and abutting Residential Zone District. Such visual barrier shall include: 1. Trees, shrubs, and hedges; 2. Earth berms and plantings; 3. Approved planter boxes, fences or walls; or 4. Any combination of the above which meets these regulations.
Zone Lot	N/A	Shall provide landscaped areas equal to 5 percent of the zone lot area installed on the zone lot. Primary Street and Side Street setback landscaping and the landscaped areas required for on-site parking lots may be counted toward compliance with this requirement. Such landscaping shall be located near the front of the zone lot and shall comply with all applicable general landscaping standards in Division 10.5, Landscaping, Fences, Walls and Screening.

Figure 10.5-3



#### 10.5.4.4 Perimeter Surface Parking Lot Landscaping Standards

##### A. Applicability

Section 10.5.4.1, Applicability and Exceptions, shall apply.

##### B. Perimeter Surface Parking Lot Landscaping Standards Abutting Street Right-of-Way

###### 1. Standards

- To the maximum extent feasible, on-site drainage required for a zone lot shall be integrated into the perimeter planting strip.
- The Zoning Administrator may approve alternatives to required landscape, fence and wall materials to better match primary building materials used on the site.
- The following shall be provided within zone lot boundaries between the boundary of any surface parking lot and street rights-of-way (except as noted):

CONTEXT AND/OR DISTRICT	PERIMETER PLANTING STRIP REQUIRED	PLANTINGS REQUIRED WITHIN THE PERIMETER PLANTING STRIP	GARDEN WALL REQUIRED	GARDEN WALL HEIGHT	GARDEN WALL MATERIALS	PEDESTRIAN ACCESS REQUIRED
Suburban Neighborhood Context I-A and I-B Zone Districts I-MX Zone Districts with Industrial Building Form (See Figure 10.5-4)	Yes, minimum width of 10'	1 deciduous canopy tree for every 25' of linear frontage Spacing of trees may vary, the maximum spacing is 40';	No; however may reduce perimeter planting strip width to 5' if provide a garden wall	Min 30 inches; Max 42 inches	Masonry or Ornamental fence with masonry piers spaced not more than 25'	Yes
Urban Edge, Urban, General Urban Neighborhood Contexts Campus Master Planned Contexts I-MX Zone Districts with General Building Form (See Figure 10.5-5)	Yes, minimum width of 5'; CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: Yes, minimum of 10'	CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: 1 deciduous canopy tree for every 35' of linear frontage. Spacing of trees may vary, the maximum spacing is 40'	Yes; CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: No			
Urban Center Neighborhood Context (See Figure 10.5-6)	Not Required	n/a	Yes			
Downtown Neighborhood Context D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Districts only (See Figure 10.5-5)	Yes, minimum width of 8' (may be located in street right-of-way)	1 deciduous canopy tree for every 25' of linear frontage Spacing of trees may vary, the maximum spacing is 40'	Yes	Min 30 inches; Max 42 inches		Yes; Min. 3' wide access at max. of 80' intervals along all public street and alley frontages of the parking lot
Downtown Neighborhood Context D-C, D-TD, D-LD, D-CV, D-GT, D-AS Districts	See Section 8.10.3 in Article 8					

Figure 10.5-4

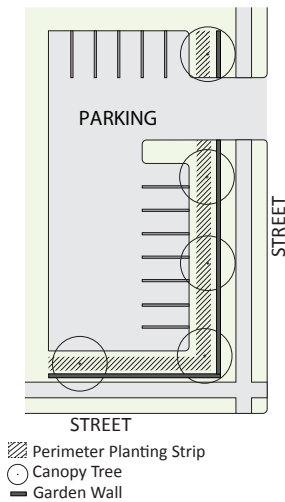


Figure 10.5-5

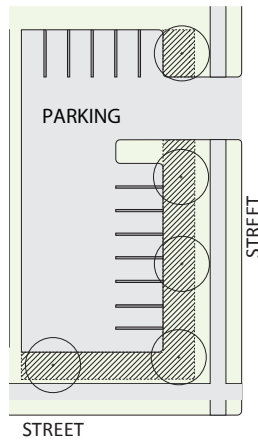
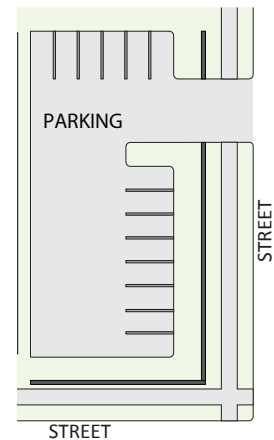


Figure 10.5-6



### C. Perimeter Surface Parking Lot Landscaping Standards Adjacent to Residential Use or Zone District

#### 1. Intent

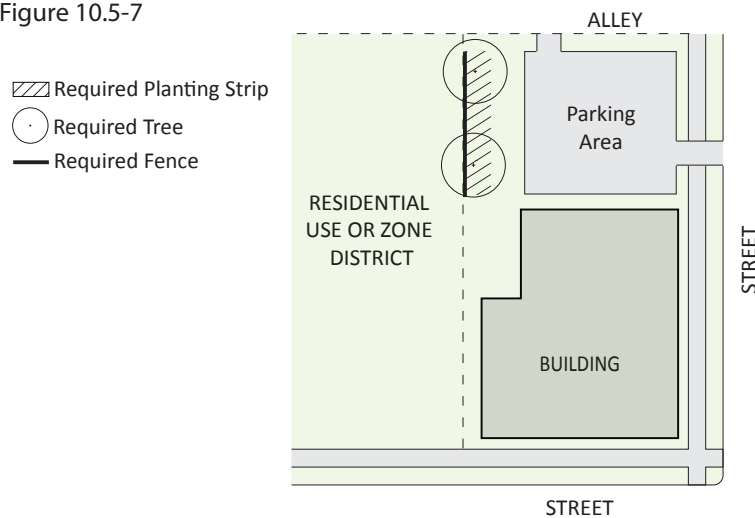
Protect ground-level and below-ground-level windows from headlight glare and the direct emission of vehicle exhaust.

#### 2. Standards

- a. All Off-Street Parking Areas shall have a visual screen on each perimeter zone lot line abutting a Residential Use or zone district, unless separated by an alley. (See Figure 10.5-7)
- b. The requirements of this Section may be reduced or varied by the Zoning Administrator if conditions exist that meet the intent of the regulation or there is formal agreement from the adjacent residential property owner.
- c. Off-Street Parking Areas shall provide a visual screen as follows:

MINIMUM WIDTH OF PLANTING STRIP	PLANTING REQUIRED	FENCE REQUIRED	FENCE OR WALL MATERIAL STANDARDS
5 feet	<p>1 deciduous canopy tree for every 25 linear feet</p> <p>Spacing of trees may vary, the maximum spacing is 40'</p>	<p>Suburban Neighborhood Context: 6' tall opaque fence or wall; or an earth berm and plantings</p> <p>All other Neighborhood Contexts and Zone Districts: 6' tall opaque fence or wall</p>	<p>Fences or walls used to meet these screening requirements shall be of wood, composite materials, brick, masonry, metal/iron bars, textured or aggregate concrete.</p> <ul style="list-style-type: none"> <li>Chain link or wire mesh may be used only in combination with plant material of sufficient density to create an opaque screen.</li> <li>Corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited not permitted.</li> <li>Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.</li> </ul>

Figure 10.5-7



#### 10.5.4.5 Interior Surface Parking Lot Landscaping Standards

##### A. Applicability

- Section 10.5.4.1, Applicability and Exceptions shall apply.
- This Section 10.5.4.5 shall not apply to surface parking lots with 20 or fewer parking spaces.
- This Section 10.5.4.5 shall not apply to surface parking lots in the CMP-NWC-G or CMP-NWC-F zone districts.
- This Section 10.5.4.5 shall not apply to any portion of a zone lot established as Event Space with Alternate Parking and Loading use in the CMP-NWC-G or CMP-NWC-F zone districts.

##### B. General Standards

Interior landscaping required by this Section for surface parking lots shall include, at a minimum, the following design and material elements:

- Required landscaping and trees shall be sited to achieve maximum shading of parked vehicles.

2. Landscaping that abuts the length of a parking space shall provide a brick paver, mulched edges, or similar technique to provide a clear landing area for persons entering and exiting their parked vehicles.
3. On-site drainage required for a zone lot shall, to the maximum extent feasible, be incorporated into parking lot landscaped areas.

### C. Specific Standards

SURFACE PARKING LOTS WITH:	LANDSCAPED AREA REQUIRED	PLANTINGS REQUIRED WITHIN LANDSCAPED AREA	DESIGN REQUIREMENTS FOR LANDSCAPED AREA
20 parking spaces or less	No requirement		
21-100 parking spaces (See Figures 10.5-8 and 10.5-9)	An area equal to at least 5% of the square footage of the area of surface parking stalls, exclusive of circulation and proposed landscaped areas, shall be provided.	Shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material following Section 10.5.4.6; and  At least 1 deciduous canopy tree shall be provided at the ratio of one for every 50 linear feet of double loaded row of parking	Minimum Width: 6'  Landscape areas must be within or immediately adjacent to the parking rows and may be in a strip along the center of a double loaded row or in one or more islands at the ends or interspersed between parking rows and stall.
101 or more parking spaces (See Figure 10.5-10)	An area equal to at least 5% of the square footage of the area of surface parking stalls, exclusive of circulation and proposed landscaped areas, shall be provided.	Shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material following Section 10.5.4.6; and  For each 200 sf or part thereof of landscaped area required, according to this Section 10.5.4.5.C, at least 1 deciduous canopy tree and 6 shrubs shall be included in the landscaped area.	Minimum Width: 6'  Minimum Intervals: Areas where the required landscaping is located shall be provided at intervals no greater than every 15 contiguous parking stalls in a row; however, the Zoning Administrator may vary the maximum increment, provided the spacing and layout of the landscape islands meet the intent of the regulation.

Figure 10.5-8

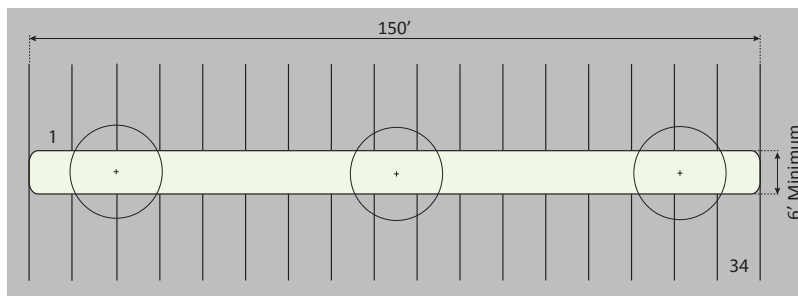




Figure 10.5-9

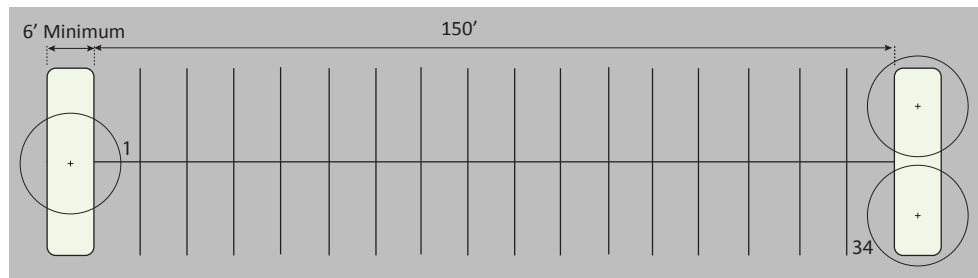
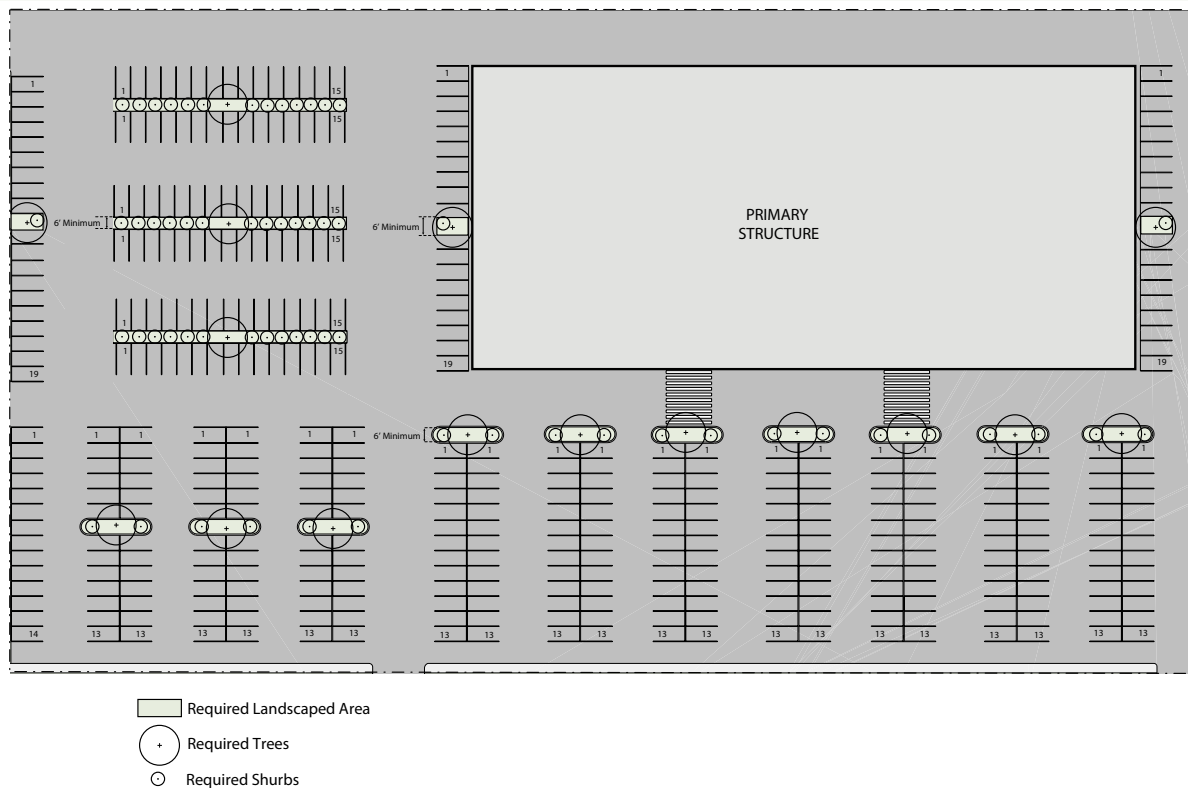


Figure 10.5-10



#### 10.5.4.6 Landscaping Material Standards

When required by this Division, landscaping materials shall meet the following minimum standards:

##### A. Live Plant Material Standards

1. Where live plant material is required, the amount of area coverage (e.g. 50%) shall be calculated for plant maturity, rather than the coverage at time of planting.
2. All required live plant material must be kept Continuously Maintained in live and growing condition.
3. Applicants are encouraged to incorporate drought-resistant plants and shrubs into required landscaping areas, including but not limited to ornamental grasses.

4. The following materials are allowed and shall meet the following size specifications at time of planting:
  - a. Deciduous trees are at least 2-inch caliper measured 4 inches above the ground;
  - b. Ornamental and flowering trees are at least 1 and 1/2 inches caliper measured 4 inches above the ground;
  - c. Evergreen trees are at least 5 feet tall;
  - d. Evergreen spreaders and broadleaf evergreens are 5-gallon size minimum, with spreads no less than 18 to 24 inches;
  - e. Shrubs are 5-gallon size minimum, with heights no less than 2 to 3 feet;
  - f. Vines and ornamental grasses are 1 gallon in size, minimum;
  - g. Ground Cover;
  - h. Turf or sod; and
  - i. Other similar quality and size live plant material.

**B. Non-Live Landscaping Material Standards**

Where non-live landscaping material is required on a zone lot, the following materials are allowed:

1. Organic mulch; or
2. Gravel or stone that is designed or placed so as to allow permeability.

## SECTION 10.5.5 FENCES AND WALLS

### 10.5.5.1 General Standards

All fences and walls shall comply with the following, except fences and walls used for screening purposes shall instead comply with the standards found in Section 10.5.7, Screening Requirements:

**A. Corner Sight Triangles**

~~A shorter height may be required to assure corner sight triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Sight Triangles). Sight triangles are areas at intersecting corners of streets, driveways, or alleys where the height of landscaping, fences, walls, and screening may be limited to preserve clear vehicle sight lines to oncoming vehicular and pedestrian traffic. Any landscaping, fence, wall, or screening within a sight triangle shall be approved by the Department of Transportation and Infrastructure ("DOTI").~~

**B. Schools, Parks, and Open Space**

Elementary or Secondary schools, City Parks, or Open Space - Conservation uses are allowed to have open-mesh fences with no maximum height on any part of the zone lot.

**C. Exception to Maximum Height**

The Zoning Administrator may grant a permit for fences and walls that exceed the maximum height ~~in~~ according to Section 10.5.5.2, Specific Maximum Heights, by no more than 2 feet upon application in specific cases, according to Section 12.4.1, Zoning Permit Review, and subject to compliance with the following ~~review criteria~~ standards:

1. The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.
2. The fence shall not detract from the safety or pedestrian character of the right-of-way or from the pedestrian character of the Existing Neighborhood.
3. The proposed fence or wall shall not adversely affect traffic safety, ~~or~~ appropriate use of adjacent property, or established trees as defined in Chapter 57 of the D.R.M.C.

4. ~~The fence shall not be located in any primary street or side street setback adjacent to a designated Parkway, unless approved by the Department of Parks and Recreation.~~
5. Any 4-foot linear section of an over-height fence or wall ~~when forward of at least 75% of the total length of the Primary Street-facing facade(s) of all primary structures in the Primary Street setback shall be a minimum of 50 Percent Open, less than or equal to 50 percent opaque. "Opaque" or "opacity" shall be measured as the amount of solid fence or wall material area divided by the total surface area of the subject fence or wall section, expressed as a percentage.~~
6. ~~The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.~~
7. ~~The fence shall not detract from the safety or pedestrian character of the right-of-way.~~
8. ~~The fence shall not be located in any Primary Street setback adjacent to a designated Parkway.~~

Requests for a fence or wall to exceed the maximum permitted height by more than 2 feet shall be processed under Section 12.4.7, Variances.

#### **D. Setback Encroachment Allowed**

Fences and walls may encroach into any setback any distance, unless within a Parkway Setback established in D.R.M.C. Chapter 49.

#### **E. Material Standards**

All fences and walls shall be constructed of one or more of the following materials (~~corrugated or sheet metal, salvaged scrap metal~~ doors, tires, car doors, or other ~~salvaged or~~ discarded materials are prohibited):

1. Wood; Composite materials; Brick; Masonry; Metal/iron bars (ornamental fence); Textured or aggregate concrete; Chain link or wire mesh.
2. In the I-A, I-B and ~~CMP-NWC I-MX~~ zone districts only: ~~The addition of b~~Barbed wire or razor wire to the top of a permitted fence or wall, or the installation of a non-lethal electrified fence system behind an existing non-electrified fence or wall, are allowed without limit under this Division 10.5 or this Code and without a zoning permit, if approved by the Fire Department.
3. ~~Fences located on top of retaining walls in the Primary Street setback must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.~~ Note: This is covered in Section 10.5.6.2.
4. Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

#### **5. Nonconforming Fence and Wall Materials - All Zone Districts**

In all zone districts, notwithstanding the Nonconforming Structure provisions in Article 12, Zoning Procedures and Enforcement, existing fences and walls that have been constructed of prohibited materials or other materials not approved by the Zoning Administrator may not be maintained, and any such fences and walls shall be immediately reconstructed of approved materials or removed; provided, however, if such fence or wall is required by some other provision of the Revised Municipal Code, such fence or wall shall be reconstructed with approved materials.

### 10.5.5.2 Specific Maximum Heights

The following standards shall apply except where greater height is allowed in Section 10.5.5.1 above or when this Code expressly requires such fence or wall for landscaping, screening, or other purposes. ~~See Article 13, Rules of Measurement and Definitions for fence and wall height measurement.~~ This section shall not apply to Retaining Walls.

#### A. Intent

~~To provide security, privacy, or protection from traffic impacts while maintaining the pedestrian character of the right-of-way and Existing Neighborhood, and allowing appropriate use of adjacent properties.~~

#### B. ~~Fences and Walls in Single-Unit and Two-Unit Development and All Zone Districts except Residential Zone Districts I-A, I-B and CMP-NWC and Single-Unit and Two-Unit Development~~

##### 1. Intent

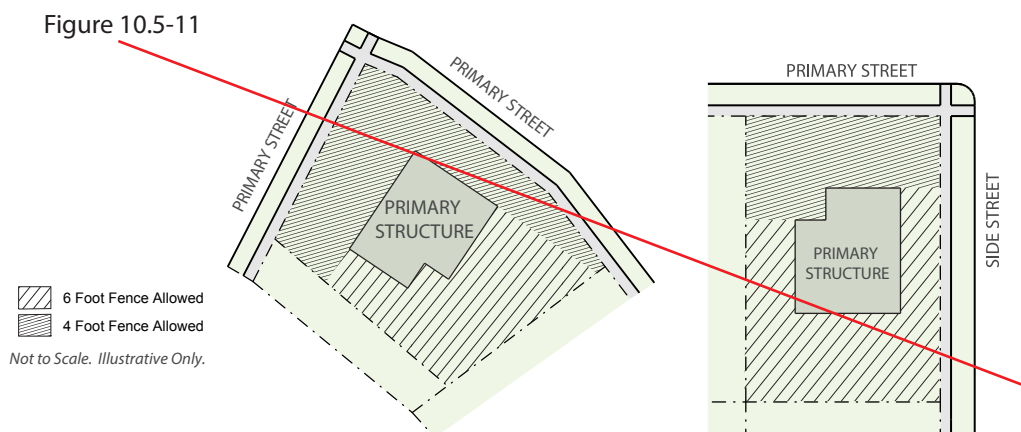
~~Maintain the intent of required setback and building coverage maximums by regulating the height of fences and the openness of fences where appropriate.~~

##### 2. Applicability

~~This Section 10.5.5.2 applies into fences and walls accessory to single-unit or two-unit dwelling development in all zone districts, and to fences and walls accessory to all other primary uses in all zone districts except the I-A, I-B, and CMP-NWC zone districts. all Residential Zone Districts and to any single-unit or two-unit dwelling development in all other zone districts.~~

##### 3. Maximum Height

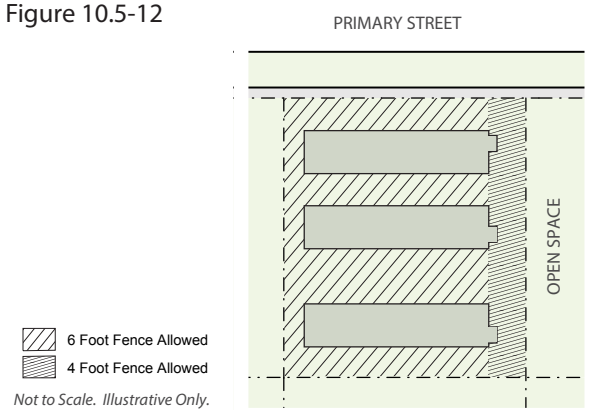
- a. The maximum height ~~of a fence or wall~~ when forward of ~~at least 75% of the total width of any the~~ Primary ~~s~~Street-facing ~~Primary Structure~~ ~~Facades of all Primary Structures~~ shall be 4 feet ~~and when located at or behind any Primary street facing Primary Structure Facade shall be 6 feet.~~ (See Figures ~~10.5-11 and 10.5-13~~)



- b. ~~The maximum height fence or wall when located flush with or behind 75% of the total width of the Primary Street-facing Facades of all Primary Structures shall be 6 feet. (See Figures 10.5-11 and 10.5-13)~~
- c. In the Master Planned Context, for Primary Structures “facing” a publicly accessible open space rather than the Primary Street, the maximum height when forward of ~~all~~ Primary ~~s~~Street-facing Primary Structure ~~Facades~~ shall be 6 feet; however, when forward of the Primary Structure ~~Facade~~ “facing” the open space, the maximum height shall be 4 feet. (See Figure 10.5-12)

- d. For zone lots where no Primary street facing Primary Structure Façade can be identified:
  - i. Where a Primary Structure is present, the maximum height shall be 4-feet within the Primary Street Setback calculated per Section 13.1.5.2 based on the building form standards for one of the Primary Structures on the Zone Lot, and the maximum height shall be 6-feet in all other locations.
  - ii. Where no Primary Structure is present, the maximum height shall be 4-feet within the Primary Street Setback calculated per Section 13.1.5.2 based on the standards of one building form allowed for Primary Structures in the zone district for the subject Zone Lot width and Zone Lot area, and the maximum height shall be 6-feet in all other locations.
  - iii. See Sections 13.1.7, Fence and Wall Height Measurement, and 13.1.8, Retaining Wall Height Measurement, for rules of measurement.

Figure 10.5-12

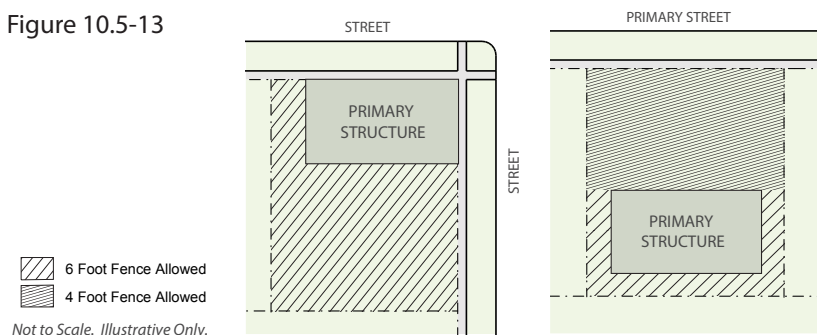


**C. Mixed Use Commercial Zone Districts, OS-B, and OS-C**

**Note:** Proposal to delete this section because of the change in applicability of the section above.

1. **Applicability**  
~~All Mixed Use Commercial Zone Districts, OS-B, and OS-C zone districts, but not including either the I-MX zone district or any single-unit or two-unit dwelling development.~~
2. **Maximum Height**
  - a. ~~The maximum height when forward of any street facing Primary Structure Façade shall be 4 feet and when located at or behind any street facing Primary Structure Façade shall be 6 feet. (See Figure 10.5-13)~~

Figure 10.5-13



- b. ~~For zone lots where no Primary street facing Primary Structure Façade can be identified:~~
  - i. ~~Where a Primary Structure is present, the maximum height shall be 4-feet within the Primary Street Setback calculated per Section 13.1.5.3 based on the building form standards for one of the Primary Structures on the Zone Lot, and the maximum height shall be 6-feet in all other locations:~~
  - ii. ~~Where no Primary Structure is present, the maximum height shall be 4-feet within the Primary Street Setback calculated per Section 13.1.5.3 based on the standards of one building form allowed for Primary Structures in the zone district for the subject Zone Lot width and Zone Lot area, and the maximum height shall be 6-feet in all other locations:~~

**D. Fences and Walls in I-A, I-B, and I-MX and CMP-NWC-F Zone Districts**

**1. Applicability**

This section applies to fences and walls in the I-A, I-B, ~~or I-MX~~, or CMP-NWC-F zone districts but not including any single-unit or two-unit dwelling development.

**2. Maximum Height and Required Openness**

**a. Within the Setback**

The maximum height of a fence or wall when located within a required setback shall be 7 feet. ~~shall only be open walls or fences, chain link, or wire mesh.~~

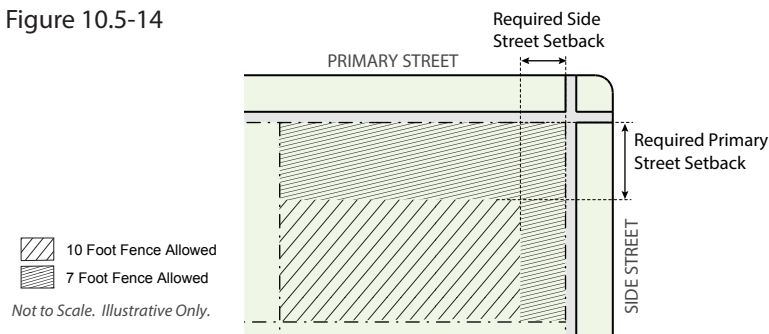
**b. Outside the Setback**

The maximum height of a fence or wall located outside of a required setback shall be 10 feet. (See Figure 10.5-14)

**c. Fences or walls located within a required primary street or side street setback shall be a minimum of 50% open.**

**d. See Sections 13.1.7, Fence and Wall Height Measurement, 13.1.8, Retaining Wall Height Measurement, and 13.1.13, Rule of Measurement for % Open Standards.**

Figure 10.5-14



## SECTION 10.5.6 RETAINING WALL REQUIREMENTS

### 10.5.6.1 Applicability

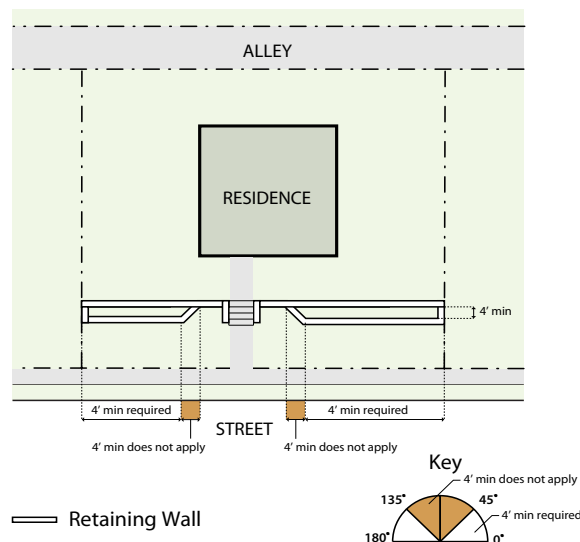
This ~~Section 10.5.6's retaining wall requirements~~ shall apply to retaining walls in all zone districts, all new development, except in the I-A or I-B zone districts.

### 10.5.6.2 Retaining Wall Standards

- A. Retaining Walls may be built to any height ~~in~~ any area of the zone lot other than in the Primary Street Setback.

- B. The maximum height of a retaining wall when located in the Primary Street Setback is 4 feet. When provided, Retaining Walls in the Primary Street Setback shall be built to a maximum height of 4 feet and successive walls may be built provided that they are separated by at least 4 feet. However, this standard shall not apply to limit the height or require terracing when one or more Retaining Walls are used as an integral part of a below-grade window well or other basement egress area that is allowed by this Code to encroach into the Primary Street Setback.
- C. In any area of the zone lot other than the Primary Street Setback, Retaining Walls may be built to any height.
- D. Retaining walls located in the Primary Street Setback shall be separated from other retaining walls within the same Zone Lot by 4 feet as measured from face-of-wall to face-of-wall, except in the following configurations:
  - 1. Walls that are oriented between 45 degrees and 135 degrees to the Primary Street Zone Lot Line. (See Figure 10.5-15)
  - 2. Retaining Walls used as an integral part of a below-grade window well or other basement egress area that are allowed as a Primary Street Setback exception.

Figure 10.5-15



- E. Any 4-foot linear section of a fence that is located on top of a retaining wall and forward of at least 75% of the total width of the Primary Street-facing Facade(s) of all Primary Structures shall be less than or equal to minimum of 50 percent openopaque. "Opaque" or "opacity" shall be measured as the amount of solid fence or wall material area divided by the total surface area of the subject fence or wall section, expressed as a percentage.
- F. See Sections 13.1.7 and 13.1.8, Fence and Wall Height Measurement, and 13.1.8, Retaining Wall Height Measurement, and 13.1.13, Rule of Measurement for % Open Standards.

## SECTION 10.5.7 SCREENING REQUIREMENTS

### 10.5.7.1 Applicability and General Provisions

#### A. Applicability

This Section 10.5.7's screening requirements shall apply to:

- 1. Development in all zone districts, except in the CMP-NWC ~~F~~, I-A and I-B zone districts and except for single-unit or two-unit dwelling development in a SU or TU zone district, shall comply with theis requirements of this Ssection. 10.5.7's screening standards.

2. Wherever this Code requires or authorizes screening as a condition or limitation on an allowed use or activity, the subject use or activity shall be screened according to this Section 10.5.7's standards.

**B. General Screening Standards**

The following general standards shall apply to all required screening, unless otherwise stated or limited by a more specific standard in this Section 10.5.7:

1. All required screening shall be comprised of landscaping, fences, or walls of a height, design, and opacity that screens from view the use or activity from adjacent land uses, rights-of-way, City parks, and open spaces.
2. Except for standards relating to fence or wall height, all fences and walls used for required screening shall comply with the general standards for fences and walls stated in Section 10.5.5.1, Fences and Walls - General Standards, including but not limited to material standards.

**10.5.7.2 Screening of Rooftop Equipment**

- A. Rooftop mechanical equipment, shall be screened from ground level view, as viewed from any abutting Primary Street's right of way, perpendicular to the zone lot line. See Article 13, Rules of Measurement and Definitions, for rules related to rooftop mechanical equipment screening.
- B. Screening shall be of a material similar in quality and appearance to other areas of the building facade. For example, a parapet wall may be used to screen rooftop equipment.
- C. Development in a Campus (CMP) zone district is exempt but shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Division 10.5.
- D. The submittal of a plan and section/elevation drawing must document that the rooftop mechanical equipment is not visible from the opposite side of the abutting Primary Street's right of way. Submitted drawings shall indicate the point of measure and height of the mechanical screening, where applicable.

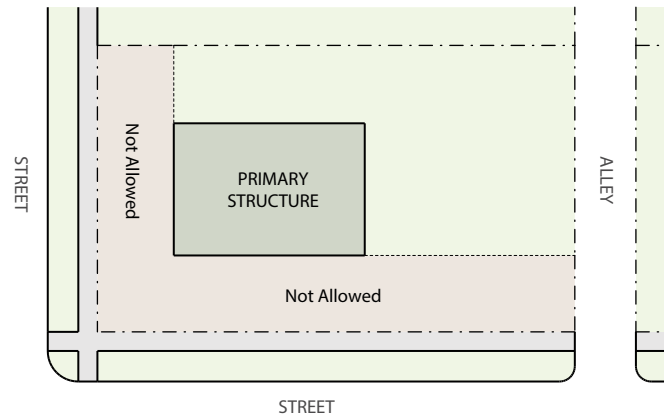
**10.5.7.3 Screening of Outdoor Trash Storage Areas - Multi-Unit and Nonresidential Development**

**A. Siting**

1. In all zone districts except the MS zone districts, outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be placed either flush or behind any street facing facade of the Primary Structure. (See Figure 10.5-165)

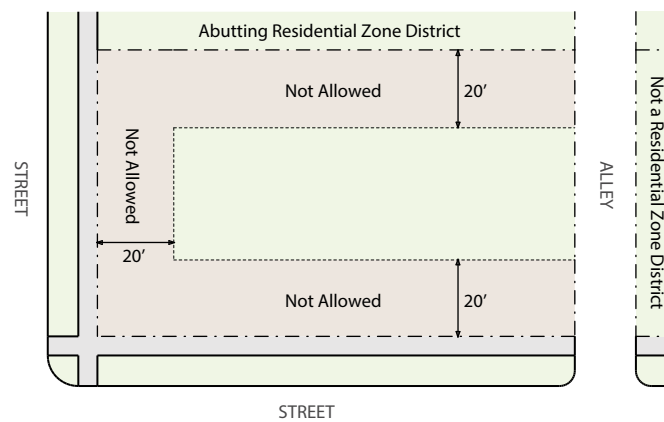


Figure 10.5-165



2. In a MS zone district, all outdoor trash and recycling collection and storage areas shall be setback at least 20 feet from the zone lot line abutting a named or numbered street, or from the zone lot line abutting a Residential Zone District. (See Figure 10.5-176)

Figure 10.5-176



## B. Screening

All outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be fully enclosed by screening comprised of a solid fence or wall a minimum of 6 feet tall. The side of the screening from which collection is made may remain open or may be enclosed with a fence or wall containing an opening (e.g., gate) for access.

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## DIVISION 10.6 SITE GRADING STANDARDS

### SECTION 10.6.1 INTENT

The maintenance of natural site contours helps to preserve neighborhood characteristics, such as the Denver hill, as viewed from the street and minimize potential adverse impacts of grade changes and retaining walls on adjacent properties.

### SECTION 10.6.2 APPLICABILITY

All development subject to a minimum Primary Street Setback shall be required to meet the site grading standards provided in this Section, except that development located on a zone lot or zone lots that comprise at least one complete Face Block, where development of the entire ~~f~~Face ~~b~~Block is under the control of a single property owner or master developer, is exempt from this Division 10.6.

#### Reference to General Drainage Standard

Site grading shall not adversely impact adjacent properties as stated in Section 10.11.3, Change in Drainage Patterns.

### SECTION 10.6.3 PRIMARY STREET AND SIDE INTERIOR SETBACK GRADING STANDARDS

#### 10.6.3.1 Limits on Grade Changes in Primary Street Setback

Re-grading of the Zone Lot within the minimum Primary Street Setback shall not result in a difference between Original Grade and Finished Grade of more than 1 foot at any point that is within 10 feet of the Primary Street Zone Lot Line.

#### 10.6.3.2 Limits on Grade Changes in Side Interior Setbacks

Re-grading of the Zone Lot within the minimum Side Interior Setbacks indicated by the Building Form standards for any Primary Structures shall not result in a difference between Original Grade and Finished Grade of more than 1 foot.

#### 10.6.3.3 Review Criteria for Exceptions to Grade Change Limits

The Zoning Administrator may approve exceptions to the limits on grade changes described in Sections 10.6.3.1 and 10.4.3.2 when all of the following are met:

- A. The grade change meets one of the exceptions in Section 10.6.3.4;
- B. The grade change is necessary to provide for the specific exception;
- C. The grade change is the minimum change necessary to provide for the specific exception; and
- D. The grade change will not create adverse impacts on adjacent zone lots or rights-of-way.

#### 10.6.3.4 Exceptions to Grade Change Limits in Setbacks

##### A. Exception to Allow Proper Site Drainage

Site grade may be altered by more than 1 foot to provide proper site drainage and avoid adverse effects on adjacent properties. In order to evaluate the exception, the Zoning Administrator may require a report and supporting drawings to be certified by a Qualified Professional.

1. Only when required by the Department of Transportation and Infrastructure ("DOTI"), "proper site drainage" may include installation of up to a 4-foot high berm and/or above-ground walls, and/or up to 6 feet of excavation below street grade. All such drainage structures shall be sited to be hidden and/or screened with landscaping. Any retaining wall shall have an architectural finish of equal or better quality than the primary building's architectural finish, as determined by the Zoning Administrator. Above-ground walls shall be finished on both sides and be limited to 24 inches tall on at least one side abutting a pedestrian access.

**B. Exception for Parking Access**

Site grade may be altered by more than 1 foot for 50% or 20 feet of the linear lot frontage (whichever is less) to allow for excavation associated with a driveway where the Original Grade in the primary street setback within 10 feet of the zone lot line is raised above the level of the street. Site grade may be altered by more than 1 foot in the side interior setback to allow for vehicle access from a public or private alley or other shared vehicle access facilities.

**C. Exception for Pedestrian Access Ramps/Stairs**

Site grade may be altered by more than 1 foot to allow for barrier-free access structures, exterior stairs, and/or ramps connecting to a pedestrian access/entrance required by the Denver Building and Fire Code.

**D. Exception for Retaining Structures for Window Wells and Below Grade Areas**

~~For such grade changes, applicants do not have to provide a written request per Section 10.6.6.~~ Site grade may be altered to allow for retaining structures for window wells and below grade areas, provided such structures or areas:

1. Do not exceed 6-feet in width as measured parallel to the Exterior Walls of the structure served; and
2. Do not exceed 4-feet in width as measured perpendicular to the Exterior Walls of the structure served.

**E. Exception for Landscaping and Retaining Walls**

Site grade may be altered by more than 1 foot within 10 feet of the Primary Street zone lot line to allow for landscaping and retaining walls under this Code, and where such landscaping/retaining walls restore Finished Grade closer to the front Base Plane, single base plane, or building-specific base plane elevation. (See Figure 10.6-1 ~~below~~)

**F. Exception for Removal of Existing Retaining Wall**

Site grade may be altered by more than 1 foot to allow for the removal of an existing retaining wall.

**G. Exception for Town House Building Form Development**

When development occurs using the Town House building form, no site grade change greater than 1 foot may occur within 7.5 feet of the Side Interior Zone Lot line unless the grade change meets another exception in this Section. Site grade changes located more than 7.5 feet from the Side Interior Zone Lot Line may occur. (See Figure 10.6-2) ~~For such grade changes, applicants do not have to provide a written request per Section 10.6.6.~~

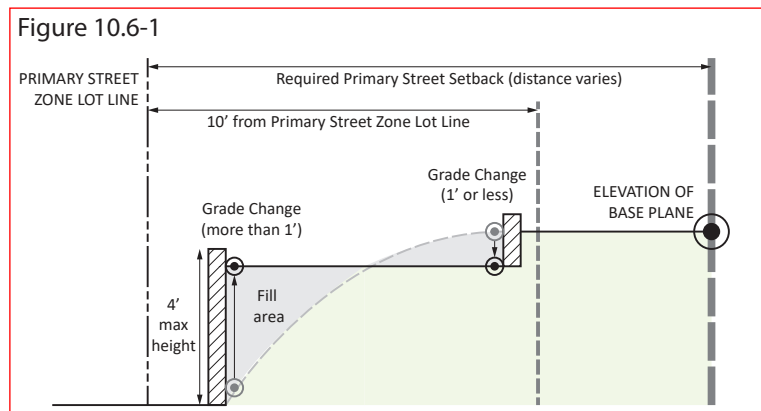
**H. Exception for the Rear Percentage of Zone Lot Depth**

Site grade may be altered by more than 1 foot in the side interior setback in the rear 35% of the Zone Lot Depth.

**10.6.3.5 Exceptions to Grade Limits in Primary Street Setback**

**A. Exception for Landscaping and Retaining Walls**

Site grade may be altered by more than 1 foot to allow for ~~required or permitted~~ landscaping and retaining walls under this Code, and where such landscaping/retaining walls restore Finished Grade closer to the Front Base Plane elevation. ~~See Article 13 for definition of the term “Finished Grade” and the rule of measurement for Front Base Plane. This exception shall not be used to allow a grade change to accommodate an unenclosed porch, raised or sunken patio, or any other similar building feature within 10 feet of the Primary Street zone lot line. (See Figure 10.6-1 below)~~



**B. Exception for Parking Access from Street**

Where parking access is allowed from the street, site grade may be altered by more than 1 foot for 50% or 20 feet of the linear lot frontage (whichever is less) to allow for excavation associated with a driveway where the Original Grade in the primary street setback within 10 feet of the zone lot line is raised above the level of the street.

**C. Exception for Barrier-Free Access to an Existing Building**

Site grade may be altered by more than 1 foot to allow for barrier-free access to an existing building when no alternative location is available. The applicant must demonstrate that the building design cannot be modified to accommodate the accessible route without the grading exception.

**D. Exception for Pedestrian Ramps/Stairs**

Site grade may be altered by more than 1 foot to allow for exterior stairs and/or ramps connecting to a pedestrian access/entrance required by the Denver Building and Fire Code when no alternative location is available.

**E. Exception for Town House Building Form Development**

When development occurs using the Town House building form, no site grade change greater than 1 foot may occur within 7.5 feet of the Side Interior Zone Lot line. Site grade changes located more than 7.5 feet from the Side Interior Zone Lot Line may occur. (See Figure 10.6-2) For such grade changes, applicants do not have to provide a written request per Section 10.6.6.

## SECTION 10.6.4 SIDE INTERIOR SETBACK GRADING STANDARDS

### 10.6.4.1 Limits on Grade Changes in Side Interior Setback

Re-grading of the Zone Lot within the minimum Side Interior Setback indicated by the Building Form standards for any Primary Structure on the zone lot is not permitted.

### 10.6.4.2 Exceptions

**A. Exception for Grade Change in Primary Street Setback**

Site grade in the Side Interior Setback that is also within the Primary Street Setback may be altered in accordance with Section 10.6.4

**B. Exception for Proper Site Drainage**

Site grade may be altered to provide proper site drainage and avoid adverse effects on adjacent properties. "Proper site drainage" may include those features allowed according to Section 10.6.4.2.A.2.

**C. Exception for Retaining Structures for Window Wells and Below Grade Areas**

1. Site grade may be altered to allow for retaining structures for window wells and below grade areas, provided such structures or areas:
  - a. Do not extend more than 6 inches above grade;
  - b. Do not exceed 6 feet in width as measured parallel to the Exterior Walls of the structure served; and
  - c. Do not exceed 4 feet in width as measured perpendicular to the Exterior Walls of the structure served.
2. For such grade changes, applicants do not have to provide a written request per Section 10.6.6.  
For such grade changes, applicants do not have to provide a written request per Section 10.6.6.

**D. Exception for Barrier-Free Access to an Existing Building Note: Combined with ramps, stairs for pedestrian access in 10.6.4.4.C**

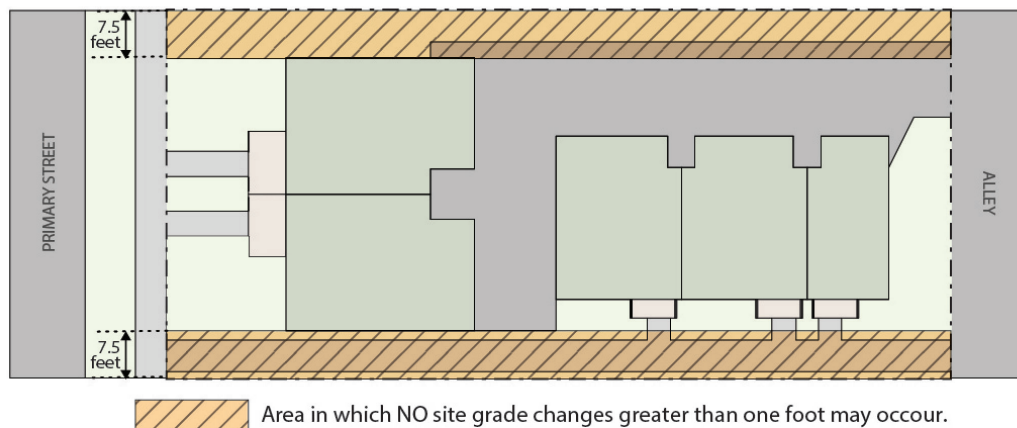
Site grade may be altered to allow for barrier-free access to an existing building when no alternative location is available. The applicant must demonstrate that the building design cannot be modified to accommodate the accessible route without the grading exception.

**E. Exception for Town House Building Form Development**

When development occurs using the Town House building form, no site grade change greater than 1 foot may occur within 7.5 feet of the Side Interior Zone Lot line. Site grade changes located more than 7.5 feet from the Side Interior Zone Lot Line may occur. (See Figure 10.6-2)  
For such grade changes, applicants do not have to provide a written request per Section 10.6.6.

Figure 10.6-2

*Not to Scale. Illustrative Only.*



## SECTION 10.6.5 REQUESTS FOR GRADE CHANGE EXCEPTIONS

### 10.6.5.1 Written Request for Grade Change Exception

Unless expressly exempt in the individual grade change exception allowed under this Division 10.6, the Applicant shall request an allowed exception to the grading standards in writing, and shall include a report and supporting drawings and documentation sufficient to demonstrate:

- A. The grade change is necessary to provide for the specific exception;
- B. The grade change is the minimum change necessary to provide for the specific exception; and

- C. ~~The grade change does not adversely affect adjacent properties.~~

#### **10.6.5.2 Evaluation**

~~In evaluating whether sufficient documentation has been submitted for the specific exception, the Zoning Administrator may require the submitted documentation to be certified by a Qualified Professional.~~

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## DIVISION 10.7 OUTDOOR LIGHTING

### SECTION 10.7.1 INTENT

These outdoor lighting standards are intended to:

- A. Eliminate adverse impacts of light through glare and spillover;
- B. Provide attractive lighting fixtures and layout patterns that contribute to unified exterior lighting design of development; and
- C. Provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

### SECTION 10.7.2 APPLICABILITY

#### A. General Applicability to All Development

1. Unless specifically exempted below, all existing and proposed development shall meet the provisions of this Division.
2. Buildings lawfully existing as of the June 25, 2010, may be renovated or repaired without modifying outdoor lighting in conformance with this Division, provided there is no increase in gross floor area in the building or the impervious area of the site.
3. Where a building existed as of the June 25, 2010, and the building is enlarged in gross floor area or impervious area on the site by 50% percent or 10,000 square feet, whichever is less, outdoor lighting as specified in this Division shall be provided.

#### B. Exemption for Outdoor Active Recreational Uses in All Zone Districts and Event Space with Alternate Parking and Loading Uses in the CMP-NWC-F Zone District

Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts, and other similar outdoor active recreational uses (both public and private facilities unless otherwise restricted by this Code), and portions of a zone lot within the CMP-NWC-F zone districts designated as Event Space with Alternate Parking and Loading are exempt from the outdoor lighting standards stated in this Division and shall only be required to meet the following standards:

##### 1. Limits on Cutoff Angle

Cutoff from a lighting source that illuminates an outdoor active recreational use or an Event Space with Alternate Parking and Loading use in the CMP-NWC-F zone districts may exceed an angle of 90 degrees from the pole, provided that the light source is shielded to prevent light and glare spillover to an adjacent Protected District.

##### 2. Maximum Permitted Illumination at the Property Line

The maximum permitted illumination at the property line shall be 2 footcandles.

#### C. Exemption for Structures for Preservation and Districts for Preservation

Outdoor lighting on Zone Lots containing structures for preservation or located in districts for preservation under D.R.M.C. Ch. 30 must meet the adopted design guidelines for Denver Landmark Structures and Districts. To accommodate lighting that is more compatible with historic structures and districts than the typical lighting used to meet these standards, structures for preservation and districts for preservation are exempt from Sec. 10.4.7.2.A.1.a, Full Cutoff Lighting Fixtures Required.

## **SECTION 10.7.3 LIGHT SOURCES**

### **10.7.3.1 Exemption**

Holiday lighting displays are exempt from these light source restrictions.

### **10.7.3.2 Prohibited Light Sources**

The following light fixtures and sources shall not be used:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors; and
- C. Searchlights and other high-intensity narrow-beam fixtures, except as part of a permitted special event.

### **10.7.3.3 Allowed Light Sources**

Allowed light sources shall be limited to:

- A. Incandescent
- B. Fluorescent
- C. Metal halide
- D. Color-corrected high-pressure sodium
- E. LED
- F. Magnetic induction lamps (Phillips QL)
- G. Other light sources approved by the Zoning Administrator that meet the intent of this subsection to require light sources that provide energy efficiency gains and emit white or near-white light that assures a safe pedestrian and vehicle environment.

## **SECTION 10.7.4 DESIGN STANDARDS**

### **10.7.4.1 Purpose and Applicability**

Outdoor lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. All lighting fixtures designed or placed to illuminate any portion of a site shall meet this Section's requirements.

### **10.7.4.2 Fixture (Luminaire) Requirements**

#### **A. Fixture Requirements Applicable to All Outdoor Lighting Types**

##### **1. Full Cutoff Lighting Fixtures Required**

- a. All outdoor lighting shall have light sources that are concealed by a full cutoff lighting fixture so that the light source is not visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be Full Cutoff Lighting Fixtures.
- b. **Canopy Area Lighting**  
All development that incorporates a canopy area over fuel sales, drive-through lanes or similar installations shall install either a Full Cutoff Lighting Fixture or a Fully Shielded Lighting Fixture, as those terms are defined in Article 13 of this Code and shall be designed to mitigate light trespass from the canopy lighting.

## 2. Mounting

Except where otherwise regulated, all outdoor lighting fixtures affixed to a building or structure shall be mounted so that the cone of light is contained on-site and does not cross any property line of the site.

## 3. Accent Lighting

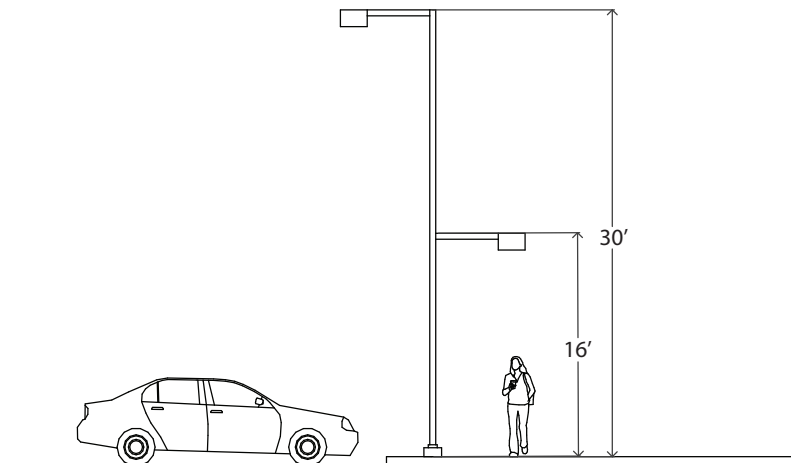
Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed, or shielded to minimize light spill into the night sky.

### B. Additional Fixture Requirements for Free-Standing Outdoor Lighting Fixtures

Free-standing lighting fixtures shall not exceed the following maximum heights:

OUTDOOR LIGHTING LOCATION	FIXTURE HEIGHT (MAXIMUM AS MEASURED TO THE TOP OF THE FIXTURE FROM GRADE)
Within 50' of a Residential Zone District	16' (See Figure 10.7-1)
Surface Parking Area -MU, -RH, -RO, -RX, -TH Districts -CC, I-A, I-B, I-MX, M-IMX Districts All other districts	24' 35' 30' (See Figure 10.7-1)

Figure 10.7-1



#### 10.7.4.3 Glare Prohibited

All outdoor lighting fixtures shall be oriented to avoid glare onto rights-of-way in a manner that may distract or interfere with the vision of drivers, bicyclists or pedestrians, and shall be oriented to avoid glare onto adjacent Residential Zone Districts.

#### 10.7.4.4 Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.

#### 10.7.4.5 Security Lighting

- A. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.

- B. Security fixtures such as wall-packs shall not be substituted for appropriate Off-Street Parking Area or walkway lighting and shall be restricted to loading, storage, service and similar locations.
- C. Security fixtures shall be mounted and oriented to avoid glare onto adjacent rights-of-way or Residential Zone Districts.

#### **10.7.4.6 Entrances in Nonresidential and Multi-Unit Dwelling Development**

All entrances to buildings used for nonresidential purposes and open to the general public, and all entrances in multi-unit residential buildings containing more than 4 units shall be lighted with low intensity fixtures not to exceed 8 footcandles to ensure the safety of persons and the security of the building.

#### **10.7.4.7 Parking Area Lighting**

##### **A. Applicability**

- 1. This subsection 10.7.4.7 shall apply to Off-Street Parking Areas in all zone districts, except as provided in subsection 10.7.4.7.A.2 below.
- 2. Buildings and Off-Street Parking Areas lawfully existing as of May 24, 2018, may be renovated or repaired without modifying outdoor lighting in conformance with this Section 10.7.4.7, if:
  - a. There is no increase in gross floor area in the building or the impervious area of the site;
  - b. No changes are proposed to outdoor Light Fixtures; routine repairs or maintenance, such as changing a lamp, may be performed without conforming to this Section 10.7.4.7; and
  - c. Such lawfully existing buildings comply with Section 10.7.4.7.B.3, Additional Standards.

##### **B. Requirements Applicable to all Parking Areas**

##### **1. Lighting Uniformity Limits for Parking Areas**

Outdoor lighting of Off-Street Parking Areas shall comply with the following uniformity ratio limits, measured in Footcandles (F.C.) at ground level:

- a. The maximum to minimum uniformity ratio for any parking area shall be 20:1
- b. The average to minimum uniformity ratio for any parking area shall be 4:1

##### **2. Protected District Abutment**

Where a Zone Lot abuts a Protected District, the maximum illumination level at the Zone Lot Line abutting the Protected District shall be 0.1 F.C.

##### **3. Additional Standards**

For additional standards, refer to the *Rules and Regulations for the Landscaping of Parking Areas*, or any subsequently adopted document that regulates lighting illumination levels.

**C. Requirements Applicable to Specific Use Types**

Off-Street Parking Area lighting on Zone Lots containing the following specific use types shall not exceed the maximum levels listed in the table below:

USE CATEGORY	SPECIFIC USE TYPE	MAXIMUM ILLUMINATION LEVEL (IN FOOTCANDLES)
Vehicle/Equipment Sales, Rentals, Service & Repair	Automobile Services, Light	15 F.C.
	Automobile/Motorcycle/Light Truck Sales, Rentals, Leasing, Pawn Lot or Vehicle Auctioneer	30 F.C.

## **DIVISION 10.8 OPEN SPACE STANDARDS**

### **SECTION 10.8.1 OPEN SPACE IN LARGE DEVELOPMENTS**

#### **10.8.1.1 Purpose**

To ensure large developments provide open space within their boundaries that is publicly accessible, usable, and provides community benefit, including but not limited to pedestrian areas, courtyards, plazas, and natural, pervious areas.

#### **10.8.1.2 Applicability**

##### **A. General Applicability**

This section shall apply to all Development in all zone districts where the total gross land area for the Development is either greater than 5 acres or 3 or more Blocks ("large development").

##### **B. Exceptions**

A large development may be exempt from providing the minimum open space set forth in this Section 10.8.1 if:

1. The proposed Development is subject to a previously approved General Development Plan (GDP), and when the DRC determines that the previous GDP was approved with minimum open space consistent with the minimum amount and design standards set forth in this Section 10.8.1; or
2. When the DRC determines that the proposed Development is located in an approved Large Development Framework, Infrastructure Master Plan, Subdivision under D.R.M.C. Chapter 50, or other approved regulatory document that has established minimum open space that is consistent with the minimum amount and design standards set forth in this Section 10.8.1.

#### **10.8.1.3 Minimum Amount Required**

A minimum of 10% of the Net Development Area as defined in Section 13.1.6.4.A, Open Space in Large Developments Rules of Measurement, shall be provided as open space in accordance with this section ("Open Space in Large Developments").

- A. For large developments equal to or under 10 acres and subject to this section, City park land, or land required to be dedicated to the City by the Department of Parks and Recreation, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land complies with:
  1. The minimum design standards in Section 10.8.1.6; and
  2. Applicable design standards adopted by the Department of Parks and Recreation.
- B. For large developments over 10 acres and subject to this section, City park land, or land dedicated to the City for City park, conservation, or recreation public purposes, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land:
  1. Complies with the minimum design standards in Section 10.8.1.6;
  2. Complies with any applicable design standards adopted by the Department of Parks and Recreation; and
  3. Is in addition to any minimum land area required for City park land, or land required to be dedicated to the Department of Parks and Recreation (DPR) in accordance with adopted DPR standards, and located within the large development boundaries.

#### 10.8.1.4 Easement Required

The required Open Space in Large Developments shall be subject to a perpetual easement granted to the City and/or the general public. All required easements shall be in a form approved by the City.

#### 10.8.1.5 Public Access Required

The required Open Space in Large Developments shall remain open to the public at all times, or from sunrise to sunset.

#### 10.8.1.6 Design Standards

The required Open Space in Large Developments shall comply with the following design standards.

- A. The required open space shall be provided in 1 or more contiguous areas measuring at least 15 feet wide and 30 feet deep, and abutting:
  1. A Street; or
  2. An area with direct pedestrian access to a Street, provided such area is subject to a perpetual easement, or similar mechanism, granted to the City and/or the general public.
- B. The required minimum Open Space in Large Developments shall remain publicly accessible and usable in accordance with the following design standards:
  1. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. The required open space may include user amenities such as tables, chairs, benches, sculptures, and similar elements.
  2. Shall be visible from at least one public named or numbered Street or from a Private Street subject to a public access easement. See Figure 13.1-120.
  3. Shall not be permanently enclosed by railings, fences, gates, or walls.
  4. Shall be within 2 feet of grade at edge of Street or where the open space is accessible to the public.
  5. Shall have barrier-free access to the open space from the abutting Street or the point the open space abuts a Zone Lot Line accessible to the public, designed in accordance with the Americans with Disabilities Act or Denver Accessibility Standards.
  6. The required open space design may be, but is not limited to, any of the following types:
    - a. A courtyard, enhanced streetscape, or pedestrian area with connections to transit facilities, plazas, or streets; and/or
    - b. Natural, pervious areas landscaped with trees and vegetation.
- C. The Zoning Administrator may approve an Administrative Adjustment to the Open Space in Large Development design standards in this Section 10.8.1.6, according to Section 12.4.5 (Administrative Adjustment), and upon finding that the proposed adjustment would meet or exceed the intent and purpose of this Section 10.8.1.

## **DIVISION 10.9 PARKING, KEEPING AND STORAGE OF VEHICLES**

### **SECTION 10.9.1 PARKING / STORAGE ON RESIDENTIAL ZONE LOTS**

The parking/storage on a residential zone lot in a Residential Zone District of any of the following vehicles is prohibited, except that such vehicles may be parked on a residential zone lot only to render services to the subject zone lot and only for the duration necessary to render such services:

- 10.9.1.1 Tow trucks;
- 10.9.1.2 Large-Scale Motor Vehicles and Trailers;
- 10.9.1.3 Stake body trucks;
- 10.9.1.4 Cube or box vans;
- 10.9.1.5 Backhoes;
- 10.9.1.6 Vehicles towing trailers carrying machinery and supplies; or
- 10.9.1.7 Other similar specialized vehicles.

### **SECTION 10.9.2 RESERVED**

### **SECTION 10.9.3 KEEPING OF MOTOR VEHICLES ACCESSORY TO A DWELLING UNIT**

#### **10.9.3.1 Number of Motor Vehicles Accessory to a Dwelling Unit**

On any zone lot occupied by one or more dwelling units in single-unit (SU), two-unit (TU) and row house (RH) zone districts, there shall be, in total, parked and/or stored no more than 1 motor vehicle per licensed driver residing in each dwelling unit plus 1 additional motor vehicle per dwelling unit, to a maximum of 6 motor vehicles per dwelling unit, except as specifically allowed by this Code.

#### **10.9.3.2 Number of Trailers Permitted on a Zone Lot Containing a Single Unit Dwelling**

Trailers shall be limited by the following:

- A. Permitted number: 2;
- B. Maximum length: 22 feet; and
- C. Each trailer shall be designed to have and be used for a substantially different purpose.

#### **10.9.3.3 Number of Motorcycles Accessory to a Dwelling Unit**

On any zone lot occupied by a dwelling unit, there shall be parked and/or stored no more than one motorcycle per driver licensed to operate a motorcycle residing in such dwelling unit plus one additional motorcycle per dwelling unit. Such motorcycles shall be in addition to the total number of motor vehicles allowed above.

#### **10.9.3.4 Motor Vehicle Repair and Maintenance Accessory to a Dwelling Unit**

- A. Occupants of a dwelling unit may perform engine, transmission and other similar repairs of their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. inside a completely enclosed garage structure located on the same zone lot as the dwelling unit, excluding, however, any auto body and fender work, or the painting of motor vehicles;
- B. Occupants of a dwelling unit shall not repair motor vehicles belonging to another person or persons that do not reside in the same dwelling unit;



- C. Occupants of a dwelling unit may perform customary maintenance on their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. outdoors on a driveway or Off-Street Parking Area located on the same lot as the dwelling unit. For the purpose of this Section “customary maintenance” is defined as: washing; polishing; fluid changes; greasing; tire changing; brake repair; muffler replacement; engine tune-up; flushing of radiators; and other activities of minor repair and servicing;
- D. Occupants of a dwelling unit performing vehicle maintenance and repair shall not permit vehicle fluids to be discharged onto any land, driveway or Off-Street Parking Area; and
- E. Occupants of a dwelling unit shall immediately remove all external evidence of vehicle repair and maintenance activities.

#### **10.9.3.5 Parking or Storage of Inoperable Vehicles in Residential Zone Districts**

The parking or storage of inoperable motor vehicles in any residential zone district shall be limited by all of the following:

- A. Occupants of a dwelling unit may store their personally owned inoperable motor vehicle and/or auto parts on the same zone lot as the dwelling unit, provided, however, that said vehicle and/or auto parts shall be stored inside a completely enclosed garage structure;
- B. Parked or stored inoperable motor vehicles shall not occupy off-street parking spaces required by this Division;
- C. Parked or stored inoperable motor vehicles are limited to one such vehicle per dwelling unit; and
- D. Parked or stored inoperable motor vehicles shall be included in the calculation of the total maximum number of vehicles permitted for a dwelling unit.

#### **10.9.3.6 Parking / Storage of Trailers, Trucks, RVs On Private Property in Certain Residential Districts**

The following regulations shall apply to properties located in a Protected zone district and to residential uses located in the Master Planned (M-) zone districts:

- A. The vehicles listed below shall not be parked or stored on a zone lot:
  - 1. Large-Scale Motor Vehicles and Trailers; or
  - 2. An automobile trailer exceeding 22 feet in length;
  - 3. A bus or motorized recreation vehicle exceeding 22 feet in length; or
  - 4. A truck-tractor or semi-trailer.

##### **B. Limitations**

- 1. An automobile trailer or Recreational Vehicle of any length may be stored within a completely enclosed structure located so as to comply with all the requirements for the location of structures on the zone lot.
- 2. Automobile trailers not exceeding 22 feet in length and detached camper units shall be parked or stored only on the rear one-half of the zone lot. If the rear one-half of the zone lot does not abut an alley, such vehicles may be parked or stored on the front one-half of the zone lot if located so as to comply with front and side setback requirements for primary structures and screened from the street and adjacent properties by a solid, sight-obscuring fence or wall as high as the maximum height permitted in the zone district.

3. Recreational Vehicles not exceeding 33 feet in length shall be parked on the zone lot behind the Primary Street-facing façade of the primary structure and, located as to comply with applicable Side Interior and Side Street setback requirements for primary structures, and screened from the street and adjacent properties by a solid, sight-obscuring fence or wall as high as the maximum height permitted in the zone district. Such vehicles may be parked only for storage purposes and shall not be used for temporary or permanent residential occupancy.
4. The owner of a school, religious assembly or pre-school may apply for a temporary permit to park one or more buses or vans on the property containing the subject use. Such vehicle must be used primarily to transport religious assembly members and/or school and pre-school children or students. The Zoning Administrator shall utilize the procedures according to Section 12.4.2, Zoning Permit Review with Informational Notice, in processing such a request and shall approve or deny applications for such permits on the basis of the following criteria:
  - a. The number of buses or vans involved is justified by the method of operation and the size of the Religious Assembly, school or preschool.
  - b. The proposed Off-Street Parking Area is located away from abutting residential structures and will have a minimal impact on the character of surrounding residential properties.
  - c. If the Off-Street Parking Area is located adjacent to residential structures, adequate screening and landscaping will be installed to reduce or eliminate the visual impact of the bus on adjoining residents.

In approving a permit the Zoning Administrator may attach conditions for the protection of adjoining owners and residents.

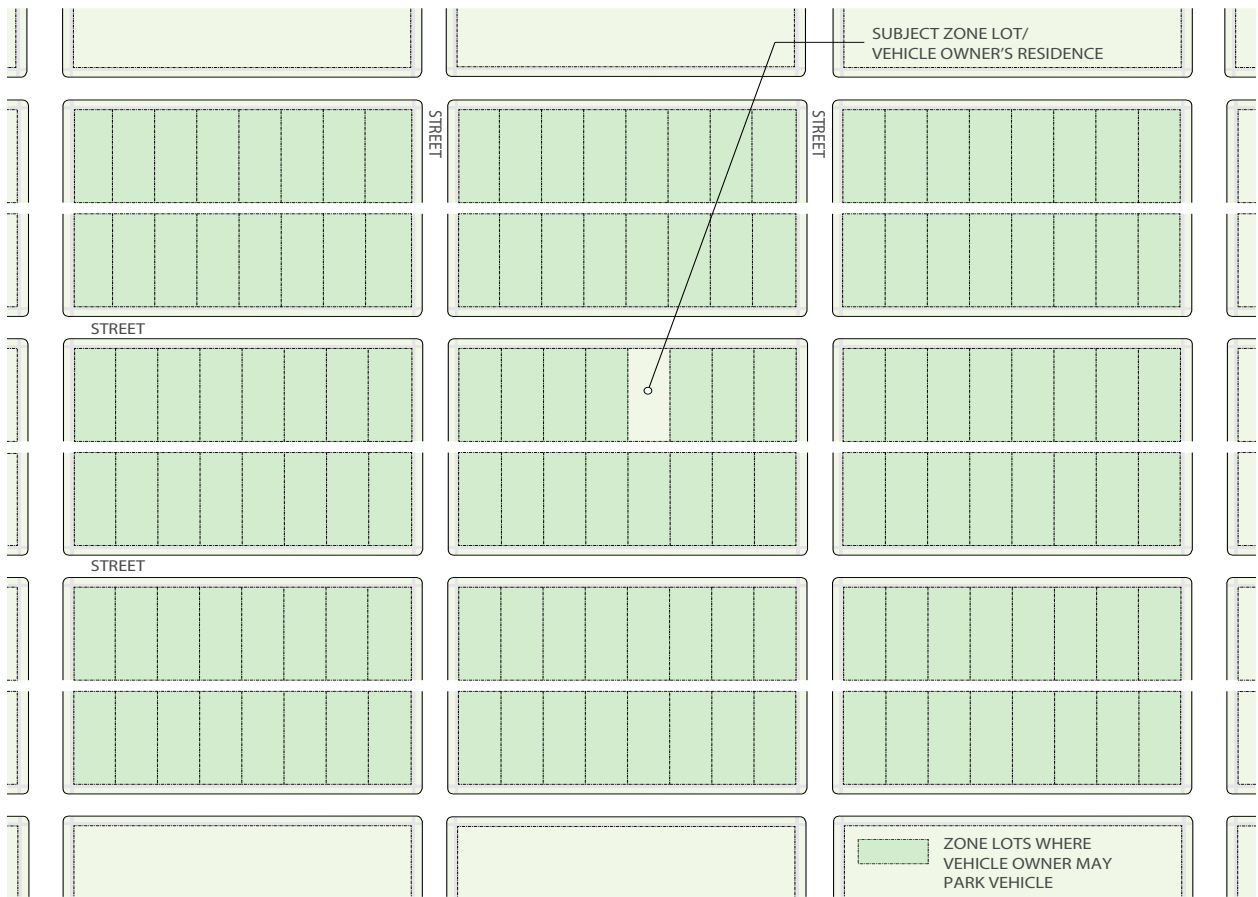
#### **10.9.3.7 Non-Resident Off-Street Garage Parking for Dwelling Units**

Motor vehicles accessory to a Dwelling Unit may be parked or stored in accessory attached or detached garages on Zone Lots not occupied by the owner of such motor vehicle if the subject garage (see Figure 10.9-1):

- A. Is located on a Zone Lot on the same Block as the subject vehicle owner resides; or
- B. Is located on a Zone Lot on an immediately adjacent Block from where the subject vehicle owner resides. For the purposes of this provision, named or numbered streets do not destroy adjacency; and
- C. Is not to be used for repair of vehicles by the non-resident owner of the vehicle.

This provision shall not be applied to meet any minimum parking requirements of this Code or result in any violations to Sec. 10.9.3.1 (Number of Motor Vehicles Accessory to a Dwelling Unit) on any Zone Lot, or otherwise impact the adequate provision of off-street parking for any Primary Use.

Figure 10.9-1





## **DIVISION 10.10 SIGNS**

### **SECTION 10.10.1 INTENT**

The intent of this Division 10.10 is to:

- 10.10.1.1 Enhance the appearance and economic value of the visual environment by regulating and controlling the type, location, and physical dimensions of signs and sign structures;
- 10.10.1.2 Preserve locally recognized values of community appearance, and safeguard and enhance property values;
- 10.10.1.3 Reduce hazards that result from signs that obscure or distract the vision of motorists, bicyclists, and pedestrians;
- 10.10.1.4 Recognize that signs are a useful means of visual display for the convenience of the public and for the efficient communications of commercial and noncommercial speech; and
- 10.10.1.5 Allow flexibility in the size, type and location of signs identifying the use and location of large facilities.

### **SECTION 10.10.2 APPLICABILITY & GENERAL PROVISIONS**

#### **10.10.2.1 Applicability**

This Division 10.10 shall govern and control the erection, remodeling, enlarging, moving, operation and maintenance of all signs within all zone districts established by this Code. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations.

#### **10.10.2.2 Obscene Content Prohibited**

Signs (including signs incorporated into a Special Lighting Element) 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:

- A. Pictorial material that is Obscene;
- B. 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;
- C. Pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or
- D. Pictorial material depicting explicit sexual acts.

#### **10.10.2.3 Substitution of Messages Allowed**

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices (billboards), allowed under this Division 10.10. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

#### **10.10.2.4 Severability**

If any provision of this Section 10.10, or any provision of any rule or regulation lawfully promulgated hereunder, or any application of this Section 10.10 or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Section 10.10 or rules or regulations. The provisions of this 10.10 and all rules and regulations promulgated hereunder are severable."

## SECTION 10.10.3 SIGNS PERMITTED IN ALL DISTRICTS

### 10.10.3.1 Signs Not Subject to a Permit

The following signs may be erected in all districts without a permit: Signs allowed by this section shall not count against the maximum number of permitted permanent signs allowed for each use by right unless specifically stated otherwise.

#### A. Signs for a Public Purpose

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the signs are required or authorized.

#### B. Name & Address Signs and Cautionary Signs

Signs limited in content to name of occupant and address of premises; signs of danger or a cautionary nature which are limited to: wall and ground signs; not more than 2 per street front for each use by right, or 2 for each dwelling unit; not more than 4 square feet per sign in area; not more than 10 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

#### C. Cornerstone, Commemorative, Historical Signs

Signs in the nature of cornerstones, commemorative tables and historical signs which are limited to: ground signs; not more than 2 per zone lot; not more than 6 square feet per sign in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

#### D. Individual Building ID Signs

Signs which identify by name or number individual buildings within institutional or residential building group complexes and which are limited to: wall and ground signs; not more than 4 signs per building; not more than 20 square feet per sign in area; not more than 12 feet in height above grade; may be illuminated from a light source and if directly illuminated does not exceed 25 watts per bulb; flashing signs are prohibited; and animated signs are prohibited.

#### E. Flags on Nonresidential Zone Lots

The flags listed herein are allowed on nonresidential zone lots without limitation as to type; number; area; height; or location. The listed flags may be externally illuminated; however, the illumination shall not flash, blink or fluctuate. For purposes of this Division 10.10, "nonresidential zone lot" means a zone lot used entirely or in part for a use other than a primary residential use listed within the "Residential Primary Use Classification" in the Use & Parking Tables found in Articles 3-9 of this Code.

1. Flags of nations, or an organization of nations;
2. Flags of states and cities;
3. Flags of fraternal, religious and civic organizations; and
4. Any other flag containing no commercial advertising copy or trademark.

#### F. Temporary Commercial Signs

Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot.

1. Shall be limited to:
  - a. Window signs;
  - b. Banners with commercial advertising copy;
  - c. Wall signs or posters which have been treated so as to be shielded from the elements (water, wind, sun, etc.);

- d. Streamers which are attached to vehicles located in the front row only of retail car lots when said vehicular sales lot is located on an arterial street and is not across from a residential zone district; and
  - e. Window graphics consisting of paint or decals applied directly to glazing; and
  - f. Wind signs.
- 2. Shall meet the following conditions:
    - a. Shall be maintained in a clean, orderly and sightly condition;
    - b. Shall be placed in/on ground level windows/walls only (except for streamers);
    - c. Shall be limited in placement to 45 days for sign or copy;
    - d. May be illuminated only from a concealed light source;
    - e. Shall not be a flashing sign;
    - f. Shall not be an animated sign;
    - g. Shall be placed only on the business structure (except for streamers);
    - h. Shall not exceed 50 percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus either 65 percent of the unused permitted permanent sign area or 60 percent of the ground level window area, whichever is greater, neither of which is to exceed 75 square feet.
  - 3. The Zoning Administrator may allow additional temporary signage area up to 100 square feet upon application in specific cases providing that the procedure outlined in Section 12.4.2, Zoning Permit Review With Informational Notice, is satisfied.
  - 4. All portable signs regardless of location are specifically not allowed.
  - 5. Parked motor vehicles and/or trailers are not allowed to be intentionally located so as to serve as an advertising device for a use by right, product or service.

**G. Sale, Lease, Rental Signs**

Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to: wall, window and ground signs; 1 sign per zone lot; not more than 5 square feet in area per face; not more than 6 feet above grade; no illumination; flashing signs are prohibited; and animated signs are prohibited.

**H. Informational & Directional Signs**

Signs commonly associated with and limited to information and directions relating to the permitted use on the zone lot on which the sign is located, provided that each such sign is limited to wall, window and ground signs; not more than 100 square inches per sign in area, except that notwithstanding other limitations of Division 10.10, golf course tee box signs may contain up to 8 square feet of sign area of which 1 square foot may be devoted to advertising; not more than 8 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; animated signs are prohibited except that gauges and dials may be animated to the extent necessary to display correct measurement.

**I. Noncommercial Signs on Residential Zone Lots**

Noncommercial signs on residential zone lots shall meet the following conditions. For purposes of Division 10.10, "residential zone lot" means a zone lot that is used in its entirety for a use listed within the "Residential Primary Use Classification" in the Use & Parking Tables found in Articles 3-9 of this Code.

- 1. Noncommercial signs may be erected on any residential zone lot.
- 2. Noncommercial signs shall be limited to the following types:
  - a. Wall signs;

- b. Window signs; and
  - c. Ground signs not more than 6 feet above grade, unless mounted to a single pole no taller than 25 feet.
- 3. The size of each noncommercial sign erected on any zone lot shall not exceed the area of 15 square feet.
  - 4. Noncommercial signs shall meet the following conditions:
    - a. Shall be maintained in a clean, orderly, and sightly condition;
    - b. Shall not be illuminated;
    - c. Flashing signs are prohibited; and
    - d. Animated signs are prohibited.

**J. Noncommercial Signs on Nonresidential Zone Lots**

Noncommercial signs erected on nonresidential zone lots shall meet the following conditions:

- 1. Shall be maintained in a clean, orderly and sightly condition;
- 2. Shall be placed in/on ground level windows/walls only (except for banners, inflatables, balloons or streamers);
- 3. May be illuminated only from a concealed light source;
- 4. Flashing signs are prohibited;
- 5. Animated signs are prohibited;
- 6. Shall be placed only on the business structure (except for banners, inflatables, balloons or streamers);
- 7. Except for banners, inflatables, balloons or streamers, shall not exceed 50 percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus either 65 percent of the unused permitted permanent sign area or 60 percent of the ground level window area, whichever is greater, neither of which is to exceed 75 square feet; and
- 8. Noncommercial streamers and banners shall not exceed 15 square feet in area.

See also Section 10.10.3.1.E. regarding allowance for and limitations on noncommercial flags on nonresidential zone lots.

**K. Relocated Business Signs**

Signs that identify a business which was a permitted use on a zone lot but that, under threat of a government entity exercising its powers of eminent domain, has relocated.

The sign shall be limited:

- 1. To 32 square feet and shall not be more than 6 feet above grade;
- 2. In content to the name of the business, the business logo, the new location of the business and when the business will re-open, or that it has re-opened, at the new location;
- 3. To wall or ground signs set back a minimum of 5 feet from the front line of the zone lot, provided, however, that a wall sign attached to structural wall of a building need not meet setback requirement; and
- 4. To being posted for 180 days or 60 days after the business has re-opened at its new location, whichever is shorter.



5. Flashing signs are prohibited; and
6. Animated signs are prohibited.

### **10.10.3.2 Signs Subject to a Zoning Permit**

Upon application to and issuance of a zoning permit, the following signs may be erected and maintained in all zone districts: Signs allowed by this section shall not count against the maximum number of permitted permanent signs allowed for each use by right unless specifically stated otherwise.

#### **A. Signs Not Visible**

Signs which are not visible from any public right-of-way or from any level whatsoever of any other zone lot; may be illuminated but such illumination shall not be visible beyond the boundaries of the zone lot on which the sign is located; animated signs are prohibited.

#### **B. Signs Identifying Home Occupations**

Signs identifying home occupations shall comply with the home occupation use limitations in Article 11, Division 11.9, Home Occupations Accessory to Primary Residential Uses - All zone districts.

#### **C. Building Group ID Signs**

Signs displaying only the name and address of a subdivision or of a planned building group of at least 8 buildings each containing a use or uses by right and limited to: wall and ground signs; 1 per street front; not more than 20 square feet per face in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

#### **D. Building Illumination as Signs**

Signs consisting of illuminated buildings or parts of buildings which do not display letters, numbers, symbols or designs and limited to: illumination from a concealed light source which may not flash or blink, but may fluctuate by a change of color or intensity of light, provided that each change of color or dark to light to dark cycle shall have a duration of 1.5 minutes or longer; animated signs are prohibited.

#### **E. Parking/Traffic Directional Signs, Menu Board Signs Associated with Drive-Through Facility, and Gas Pump Signs**

##### **1. Parking/Traffic Directional Signs Allowed**

Signs giving parking or traffic directions and other directional information commonly associated with and related to the permitted use on the zone lot on which the sign is located; provided that such signs are limited to: wall and ground signs; 1 sign for every 1,000 square feet of land area up to 10,000 square feet, thereafter only 1 additional sign for every 5,000 square feet; not more than 4 square feet per face in area, not more than 6 feet in height above grade; may be illuminated from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

##### **2. Menu Board Signs Associated with Drive-Through Facility Allowed**

Signs giving information about food or drink choices to persons using an accessory Drive-Through Facility on the same zone lot as a primary Eating and/or Drinking Establishment use ("menu board signs") are limited to: (a) No more than 3 menu board signs are allowed in or abutting a single Drive-Through Facility; (b) Not more than 20 square feet per sign face in area; (c) not more than 6 feet in height over grade; (d) may be illuminated from a concealed light source; (e) flashing signs are prohibited; and (f) animated signs are prohibited.

##### **3. Gas Pump Signs Allowed**

Signs directly attached to or integrated into a gasoline pump structure that is as part of an Automobile Services primary use located on the same zone lot ("gas pump sign") are

limited to: (a) No more than 1 sign per single gasoline pump structure, regardless of the number of nozzles and gas lines attached to such structure; (b) Not more than 4 square feet per face in area.

**F. Certain Canopy or Awning Signs**

Signs on canopies or awnings located over public rights-of-way or forward of any Primary Street-facing facade; limited in content to name of building, business and/or address of premises; no sign shall exceed 10 square feet per face in area. All such canopies and awnings over public rights-of-way are subject to approval by the Department of Transportation and Infrastructure ("DOTI").

**G. Residential Development Identification Sign (Off-Premise)**

Off-premise signs identifying new residential developments within the city as regulated by the following provisions. Notwithstanding the provisions of Section 10.10.21 (outdoor general advertising devices), off-premise signs identifying new residential developments in the city shall:

1. Be limited in area to 32 square feet per face and shall not be more than 6 feet in height above grade,
2. Be limited in content to the name of the project, the name of the developer or construction company and/or directional information or symbols,
3. Be limited to wall signs or ground signs which set back a minimum of 5 feet from every street right-of-way line,
4. Be limited to 2 signs on each side of a public street for each 600-foot length of right-of-way with a minimum spacing of 100 feet between signs,
5. Be limited to no more than 6 signs per project,
6. Utilize a concealed light source if illuminated;
7. Not be a flashing sign;
8. Not be an animated sign;
9. Be valid for a period not to exceed 1 year during the construction, development, original rent-up or sales period; and
10. Not be renewed for more than 3 successive periods for the same project.

**H. Structure Identification Signs**

Signs which identify a structure containing any use by right other than a single unit dwelling. Such signs shall be:

1. Limited in content to the identification by letter, numeral, symbol or design of the use by right and/or its address;
2. Attached to a fence or wall located on the front line of the zone lot or within the front setback;
3. Limited in number to 1 sign per street front for each structure;
4. Regulated by the sign provisions for the zone district in which the zone lot is located except that the requirements of this Section will take priority in case of a conflict;
5. Counted as a part of the total sign area permitted on the zone lot;

6. Limited in height to 6 feet above grade; and
7. Attached to a fence or wall so that the display surface is parallel to and extends forward no further than 6 inches beyond the front plane of the wall or fence.
8. If illuminated at all, illuminated only from a concealed light source.
9. Shall not be a flashing sign; and
10. Shall not be an animated sign.

**I. Temporary Promotion/Special Event Signs**

Inflatables, balloons and/or streamers/pennants shall be allowed as a promotion of a special event only. Advertising of a product or service in this manner shall not be allowed except as a part of the promotion of the special event. The Zoning Administrator shall issue a summons and complaint for inflatables, balloons, streamers / or pennants emplaced without a permit and shall not issue a permit for said location for the next event application. Inflatables and balloons may be shaped/formed as a product and may have commercial copy; streamers/pennants shall not have any commercial logos or copy; and shall meet the following conditions:

1. Shall be limited in placement to 5 days;
2. Shall be placed on the zone lot as determined by the Zoning Administrator;
3. Shall be limited to no more than 1 permit per quarter per zone lot; and
4. Streamers and/or pennants shall not exceed in measurement 2 times the zone lot front line measured in linear feet (the property address front line shall be used for this calculation); and shall be counted as part of the maximum allowed temporary sign area at a ratio of 1 linear foot to 1 square foot of temporary signage allowed.

**J. Signs that are Works of Art**

Signs which are works of art as defined by Section 20-86 of the Denver Revised Municipal Code. Such signs shall be primarily artistic in nature, but up to 5 percent of the sign may be the name or logo of a sponsoring organization. The percentage of the sign devoted to the sponsoring organization may be increased up to 10 percent of the sign if the Zoning Administrator, with input from the director of the mayor's office of art, culture and film, determines the portion of the sign devoted to the sponsor does not detract from the artistic quality of the sign.

**K. Public Facility Identification Sign (Off-Premise)**

A sign identifying a public facility which is located on a different zone lot than that containing the sign. The number, location, height, size and illumination of such signs shall be approved by the director of planning and the Zoning Administrator or their designated representatives; however, in no case shall such sign exceed 10 feet in height or 40 square feet in area. A decision to approve such signs must be based on a favorable evaluation of their compatibility with nearby structures and signs. The installation of such identification signs shall not reduce the size or number of other signs permitted on a specific site by other provisions of Division 10.10.

### 10.10.3.3 Signs Subject to a Comprehensive Sign Plan

Notwithstanding more restrictive provisions of Division 10.10, signs, large facilities may have signs according to an approved comprehensive sign plan ~~for the facility~~.

#### A. Intent

The intent of these provisions is to allow flexibility in the size, type and location of signs identifying the use and location of large facilities. Flexibility is generally offered because these facilities often have a need for additional or different types of signage due to the complexity of the issues and varied physical layout of the facility. This flexibility is offered in exchange for a coordinated program of signage ensuring a higher standard of design quality for such signs. This process should mitigate any possible adverse impacts of large facility signs on surrounding uses. The flexibility in size, type and location of signs identifying the use and location of certain large facilities is not a matter of right, and a proposed comprehensive sign plan for a large facility must be reviewed pursuant to the provisions of this Section and the procedures for review and approval in Section 12.4.15. 10.10.3.3.

#### B. ~~Description of Qualifying Uses~~Applicability

1. A comprehensive sign plan may be established for large facilities consisting of 1 or more buildings located in a MU, RX, RO, Mixed Use Commercial Zone District, or in a nonresidential zone district. Such facilities shall meet the following requirements:
  - a. Such facilities ~~must shall~~ have a minimum ground floor area of 50,000 square feet, or a minimum zone lot area of 100,000 square feet. ~~They may consist of 1 or more buildings but~~
  - b. The site ~~mustshall~~ consist of contiguous zone lots. Public Street or Alleys do not destroy the contiguity of adjacent zone lots for the purpose of this Section 10.10.3.3.
2. A comprehensive sign plan may also be established when otherwise required or allowed by the provisions of this Division 10.10 (Signs).

#### C. Process to Establish Comprehensive Sign Plan

Requests to establish, modify, or repeal a comprehensive sign plan shall follow the procedure in Section 12.4.15, Comprehensive Sign Plan Review Procedure.

##### 1. ~~Plan Submittal~~ **(moved to 12.4.15)**

~~The following items and evidence shall be submitted to the Zoning Administrator to explain a proposed comprehensive sign plan for a facility:~~

- a. ~~A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, Off-Street Parking Areas, landscaped areas, drainage swales, detention ponds, adjoining streets and alleys.~~
- b. ~~Scaled drawings showing the elevations of existing and proposed buildings and structures that may support proposed signage.~~
- c. ~~Design descriptions of all signs including allowable sign shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the frequency of changeable graphics.~~
- d. ~~All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;~~
- e. ~~Calculations of sign area and number.~~

##### 2. ~~Public Notice Requirements~~ **(moved to 12.4.15)**

~~The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the proposed plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provi-~~

sions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of D.R.M.C., Chapter 30 (Landmark Preservation), the Zoning Administrator shall notify the landmark approving authority regarding the proposal. Such notice shall require that the landmark approving authority provide a written recommendation, based on adopted standards, policies, and guidelines, to the Planning Board and Zoning Administrator, as set forth in D.R.M.C., Chapter 30 (Landmark Preservation).

**3. Review by the Downtown Design Advisory Board in D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts (moved to 12.4.15)**

- a. The Downtown Design Advisory Board shall review comprehensive sign plans proposed for large facilities located on Zone Lots within the D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, or D-CPV-C Zone Districts according to the criteria listed below and the Downtown Urban Design Standards and Guidelines.
- b. The Downtown Design Advisory Board shall provide a recommendation for denial, approval, or approval with conditions to the Zoning Administrator.

**4. Forwarding of a Proposed Comprehensive Sign Plan (moved to 12.4.15)**

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.

**5. Criteria for Review (moved to 12.4.15)**

The criteria for reviewing proposed comprehensive sign plans are as follows:

- a. The sign plan allows flexibility in the size, type and location of signs identifying the use(s) and location of a large facility, structure, or building group.
- b. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.
- c. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate an area.
- d. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend above any building height limit or zoning bulk plane. Portable roof signs, flashing signs, and animated signs are prohibited.
- e. The comprehensive sign plan shall include design guidelines to ensure that all features of the proposed signage, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive and complimentary feature of the building which it serves.
- f. Sign design should reflect the existing or desired character of the area. As an example, in a district in which night-time entertainment is concentrated, the intent of this Section 10.10.3.3 is to encourage exciting, iconographic, and inventively illuminated signage.

- g. Signs shall be professionally designed and fabricated from quality, durable materials.

**6. Review by the Planning Board (moved to 12.4.15)**

The Planning Board shall hold a meeting and shall require that notices be placed on the property by the applicant at least 15 days prior to the meeting. The planning board shall also send notice of the proposed plan to registered neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Denver Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The planning board shall also send notices to the council members in whose district the large facility is located, and to the at large council members. Such notices shall be sent at least 30 days prior to the hearing. The planning board shall review the Zoning Administrator's recommendation, the concerns of the public and the criteria for review, and shall adopt a recommendation for denial, approval, or approval with conditions. The planning board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the adoption of the recommendation.

**7. Zoning Administrator Decision Action (moved to 12.4.15)**

The Zoning Administrator shall take action on the proposed comprehensive sign plan within 15 days after the receipt by the Zoning Administrator of the planning board's recommendation. The Zoning Administrator's action, which shall be approval, approval with conditions or denial of the proposed plan, shall take into consideration the criteria for review, the recommendation of the planning board as well as public input, which shall be approval, approval with conditions, or denial of the proposed plan. Upon taking action, the Zoning Administrator shall notify the applicant, appropriate council members and any registered neighborhood organization which expressed concerns over the plan, either in writing or at the planning board public hearing, of the action taken.

**D. Changes to the Plan (moved to 12.4.15)**

Any sign changes or additions requested for the facility after the approval of the comprehensive sign plan, must be reviewed according to the provisions of this Section 10.10.3.3:

**E. Effect of the Comprehensive Sign Plan Approval (moved to 12.4.15)**

Once a comprehensive sign plan is approved for a large facility, all signs for that facility shall be reviewed to ensure compliance with the sign plan before a permit is issued.

**F. Signs Permitted Under a Comprehensive Sign Plan**

**1. Permitted Sign Types**

- a. A comprehensive sign plan may include all sign types allowed by Division 10.10 for any zone district, in addition to the sign types allowed in the subject zone district, but not including outdoor general advertising device (billboards).
- b. signs permitted by Section 10.10.3.2, Signs Permitted in All Districts - Signs Subject to a Zoning Permit, are permitted sign types only when must be included in the Comprehensive Sign Plan.
- c. Section 10.10.3.1, Signs Permitted in All Districts - Signs Not Subject to a Permit - are permitted sign types without inclusion in the comprehensive sign plan.

**Other Permitted Signs**

- d. Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the comprehensive sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the comprehensive sign plan.

**2. Flexibility Provided by a Comprehensive Sign Plan**

A comprehensive sign plan may vary otherwise applicable sign standards stated in Division 10.10 that address the following:

- a. The type of sign allowed as limited by Section 10.10.3.F.1;
- b. The size of a sign, but not the total number of signs and not the cumulative maximum sign area allowed in the applicable zone district;
- c. The location of a sign; and
- d. The requirement that a Joint Identification Sign is permitted for 3 or more primary uses located on the same zone lot as the sign.

**3. Special Provisions for Downtown Signs**

**a. Projecting Signs in the Downtown Zone Districts**

~~If pProjecting signs may be allowed as are included in part of a the comprehensive sign pPlan in a Downtown (D-) Zone District, they shall comply with if they conform to the purpose of the special provisions stated in Sections 10.10.16, 10.10.17, and 10.10.20, as applicable to the subject zone district. Section 10.10.17, Special Provisions for the D-C, D-TD, D-LD, D-CV, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts.~~

**b. Animation and Illumination of Signs in the Downtown Zone Districts**

Flashing signs and animated signs shall not be allowed except when the sign is a projecting sign ~~which~~ that is readable from the 16th Street Mall, in which case the provisions of Section 10.10.17.4.C shall apply.

~~Except in districts for preservation or on structures for preservation, determination of compliance with 10.10.17 shall be made by the Zoning Administrator. In districts for preservation or on structures for preservation, a determination of compliance with 10.10.17 shall be made by the Landmark Preservation Commission or the Lower Downtown Design Review Board, as appropriate.~~

**G. Rules and Regulations (moved to 12.4.15)**

~~The planning board has the authority to adopt rules and regulations concerning its review of comprehensive sign plans.~~

**H. Fee (moved to 12.4.15)**

~~The applicant shall pay the fee for review of a comprehensive sign plan for large facilities at the same time the application is submitted.~~

## SECTION 10.10.4 SIGN AREA / VOLUME MEASUREMENT

### 10.10.4.1 General

The area of a sign shall be measured in conformance with the regulations according to this Section, provided that the structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign. Where a sign has 2 or more display faces, the area of all faces shall be included in determining the area of the sign unless the display faces join back to back, are parallel to each other and not more than 48 inches apart, or form a V type angle of less than 90 degrees. See special rules for measuring the volume/area of projecting signs below.

### 10.10.4.2 Sign With Backing

The area of all signs with backing or a background material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous



perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, non structural trim or other component parts not otherwise used for support. See special rules for measuring the volume/area of projecting signs below.

#### **10.10.4.3 Signs Without Backing**

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, non structural trim or other component parts not otherwise used for support. See special rules for measuring the volume/area of projecting signs below.

#### **10.10.4.4 Projecting Signs**

##### **A. Sign Volume - Relationship to Maximum Sign Area Allowed**

The sign area allowed for projecting signs shall be deducted from the permitted maximum sign area allowed in the applicable zone district. For these purposes, a cubic foot of projecting sign or graphic volume is considered to be equivalent to a square foot of sign area.

##### **B. Calculation of Projecting Sign Volume - Minor Sign Elements**

1. The volume of a projecting sign shall be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.
2. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Zoning Administrator. Minor elements will be defined as those parts of the sign that add to the design quality without adding significantly to the perceived volume and mass of the sign.
3. No dimension (height, width, or depth) shall be considered to be less than 1 foot and 0 inches for the purposes of calculating projecting sign volume.

##### **C. Allocation of Allowable Projecting Sign Volume**

###### **1. Applicability**

This Section 10.10.4.4.C shall govern the allocation of allowable projecting sign volume among multiple tenants/uses in a single structure in the following zone districts only:

- a. All RX and RO zone districts
- b. All -CC zone districts
- c. All - MX zone districts
- d. All - MS zone districts
- e. All - CMP zone districts
- f. I-MX zone district
- g. All Master Planned ("M") zone districts

###### **2. Allocation of Allowable Projecting Sign Volume**

(a) For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza, or (b) uses located in the basement or on the second floor that have entries at the Street Level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:

- a. Uses that occupy at least 8 feet but no more than 20 feet of linear building frontage may have up to 12 cubic feet of projecting sign volume.
- b. Uses that occupy more than 20 but no more than 50 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume.



- c. Uses that occupy over 50 linear feet of building frontage may have up to 50 cubic feet of projecting sign volume.
- d. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.

#### 10.10.4.5 All Other Signs or Combinations Thereof

The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations: the display surface or face of the sign including all frames, backing, face plates, non structural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of a similar character including all frames, face plates, non structural trim or other component parts not otherwise used for support for parts of the sign having no backing.

### SECTION 10.10.5 SINGLE UNIT ZONE DISTRICTS SIGN STANDARDS

#### 10.10.5.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.
- B. The sign standards contained within this Section apply to the following zone districts:

SUBURBAN NEIGHBORHOOD CONTEXT	URBAN EDGE NEIGHBORHOOD CONTEXT	URBAN NEIGHBORHOOD CONTEXT
S-SU-A	E-SU-A	U-SU-A
S-SU-D	E-SU-B	U-SU-A1
S-SU-Fx	E-SU-B1	U-SU-A2
S-SU-F	E-SU-D	U-SU-B
S-SU-F1	E-SU-Dx	U-SU-B1
S-SU-lx	E-SU-D1	U-SU-B2
S-SU-I	E-SU-D1x	U-SU-C
	E-SU-G	U-SU-C1
	E-SU-G1	U-SU-C2
		U-SU-E
		U-SU-E1
		U-SU-H
		U-SU-H1

#### 10.10.5.2 Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.
<b>Sign Types</b>	Wall, window, canopy and ground.
<b>Maximum Number</b>	2 signs for each front line of the zone lot on which the use by right is located.
<b>Maximum Sign Area</b>	Public and Religious Assembly or Elementary or Secondary School: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 80 square feet of total sign area for each zone lot.  All Others: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 60 square feet of total sign area for each zone lot and provided that no one sign shall exceed 20 square feet.
<b>Maximum Height Above Grade</b>	Wall and window signs: 20' Ground signs: 6'
<b>Location</b>	Wall and window signs shall be set back from the boundary lines of the zone lot on which they are located the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback the permitted depth of the sign.  Ground signs shall be set in at least 10' from every boundary line of the zone lot.
<b>Illumination</b>	May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m..Flashing signs are prohibited.
<b>Animation</b>	Animated signs are prohibited.

### 10.10.5.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 12 square feet plus 1 square foot per acre not to exceed 50 square feet for each zone lot or designated land area.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited; and animated signs are prohibited.

## SECTION 10.10.6 MULTI-UNIT ZONE DISTRICTS SIGN STANDARDS

### 10.10.6.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts:

SUBURBAN NEIGHBORHOOD CONTEXT	URBAN EDGE NEIGHBORHOOD CONTEXT	URBAN NEIGHBORHOOD CONTEXT	GENERAL URBAN NEIGHBORHOOD CONTEXT	MASTER PLANNED CONTEXT
S-RH-2.5	E-TU-B	U-TU-B	G-RH-3	M-RH-3
S-MU-3	E-TU-C	U-TU-B2	G-MU-3	
S-MU-5	E-TH-2.5	U-TU-C	G-MU-5	
S-MU-8	E-MU-2.5	U-RH-2.5	G-MU-8	
S-MU-12		U-RH-3A	G-MU-12	
S-MU-20			G-MU-20	

#### D. Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.
<b>Sign Types</b>	Wall, window, canopy and ground.
<b>Maximum Number</b>	2 signs for each front line of the zone lot on which the use by right is located.
<b>Maximum Sign Area</b>	<p>Hospitals: 2 square' of sign area for each 5 linear' of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>University or College: The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear' of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square' of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet.</p>
<b>Maximum Height Above Grade</b>	Wall and window signs: 25' Ground signs: 12'
<b>Location</b>	<p>Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot.</p>
<b>Illumination</b>	May be illuminated but only from a concealed light source. Flashing signs are prohibited.
<b>Animation</b>	Animated signs are prohibited.

#### 10.10.6.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- Permitted sign types: Wall and ground.
- Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- Permitted sign area: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.

- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination of temporary signs: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.7 CAMPUS ZONE DISTRICTS SIGN STANDARDS

### 10.10.7.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.
- B. The sign standards contained within this Section apply to the following zone districts: CMP-H, CMP-H2, CMP-EI, CMP-EI2, CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R.

### 10.10.7.2 Permanent Signs

Permanent signs shall comply with the following standards:

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT CMP-NWC, CMP-NWC-C, CMP- NWC-G, CMP-NWC-F, CMP-NWC-R
<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.	Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.
<b>Sign Types</b>	Wall, window, ground, canopy and projecting, except that projecting signs are prohibited for uses without direct street access on the Street Level.	Wall, window, ground, projecting canopy, and arcade, , except that projecting signs are prohibited for uses without direct street access on the Street Level.	Wall, window, ground, projecting canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT CMP-NWC, CMP-NWC-C, CMP- NWC-G, CMP-NWC-F, CMP-NWC-R
<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: 2 signs for each front line of the zone lot on which the use by right is located.</p>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of DOTI has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located.</p>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of DOTI has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.</p>

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT CMP-NWC, CMP-NWC-C, CMP- NWC-G, CMP-NWC-F, CMP-NWC-R
<b>Maximum Sign Area</b>	<p>University or College: The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p>All Others: 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet.</p>	<p>Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p>University or College: The following regulations shall apply to the contiguous Campus only. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p>All Others: 20 square feet or the total permitted sign area for each use by right or conditional use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.</li> <li>• For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.</li> </ul>	<p>Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.</li> <li>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.</li> </ul>

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R
<b>Maximum Height Above Grade</b>	<p>Wall and window signs: 25'</p> <p>Ground signs: 12'</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>	<p>Wall, window and arcade signs:</p> <ul style="list-style-type: none"> <li>Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25'.</li> <li>Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.</li> </ul> <p>Ground signs: 25'.</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>	<p>Wall and window signs: The roof line of the building to which the sign is attached.</p> <p>Ground and arcade signs: 32'.</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>
<b>Location</b>	<p>Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot.</p> <p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul>	<p>Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.</p> <p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul>	<p>Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with Section 49-436. In no case shall there be more than 5 signs applied to any street front.</p> <p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul>
<b>Illumination</b>	<p>All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited</li> <li>Projecting signs may use a variety of illuminated colors.</li> </ul>	<p>All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>Projecting signs may use a variety of illuminated colors.</li> </ul>	<p>All Sign Types: May be illuminated. All direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>Projecting signs may use a variety of illuminated colors.</li> </ul>
<b>Animation</b>	Animated signs are prohibited.	Animated signs are prohibited.	Animated signs are prohibited.



### **10.10.7.3 Temporary Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types:
  - 1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: Wall and ground.
  - 2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: Wall, ground and window.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area:
  - 1. CMP-H2 and CMP-EI2: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
  - 2. CMP-H and CMP-EI: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.
  - 3. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: The greater number of the following: 100 square feet; or 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade:
  - 1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: 12 feet.
  - 2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: 25 feet.
- E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination of temporary signs:
  - 1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
  - 2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: May be illuminated and all direct illumination shall not exceed 25 watts per bulb unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

### **10.10.7.4 Joint Identification Signs - CMP-H2, CMP-EI2, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts**

Subject to the conditions hereinafter set forth and upon application to and issuance a zoning permit therefore, joint identification signs are permitted for 3 or more primary uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.



- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

## **SECTION 10.10.8 DISTRICT SIGN PLAN FOR CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F AND CMP-NWC-R ZONE DISTRICTS**

### **10.10.8.1 Signs Subject to a District Sign Plan**

Notwithstanding more restrictive provisions of this Division 10.10, Signs, the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts may have signs in accordance with a single approved District Sign Plan. All signs expressly allowed through this Section 10.10.8 must be in conformance with an approved District Sign Plan.

### **10.10.8.2 Intent**

The intent of this Section 10.10.8 is to:

- A. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to support a unique education, entertainment and employment destination at the National Western Center. Unique signage within the district are intended to be incorporated and displayed in ways that foster civic pride and economic vitality, and which reflect the unique design vision for the National Western Center, which may include:
  - 1. Creative and artistic signs
  - 2. Special Lighting Elements
  - 3. Self-illuminated signs
  - 4. Signs integrated with one or more iconic or distinctive features
  - 5. Non-standard or one-of-a-kind advertising opportunities
  - 6. Signs infused with art
- B. 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 excitement and anticipation for residents, employees, and visitors; and promotes good urban design.
- C. Mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on surrounding residential uses.

### **10.10.8.3 Applicability**

- A. The provisions of this Section 10.10.8 shall apply only with respect to:
  - 1. Signs that are located in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts and permitted by the District Sign Plan.
  - 2. Special Lighting Elements that are located in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts and permitted by the District Sign Plan.
- B. Notwithstanding Section 10.10.8.3.A, the provisions of this Section 10.10.8 shall not apply to signs otherwise permitted in Division 10.10 Signs, except Section 10.10.8.4.B Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and
- C. Unless otherwise expressly required by this Section 10.10.8, a sign or Special Lighting Element that is exempt from permitting under the provisions of the D.R.M.C or this Code shall not be deemed to require a zoning permit or a building permit due to the provisions of this Section 10.10.8.

### **10.10.8.4 Sign Types, Placement and Design**

- A. **Glare**  
Signs and Special Lighting Elements permitted under this Section 10.10.8 or under the terms of the District Sign Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).
- B. **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 Sign Plan.
- C. **Sign Content**  
Sign content relating to products, services, uses, businesses, commodities, entertainment or attractions sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed, including Outdoor General Advertising Devices and Off-Site Commercial Signs, are allowed within the area subject to an approved District Sign Plan.
- D. **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 CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. In addition, the District Sign Plan may define and allow other sign types not otherwise allowed or defined in this Code or prohibit certain sign types from particular areas. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Sign Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts according to an approved District Sign Plan.
  - 2. Special Lighting Elements are allowed in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. For purposes of this Section 10.10.8, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or medium are located within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the illumination of:
    - a. The outside surface of any building, structure, part of a building or structure, or
    - b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.

3. In the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, 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 Sign Plan.

**E. Maximum Number**

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

**F. Maximum Sign Area**

Unless otherwise stated in the District Sign 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.

**G. Maximum Height Above Grade**

1. Except as provided by Section 10.10.8.4.G.2 and Section 10.10.8.4.G.3 below, the District Sign 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 zone district.
2. The District Sign 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 identified in the District Sign 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 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 Sign Plan; however, the District Sign 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 Sign Plan**

The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts may have signs and Special Lighting Elements in accordance with the approved District Sign 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 10.10.8 apply, shall comply with the requirements stated in the District Sign Plan.

**I. Locations**

1. There is no requirement that signage or equipment for any Special Lighting Element be set back from the zone lot line or any built feature, however, signs shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Element may project into public rights-of-way if such signs and Special Lighting Elements comply with applicable provisions of the D.R.M.C. pertaining to encroachments within the public rights-of-way and are subject to approval by the Department of Transportation and Infrastructure ("DOTI").
2. Signs allowed under this Section 10.10.8 may be sited on vacant zone lots.

#### **J. Illumination**

1. Illumination of signs and illumination integrated into Special Lighting Elements is allowed.
2. Flashing signs and flashing Special Lighting Elements are allowed.
3. Subject to the provisions of this Section 10.10.8, illumination for or of signs 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 Sign Plan.
4. It is not a violation of this Section 10.10.8 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 a sign or Special Lighting Element is located. However, the District Sign 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 the purposes of this Section 10.10.8, 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.

#### **K. 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.

#### **L. Materials**

1. The District Sign 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 Sign Plan shall prohibit internally illuminated, translucent face box signs.

#### **M. Projecting Signs**

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 10 feet out from a building wall. All such projecting signs over public rights-of-way are subject to approval by DOTI.

#### **N. Accessory Uses**

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

#### **O. 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.

**P. Varying Regulations by Subareas within the District Sign Plan**

1. The District Sign Plan shall contain geographically defined areas within the District Sign Plan that have different regulations from those applicable to other geographic areas within the District Sign Plan.
2. The District Sign Plan shall identify a methodology to identify and characterize subareas within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts 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 the campus, or (2) other existing or planned publicly-accessible spaces, major arterials, or major entrances to the campus, 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 Sign 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 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.

**10.10.8.5 Process to Establish or Amend a District Sign Plan**

**A. Definition**

For the purposes of this Section 10.10.8, the term "District Sign Plan" means the plan approved in accordance with this Section 10.10.8.5, as such plan may be amended from time to time in accordance with provisions of this Section 10.10.8.

**B. Intent of District Sign Plan Approach**

1. The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts are envisioned to showcase a unified, cohesive and integrated program of signage. The District Sign Plan is the mechanism that efficiently reconciles the vision for the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts with the reality that properties in these districts will be built over a long period of time during which technology and best practices will evolve.
2. The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts 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 CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts at the very outset of its development. Such a requirement would thwart the design intent for the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

3. These provisions shall apply to the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts and signs may be erected, altered and maintained for a use by-right in these zone districts and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

**C. Initiation**

Any of the following persons may initiate a request to establish a District Sign Plan.

1. A member of the City Council
2. A member of the Planning Board
3. The City Attorney
4. The Manager
5. The Manager or Director of any other City department or agency; or
6. One or more owners of real property located within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts.

**D. 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 Sign Plan or amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.11 and 10.10.8.12) unless the applicant agrees in writing to an extension of time.

**E. Notice of Complete Application**

1. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Sign Plan or any proposed amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.10 or 10.10.8.11) to:
  - a. 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 CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts
  - b. Each City Council member representing a district within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts or within 200 feet of CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, and
  - c. The at-large City Council members.
2. 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 Sign Plan or a proposed amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.10 or 10.10.8.11) to each property owner within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts 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.



3. 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.
4. 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.
5. 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.

**F. Notice of Planning Board Meeting**

1. 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.
2. 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.
3. 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.
4. 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.

**G. Adoption of District Sign Plan**

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 Sign Plan or amendment.

**H. Appeals**

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

#### **10.10.8.6 Submittal Requirements**

To establish the District Sign Plan, or amend the District Sign Plan (other than minor deviations through Section 10.10.8.10 or through approval of Supplemental Plans under Section 10.10.8.11) the applicant shall submit to Community Planning and Development a District Sign Plan and accompanying materials that incorporate:

- A. 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 Sign Plan.
- B. Identifications and/or descriptions of all signs and Special Lighting Elements allowed,
- C. 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 major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.
- D. Provisions addressing design review for signs and Special Lighting Elements.
- E. Design standards and guidelines that include:
  - 1. The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;
  - 2. 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;
  - 3. Identification of areas from which signs and Special Lighting Elements are intended to be viewed;
  - 4. General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and
  - 5. 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.
- F. Design standards and guidelines for allowable Special Lighting Elements, including:
  - 1. A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;
  - 2. 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
  - 3. General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.
- G. Information describing the general locations where signs and Special Lighting Elements are allowed,
- H. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements,



- I. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and
- J. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Sign Plan or amendment consistent with the criteria stated in Sections 10.10.8.9 and 10.10.8.11.H.

#### **10.10.8.7 Regulatory Construct**

The District Sign Plan shall establish standards applicable to a wide range of allowed signs and Special Lighting Elements within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. As a general matter, the District Sign Plan may contain two levels of specificity with respect to signs and Special Lighting Elements.

##### **A. Detailed Level**

Once the District Sign Plan is approved in accordance with Section 10.10.8.5, 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 Section 10.10.8 apply to 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 Sign Plan.

##### **B. General Level**

Once the District Sign Plan is approved in accordance with Section 10.10.8.5, 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 building permits until a Supplemental Plan for such signs and Special Lighting Elements providing the higher level of specificity is approved in accordance with Section 10.10.8.11.

#### **10.10.8.8 One District Sign Plan**

The City shall approve no more than one District Sign Plan within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. The District Sign Plan's boundaries shall include all land area within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

#### **10.10.8.9 Criteria for Review**

The Planning Board may approve an application for the District Sign Plan or an amendment to the District Sign Plan (other than minor deviations through Section 10.10.8.10 or through approval of Supplemental Plans under Section 10.10.8.11) if the application complies with the following criteria:

- A. The District Sign Plan complies with all applicable standards contained in this Code.
- B. The cumulative effect of the District Sign Plan's allowances for signs and Special Lighting Elements:
  - 1. Encourages exciting, iconographic, and inventive signage and Special Lighting Elements that distinguish the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts from other places in Denver.
  - 2. Promotes signs and Special Lighting Elements that are consistent with the existing or planned character of a specific subarea.
  - 3. Establishes a coordinated program of signage.
  - 4. Fosters civic pride in the beauty of the city, enhances the aesthetic values of the city, helps to establish Denver as an international destination, promotes good urban design and contributes to achieving the National Western Center Master Plan's vision for a unique entertainment destination.

- C. The District Sign Plan avoids material adverse impacts of signs and Special Lighting Elements to the fullest extent possible, or, as necessary, contains mitigation measures necessary to mitigate such impacts on nearby uses, structures, and significant public areas outside the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.
- D. The District Sign Plan contains restrictions that will result in signs and Special Lighting Elements that:
  - 1. Are designed to be visually compatible with the character of neighborhoods, the South Platte River corridor and other public areas nearby the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, while maintaining consistency with the vision of the National Western Center Master Plan to create a unique entertainment destination.
  - 2. Do not create material adverse impacts on motor vehicles on public roadways located within or nearby the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

#### **10.10.8.10 Minor Deviations from a District Sign Plan**

##### **A. Allowed**

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

- 1. 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 Sign Plan and Section 10.10.8.2, and
- 2. 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.
- 3. 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.

##### **B. Not Allowed**

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

- 1. 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 Sign Plan
- 2. For projecting signs, a projection greater than 6 inches above the maximum otherwise allowed.
- 3. A change in signage type, illumination, or animation that is not allowed by the District Sign Plan.

##### **C. Plan Amendment Required**

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Sign Plan and is not allowed under Section 10.10.8.11 shall require an amendment to the District Sign Plan, approved under Section 10.10.8.5.

#### **10.10.8.11 Supplemental Plans**

The District Sign Plan may establish a convention whereby certain signs and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and re-

placed unless a Supplemental Plan is approved under this Section 10.10.8.11 with respect to such signs and/or Special Lighting Elements, as appropriate. The District Sign 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.

**A. Definition**

For the purposes of this Section 10.10.8, the term “Supplemental Plan” means a supplement to the District Sign Plan that is approved in accordance with this Section 10.10.8.11.

**B. Intent**

The intent of a Supplemental Plan 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 CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts in phases.

**C. Requirements**

To the extent that the District Sign 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 Sign Plan.

**D. Submittal Requirements**

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

1. Information as required by the District Sign Plan
2. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criteria stated in Section 10.10.8.11.H.

**E. 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 Supplemental Plan unless the applicant agrees in writing to an extension of time. Should the Zoning Administrator fail to make a decision within the time frame specified above, and no extension of time has been agreed upon, then the application shall be deemed denied.

**F. Notice to Others**

The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the Supplemental Plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification.

**G. Consideration of Public Comments**

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed Supplemental Plan.

#### H. Criteria for Review

The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan complies with Section 10.10.8.9, Criteria for Review, and is consistent with the provisions of the District Sign Plan.

#### I. Appeals

Any decision of the Zoning Administrator under this Section 10.10.8.11 may be appealed to the Board of Adjustment. Thereafter, the Board of Adjustment's decision may be appealed to the District Court.

#### J. Effect of Approval of a Supplemental Plan

Upon 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 Sign Plan. An approved Supplemental Plan shall be incorporated into the next amended District Sign Plan, at which time the Supplemental Plan shall expire.

## SECTION 10.10.9 RESIDENTIAL MIXED USE ZONE DISTRICTS SIGN STANDARDS

### 10.10.9.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.
- B. The sign standards contained within this Section apply to the following zone districts:

URBAN EDGE NEIGHBORHOOD CONTEXT	URBAN NEIGHBORHOOD CONTEXT	GENERAL URBAN NEIGHBORHOOD CONTEXT	URBAN CENTER NEIGHBORHOOD CONTEXT	MASTER PLANNED CONTEXT
E-RX-3	U-RX-3	G-RO-3	C-RX-5	M-RX-3
E-RX-5	U-RX-5	G-RO-5	C-RX-8	M-RX-5
		G-RX-3	C-RX-12	M-RX-5A
		G-RX-5		

### 10.10.9.2 Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.
<b>Sign Types</b>	Wall, window, ground, projecting, canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.
<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.</p>

<b>Maximum Sign Area</b>	<p>Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 20 square feet or the total permitted sign area for each use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> <li>For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.</li> <li>For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.</li> </ul>
<b>Maximum Height Above Grade</b>	<p>Wall, window and arcade signs:</p> <ul style="list-style-type: none"> <li>Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25'.</li> <li>Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.</li> </ul> <p>Ground signs: 25'.</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>
<b>Location</b>	<p>Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.</p> <p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul>
<b>Illumination</b>	<p>All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>Projecting signs may use a variety of illuminated colors..</li> </ul>
<b>Animation</b>	<p>Animated signs are prohibited.</p>

### **10.10.9.3 Temporary Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### **10.10.9.4 Joint Identification Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.10 MIXED USE 2X, SUBURBAN NEIGHBORHOOD CONTEXT MIXED USE 2A, AND MAIN STREET 2X ZONE DISTRICTS SIGN STANDARDS

### 10.10.10.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right or conditional use in the district in which the signs are located; shall be located on the same zone lot as the use by right or conditional use and shall be clearly incidental, customary and commonly associated with the operation of the use by right or conditional use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I, and signs identifying home occupations according to Section 11.9.2.4.
- B. The sign standards contained within this Section apply to the following zone districts: S-MX-2x; S-MX-2A; E-MX-2x; E-MS-2x; U-MX-2x; U-MS-2x

### 10.10.10.2 Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.
<b>Sign Types</b>	Wall, window, ground, projecting, canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.
<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located.</p>
<b>Maximum Sign Area</b>	<p>Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 20 square feet or the total permitted sign area for each use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> <li>For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.</li> <li>For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.</li> </ul>



<b>Maximum Height Above Grade</b>	<p>Wall, window and arcade signs:</p> <ul style="list-style-type: none"> <li>Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25'.</li> <li>Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.</li> </ul> <p>Ground signs: 25'.</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>
<b>Location</b>	<p>Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.</p> <p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul>
<b>Illumination</b>	<p>All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>Projecting signs may use a variety of illuminated colors.</li> </ul>
<b>Animation</b>	Animated signs are prohibited.

### 10.10.10.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.10.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:



- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.11 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 1 SIGN STANDARDS

### 10.10.11.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the following zone districts:

SUBURBAN NEIGHBORHOOD CONTEXT	URBAN EDGE NEIGHBORHOOD CONTEXT	URBAN NEIGHBORHOOD CONTEXT	GENERAL URBAN NEIGHBORHOOD CONTEXT	URBAN CENTER NEIGHBORHOOD CONTEXT	MASTER PLANNED CONTEXT
S-CC-3x	E-CC-3x	U-MX-2	G-MX-3	C-MX-3	M-MX-5
S-CC-5x	E-MX-2A	U-MX-3		C-MX-5	M-IMX-5
S-MX-2	E-MX-2	U-MS-2		C-MX-8	M-IMX-8
S-MX-3A	E-MX-3A			C-MX-12	M-IMX-12
S-MX-3	E-MX-3			C-MX-16	M-GMX
S-MX-5A	E-MS-2			C-MX-20	
S-MX-5					
S-MX-8A					
S-MX-8					
S-MX-12A					
S-MX-12					

### 10.10.11.2 Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.
<b>Sign Types</b>	Wall, window, ground, projecting, canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.

<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located.</p> <p>Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.</p>
<b>Maximum Sign Area</b>	<p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 50 square feet, or, the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used.</li> <li>• For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200' of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter.</li> </ul>
<b>Maximum Height Above Grade</b>	<p>Arcade signs: 20'. Ground signs: 32'. Wall or window signs: The roof line of the building to which the sign is attached. Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>
<b>Location</b>	<p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>• Projecting graphics may project no more than 5' out from a building.</li> <li>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>• Projecting signs shall not be placed less than 8' apart.</li> </ul> <p>All Other Signs: Shall be set in at least 5' from every boundary line of the zone lot in zone districts requiring structural setbacks; provided, however, wall signs may project into the required setback the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front.</p>
<b>Illumination</b>	<p>All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>• Projecting signs may use a variety of illuminated colors.</li> </ul>
<b>Animation</b>	<p>Animated signs are prohibited.</p>

### **10.10.11.3 Temporary Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area in zone districts requiring structural setbacks.
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### **10.10.11.4 Joint Identification Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
  - 1. 100 square feet; or
  - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot, provided however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot in zone districts requiring structural setbacks.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.12 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 2 SIGN STANDARDS

### 10.10.12.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the following zone districts:

SUBURBAN NEIGHBORHOOD CONTEXT	URBAN EDGE NEIGHBORHOOD CONTEXT	URBAN NEIGHBORHOOD CONTEXT	GENERAL URBAN NEIGHBORHOOD CONTEXT	URBAN CENTER NEIGHBORHOOD CONTEXT	MASTER PLANNED CONTEXT
S-CC-3	E-CC-3	U-MS-3	G-MS-3	C-MS-5	M-CC-5
S-CC-5	E-MS-3	U-MS-5	G-MS-5	C-MS-8	
S-MS-3	E-MS-5			C-MS-12	
S-MS-5					

### 10.10.12.2 Permanent Signs

Permanent signs shall comply with the following standards:

<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.
<b>Sign Types</b>	Wall, window, ground, projecting, canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.
<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right or conditional use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.</p>
<b>Maximum Sign Area</b>	<p>Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>•For a zone lot having 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.</li> <li>•For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.</li> </ul>

<b>Maximum Height Above Grade</b>	Wall and window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32'. Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.
<b>Location</b>	Projecting Signs: <ul style="list-style-type: none"> <li>Projecting graphics may project no more than 5' out from a building.</li> <li>Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>Projecting signs shall not be placed less than 8' apart.</li> </ul> All Other Signs: Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front.
<b>Illumination</b>	All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited. Additional Standards for Projecting Signs: <ul style="list-style-type: none"> <li>Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>Projecting signs may use a variety of illuminated colors.</li> </ul>
<b>Animation</b>	Animated signs are prohibited.

### 10.10.12.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: No limitations.
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.12.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
  1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.13 INDUSTRIAL ZONE DISTRICTS SIGN STANDARDS

### 10.10.13.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the I-MX-3, -5, -8, -12; I-A, -B zone districts.

### 10.10.13.2 Permanent Signs

Permanent signs shall comply with the following standards:

	I-MX-3, -5, -8, <u>-12</u>	I-A AND I-B
<b>Contents</b>	Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.
<b>Sign Types</b>	Wall, window, ground, projecting, canopy, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level.	Wall, window, ground, canopy and arcade.
<b>Maximum Number</b>	<p>Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.</p> <p>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.</p>	Each use by right may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.



	I-MX-3, -5, -8, -12	I-A AND I-B
<b>Maximum Sign Area</b>	<p>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 50 square feet, or, the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used.</li> <li>• For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200' of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter.</li> </ul>	<p>Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that:</p> <p>The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.</li> <li>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.</li> </ul>
<b>Maximum Height Above Grade</b>	<p>Arcade signs: 20'.</p> <p>Ground signs: 32'.</p> <p>Wall or window signs: The roof line of the building to which the sign is attached.</p> <p>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher.</p>	<p>Wall and window signs: The roof line of the building to which the sign is attached.</p> <p>Ground and arcade signs: 32'.</p>
<b>Location</b>	<p>Projecting Signs:</p> <ul style="list-style-type: none"> <li>• Projecting graphics may project no more than 5' out from a building.</li> <li>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.</li> <li>• Projecting signs shall not be placed less than 8' apart.</li> </ul> <p>All Other Signs: Shall be set in at least 5' from every boundary line of the zone lot in zone districts requiring structural setbacks; provided, however, wall signs may project into the required setback the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front.</p>	<p>Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front.</p>



	I-MX-3, -5, -8, <del>-12</del>	I-A AND I-B
<b>Illumination</b>	<p>All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.</p> <p>Additional Standards for Projecting Signs:</p> <ul style="list-style-type: none"> <li>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.</li> <li>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.</li> <li>• Projecting signs may use a variety of illuminated colors.</li> </ul>	May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.
<b>Animation</b>	Animated signs are prohibited.	Animated signs are prohibited.

### 10.10.13.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number:
  1. I-MX zone districts: 1 signs for each front line of the zone lot or designated land area on which the sign is located.
  2. I-A, -B zone districts: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area:
  1. I-MX zone districts: 32 square feet for each front line of the zone lot or designated land area on which located. Computations shall be made and sign area shall be applied to each front lot line separately.
  2. I-A, -B zone districts: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade:
  1. I-MX zone districts: 20 feet
  2. I-A, -B zone districts: 25 feet
- E. Permitted location:
  1. I-MX zone districts: Shall be set at least 5 feet from every boundary line of the zone lot or designated land area in zone districts requiring structural setbacks.
  2. I-A, -B zone districts: No limitations
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.





#### 10.10.13.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
  - 1. 100 square feet; or
  - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### SECTION 10.10.14 DOWNTOWN ZONE DISTRICTS SIGN STANDARDS

#### 10.10.14.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right
- B. Provided, however, that off-site advertising devices may be allowed in the D-TD district pursuant to a district sign plan according to Section 10.10.15.
- C. The sign standards contained within this Section apply to the following zone districts: D-LD; D-CV; D-GT; D-AS; D-AS-12+; D-AS-20+; D-CPV-T; D-CPV-R; D-CPV-C; D-C; and D-TD.

#### 10.10.14.2 Permanent Signs

Permanent signs shall comply with the following standards:

	D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C	D-C; D-TD
<b>Contents</b>	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.	Identification by letter, numeral, symbol or design of the use by right by name and use, hours of operation, services and products offered, events and prices of products and services.
<b>Sign Types</b>	Wall, window, ground, canopy, and arcade. <u>Projecting signs are allowed only in compliance with Sections 10.10.16 and 10.10.17, as applicable.</u>	Wall, window, ground, canopy, and arcade. <u>Projecting signs are allowed only in compliance with Section 10.10.17.</u>

	D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C	D-C; D-TD
<b>Maximum Number</b>	Each use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.	Ground level uses by right with street frontage for each separate building: Each use by right may have 3 for each street front of the use by right plus 1 additional sign for each 100' of street frontage in excess of 200'.  All other uses by right combined for each separate building: 1 sign plus 1 sign for each front line of the zone lot on which the building is located.
<b>Maximum Sign Area</b>	<p>Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.</p> <p>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> <li>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.</li> <li>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.</li> </ul>	<p>Ground level uses by right with street frontage: Sign area shall be based on 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet and the sign area permitted by this Section shall not be combined with the sign area permitted by any other Section of this chapter:</p> <p>Zone lot with 1 use by right: 2 square feet of sign area for each linear foot of the front line of the zone lot. All measurements shall be applied to each street front separately.</p> <p>Zone lot with more than 1 use by right: 4 square feet of sign area for each linear foot of that portion of the building frontage occupied by a ground level use by right. The resulting sign area is to be applied only to that portion of the building occupied by the use by right and all measurements shall be applied to each street front separately.</p> <p>Uses by right other than ground level uses by right with street frontage: 1 square foot of sign area for each foot of the front line of the zone lot on which the building is located or 3 percent of the exterior wall surface of the building whichever is greater. All measurements shall be applied to each building front separately.</p>
<b>Maximum Height Above Grade</b>	Wall and window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32'.	Wall or window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32'.
<b>Location</b>	Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front.	No setback is required from any boundary line of the zone lot. Wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.

	D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C	D-C; D-TD
<b>Illumination</b>	May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited <u>except as may be authorized in Sections 10.10.16 and 10.10.17, as applicable.</u>	May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited <u>except as may be authorized in Section 10.10.17.</u>
<b>Animation</b>	Animated signs are prohibited <u>except as may be authorized in Sections 10.10.16 and 10.10.17, as applicable.</u>	Animated signs are prohibited <u>except as may be authorized in Sections 10.10.16 and 10.10.17, as applicable.</u>

### 10.10.14.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than 1 successive period at the same location.

- A. Permitted sign types: Wall, window or ground.
- B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area:
  1. D-C and D-TD: 64 square feet for each front line of the zone lot or designated land area on which the signs are located. Computations shall be made and sign area shall be applied to each front line separately.
  2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade:
  1. D-C and D-TD: 20 feet.
  2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: 25 feet.
- E. Permitted location: No limitation.
- F. Permitted illumination:
  1. D-C and D-TD: May be illuminated but only from a concealed light source.
  2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.14.4 Joint Identification Signs for D-C; D-LD; D-CV; D-GT; D-AS; D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:

1. 100 square feet; or
  2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## **SECTION 10.10.15 SIGN PLAN FOR D-TD**

### **10.10.15.1 Signs Subject to a District Sign Plan**

Notwithstanding more restrictive provisions of this Division 10.10, Signs, the D-TD district may have signs in accordance with a single approved district sign plan.

### **10.10.15.2 General Purpose**

- A. Facilitate the creation and recognition of a unique downtown theater district and build on the character of the Denver Performing Arts Complex.
- B. Provide flexibility in the size, type and location of signs in exchange for a higher standard of design quality for signs within the district sign plan.
- C. Mitigate any possible adverse impacts of large format sign installations on surrounding uses.

### **10.10.15.3 Description of Qualifying Uses**

These provisions shall apply to the D-TD district and signs may be erected, altered and maintained for a use by right in the district and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

### **10.10.15.4 Permitted Sign Types**

Wall, window, ground, arcade, canopy and projecting.

### **10.10.15.5 Permitted Maximum Number**

There is no maximum number of signs within the district sign plan.

### **10.10.15.6 Permitted Maximum Sign Area**

No maximum signage area within the district sign plan.

### **10.10.15.7 Permitted Maximum Height Above Grade**

- A. Wall, window, projecting and arcade signs may extend above the roof line of the building to which the sign is attached and must be in conformance with the approved district sign plan.
- B. Ground signs: Maximum of 50 feet.

### **10.10.15.8 Permitted Location**

No setback for signage is required from any boundary line of the zone lot. Signs attached to walls that are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436.

### **10.10.15.9 Permitted Illumination**

May be illuminated. Flashing signs are allowed.



#### **10.10.15.10 Animation Allowed**

Animated signs are allowed.

#### **10.10.15.11 Process to Establish a District Sign Plan**

- A. Plan submittal. The applicant will submit the following items to community planning and development to establish a district sign plan for the D-TD district:
  - 1. A site plan or improvement survey of the district drawn to scale showing existing and proposed buildings within the D-TD district, residential uses within existing and proposed buildings, Off-Street Parking Areas, landscaped areas, streets and alleys, and residential uses adjacent to the D-TD district boundary;
  - 2. The district sign plan will include all properties within the D-TD district and clearly identify all buildings which are and are not participating within the district sign plan.
  - 3. The district sign plan will address design review for signage subject to the plan.
  - 4. A map of the D-TD district clearly identifying all Historic Structures, landmark districts, and designated parkways.
  - 5. Scaled drawings or other images showing the elevations of existing and proposed buildings within the D-TD district.
  - 6. Design descriptions of all allowable sign types, including sign shape, size typography, lighting, exposed structure, colors, and materials, and any information on the frequency of changeable graphics.
  - 7. All information on allowable sign locations shall be provided: wall elevations or other images drawn to scale showing locations of wall, window, arcade, and projecting signs, and site plans drawn to scale showing locations and heights of ground signs.
  - 8. Calculations of total sign area per building face.
  - 9. Other items identified by community planning and development as necessary to establish the district sign plan consistent with the stated purposes of this Section.
- B. Information review. Community planning and development will review information received in the applicant's submittal and forward a recommendation to planning board within 21 days from submittal of a complete application for a district sign plan.
- C. Notice to others. The planning board shall send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of Section 12-94 of the Revised Municipal Code and whose boundaries are within 200 feet of the boundary line of the D-TD district. The planning board shall also send notices to council members whose boundaries are within 200 feet of the boundary of the D-TD district. Notices to registered neighborhood organizations and council members shall be sent at least 30 days prior to the hearing.
- D. Adoption or amendment of a district sign plan. The planning board shall review the community planning and development recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions or deny the submittal for a district sign plan.

#### **10.10.15.12 Criteria for Review**

The criteria for reviewing the district sign plan are as follows:

- A. Signs shall be oriented or illuminated so that they do not adversely affect existing nearby residential uses or structures. Examples of adverse effects may include but are not limited to glare from intense illumination, and large signs or support structures that visually dominate an area to the detriment of existing or proposed land uses.

- B. Heights, scales and locations of all sign types for buildings within the district will be evaluated taking consideration of possible impacts on adjacent buildings and uses.
- C. Signage, as part of the district sign plan, shall not encroach closer than 240 feet of the center-line of 17th Street.
- D. Roof mounted signs are not allowed within the district sign plan.
- E. Freestanding outdoor general advertising devices may be limited in close proximity to Historic Structures, landmark districts, and designated parkways.
- F. Internally illuminated, translucent face box signs are not allowed within the district sign plan.
- G. All signage, subject to the district sign plan, shall be located above first floor commercial store-fronts.
- H. All features of the sign, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to the architecture and architectural features of the building on which it is located, as applicable.
- I. Sign design should reflect the existing or desired character of the area. The intent of this subsection is to encourage exciting, iconographic, and inventively illuminated signage to enhance the theater district.
- J. Signs shall be designed and fabricated from quality, durable materials.
- K. Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building. There is no limit as to the number of projecting signs within the district sign plan.
- L. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as a part of an approved district sign plan.
- M. A maximum of one district sign plan may be adopted for the D-TD district.

#### **10.10.15.13 Minor Deviations to the District Sign Plan**

Sign proposals shall conform to an approved district sign plan, provided however, that community planning and development may authorize minor deviations from the district sign plan for individual signs when such deviations appear necessary in light of technical or engineering considerations, and provided that the council members and registered neighborhood organizations whose boundaries are within 200 feet of the boundary of the D-TD district are first notified. Minor deviations for individual signs shall not be permitted if any of the following circumstances result:

- A. Signs are oriented or illuminated so that they adversely affect existing nearby residential uses or structures.
- B. A change in allowable heights of signs greater than 2 feet above the maximum height above grade or 0 feet below the minimum height above grade.
- C. A projection greater than 6 inches of the maximum allowance.
- D. A change in signage type, illumination or animation allowed within the district sign plan.
- E. Signs exceeding the specifications of the district sign plan and not allowed according to Section 10.10.15.15, require an amendment to the district sign plan.

#### 10.10.15.14 Other Permitted Signs

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the district sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the district sign plan.

#### 10.10.15.15 Rules and regulations

The Planning Board has the authority to adopt rules and regulations concerning the review of the district sign plan.

### SECTION 10.10.16 SPECIAL PROVISIONS FOR **PROJECTING GRAPHIC SIGNS** **IN D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, AND D-CPV-C**

#### 10.10.16.1 **General Applicability**

The provisions of this Section 10.10.16 shall apply to projecting signs allowed in the D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts, except that portion of the D-GT district north of 13th Avenue on Broadway and Lincoln Street. The other Sections of this Division 10.10 shall remain in full force and effect in the D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts, ~~and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a projecting sign may be submitted pursuant to the provisions of this Section, in which case this Section will be applicable with respect to the issuance of sign permits.~~

#### 10.10.16.2 Purpose

The purpose of this Section is to create the policy and minimum design standards for a system of projecting signs that project perpendicular to the face of the wall or building to which they are attached, or at a 45-degree angle to the corner of a building where the user occupies at least part of 2 building frontages.

#### 10.10.16.3 Intent

To accomplish this purpose, it is the intent of this ordinance Section 10.10.16 to encourage and to authorize the use of signs and street graphics that are:

- A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.
- C. Appropriate to and expressive of the business or activity for which they are displayed.
- D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation.
- E. Employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography, and materials.
- F. Constructed of ~~Of~~ high quality, durable materials appropriate to an urban setting.

#### 10.10.16.4 Permitted Maximum Sign Area

The other Sections of this Division 10.10 pertaining to the D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area for the subject zone district. For these purposes, a cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.



#### **10.10.16.5 Supplemental Standards for Projecting Graphics-Permitted Signs**

For the purposes of this Section, a projecting graphic is a sign or street graphic attached to and projecting from the wall of a building at 90 degrees, or the corner of a building at 45 degrees. The projecting graphic may be two- or three-dimensional, and regular or irregular in form.

##### **A. Supplemental Standards for Projecting Signs**

The following ~~limitations-standards~~ apply to projecting graphics ~~signs in addition to the generally applicable standards stated in this Division 10.10 for projecting signs in the subject zone district:~~

1. Each user may display 1 projecting graphic adjacent to every street upon which the user has frontage and an entry or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the ~~D.R.M.C provisions of Section 49-436 of the Revised Municipal Code.~~
2. Projecting graphics may project no more than 5 feet out from a building.
3. The bottom of any projecting graphic must be at least 8 feet above the sidewalk or ground floor finished floor level, whichever is higher while the top of any projecting graphics may be no higher than 15 feet above the sidewalk or ground level finished floor level, whichever is higher.
4. **Allocation of allowable sign volume.** For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza, or uses located in the basement or on the second floor, that have entries at the Street Level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:
  - a. Uses that occupy at least 8 feet but no more than 20 feet of linear building frontage may have up to 12 cubic feet of projecting sign volume.
  - b. Uses that occupy more than 20 but no more than 50 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume.
  - c. Uses that occupy over 50 linear feet of building frontage may have up to 50 cubic feet of projecting sign volume.
  - d. Uses that occupy over 50 linear feet of building frontage, that are located in the D-GT zone district on either Broadway or Lincoln Streets and are south of 13th Avenue, may have up to 70 cubic feet of projecting sign volume.
  - e. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.
5. **Calculation of sign volume.** The volume of a projecting sign will be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.
6. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Zoning Administrator. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign.
7. No dimension (height, width, or depth) shall be considered to be less than 1 foot and 0 inches for the purposes of calculating sign volume.
8. Projecting signs are prohibited for uses without direct street access on the Street Level.
9. **Relationships to the building facade.** Maximum projecting sign dimensions, volumes and locations may additionally be restricted by the dimensions of the building facade on



which signage is to be located and the relationship to other tenant signage on the same facade:

- a. Signs shall not exceed the height of the parapet of the building on which mounted.
- b. Signs shall not be placed less than 8 feet apart.

#### 10.10.16.6 Illumination

Illumination of graphics as defined herein shall be permitted by direct, indirect, neon tube, light-emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only. The following additional provisions also apply to the illumination of street graphics:

- A. Color of light: Graphics as defined herein may use a variety of illuminated colors.
- B. Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.
- C. Flashing signs are prohibited.
- D. Animated signs are prohibited.

### SECTION 10.10.17 SPECIAL PROVISIONS FOR **PROJECTING GRAPHIC SIGNS** **IN D-C, D-TD, D-LD, D-CV, AND D-AS**

#### 10.10.17.1 **General Applicability**

The provisions of this Section 10.10.17 shall apply to projecting signs allowed in the D-C, D-TD, D-LD, D-CV, and D-AS districts. The other provisions of this Division 10.10 (Signs) shall remain in full force and effect in the D-C, D-TD, D-LD, and D-AS districts, ~~and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a sign may be submitted pursuant to the provisions of this Section in which case this Section will be applicable with respect to the issuance of the sign permits.~~

#### 10.10.17.2 **Purpose**

The purpose of this Section is to create the policy and design standards for a ~~comprehensive and balanced~~ system of projecting signs and street graphics to facilitate the enhancement and improvement of the D-C, D-TD, D-LD, and D-AS districts through the encouragement of urban, innovative signs and street graphics that will aid in the creation of a unique downtown shopping and commercial area, facilitate an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. To accomplish these purposes, it is the intent of this Section to encourage and to authorize the use of signs and street graphics that are:

- A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
- B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels;
- C. Appropriate to and expressive of the business or activity for which they are displayed;
- D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials. Signage that simply maximizes allowable volume in rectangular form is strongly discouraged; and
- E. Constructed of high quality, durable materials appropriate to an urban setting.

### 10.10.17.3 Permitted Maximum Sign Area

The other provisions of this Division 10.10 (Signs) pertaining to the D-C, D-TD, D-LD and D-AS districts are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area. A cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

### 10.10.17.4 **Supplemental Standards for Projecting Graphic Signs-Permitted**

A projecting graphic sign is a sign or street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

#### A. **Supplemental Standards for Projecting Signs**

The following ~~limitations-standards~~ apply to projecting graphics ~~signs in addition to the generally applicable standards stated in this Division 10.10 for projecting signs in the subject zone district:~~

1. Each use may display 1 projecting graphic adjacent to every street upon which the use has frontage, provided that the approval of the manager of the Department of Transportation and Infrastructure ("DOTI") has been given pursuant to the provisions of the D.R.M.C. Section 49-436 of the Revised Municipal Code.
2. Projecting graphics must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building.
3. Projecting graphics shall be mounted no less than 6 inches and no more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.
4. **Allocation of allowable sign volume.** For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza the allowable projecting sign volume will be allocated on the following basis:
  - a. Uses that occupy up to 49 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume. However, to avoid crowding of signage types, uses that occupy less than 30 linear feet of exterior building frontage will be limited to utilizing either a projecting sign as allowed under these regulations, or any other non projecting sign types as currently allowed.
  - b. Uses that occupy between 50 and 74 linear feet of building frontage may have up to 64 cubic feet of projecting sign volume.
  - c. Uses that occupy 75 linear feet or more of building frontage may have up to 96 cubic feet of projecting sign volume.
  - d. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the 1 actual building frontage on which it is placed.
5. **The calculation of sign volume.** The volume of a projecting sign will be calculated as the volume within a rectilinear form that could be constructed to enclose the primary form of the sign. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the review committee. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign. No dimension (height, width or depth) shall be considered to be less than 1 foot-0 inches for the purposes of calculating sign volume.
6. **Multiple projecting signs.** The total sign volume allowed for a single use may be broken into multiple projecting signs, not to exceed 1 per 25 linear feet of the actual building frontage adjacent to a public walk, court or plaza only at the discretion of the review committee based on the following criteria:
  - a. Multiple signs significantly enhance the creative impact of the signage concept.

- b. Multiple signs are not detrimental to the building, the surrounding context or the signage opportunities of adjoining uses.

**7. Allocation of sign volume for buildings with multiple uses having direct street access.** Total combined allowable sign volume for buildings with multiple uses with direct street access may be allocated among the uses based on the following:

- a. ~~Comprehensive sign plan required. No projecting signage for an individual use in a multi-use building will be reviewed or approved without review and approval of a comprehensive sign plan for the entire building. This plan must indicate how tenant sign allowances are to be allocated among all eligible building uses, approximate designated sign locations and allowable types of sign construction and illumination. This sign plan must indicate sizes and locations for all sign types, not just projecting graphics.~~
- b. Total sign volume for uses with direct street access shall not exceed the total of individual sign allowances based on the criteria of 10.10.17.4.A.1, .2, .3, and .4.
- c. To accommodate uses without direct street access in addition to those with access (~~ba.~~ above), the total allowable sign volume determined by ~~ba.~~ may be increased by the following amounts and apportioned among the uses by a comprehensive ~~building~~ sign plan (~~a.~~ above): 12 cubic feet for building frontage up to 49 lineal feet; 20 cubic feet for building frontage from 50 to 74 lineal feet; and 30 cubic feet for building frontage 75 lineal feet and over.
- d. **Power of attorney required.** In situations where maximum sign volumes must be allocated among several tenants, applicants other than the property owner will be required to provide evidence of power of attorney from the property owner authorizing the tenant to provide the comprehensive sign plan and to make application for the requested sign volume.

**8. Buildings containing multiple uses without direct street access.**

- a. In the case where a building contains multiple uses that do not have direct street access, a projecting sign for each individual use without direct access is prohibited. Entry features may contain multiple use identifications, however they must be designed with a unified program of graphics, materials, illumination, etc.

**For example,** the entrance to a multi-use space may utilize a unique entry canopy as a single design feature into which multi-use identification can be incorporated. A single projecting graphic identifying a common identity, such as the name of the building or a retail arcade is also permissible.

- b. Architectural entry canopies, defined as permanent structures that are fully supported by the building facade and are constructed of materials other than fabric or vinyl type materials, may incorporate signage for 1 or more tenants as part of their design, subject to these regulations and committee review. Signage may occur on canopy surfaces that are parallel, perpendicular, or at other angles to the building facade to which the canopy is attached. Because canopies are architectural features that may only incidentally incorporate signage, not all the area of the canopy will be counted as signage. The volume of the canopy to be calculated as signage will be confirmed by the review committee per the following criteria:
  - i. The face area of typography and graphics.
  - ii. The 2 maximum dimensions of iconographic three-dimensional sign figures.

**9. Relationships to the building facade.** Maximum projecting sign dimensions, volumes and locations may be additionally restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade.

- a. Signs shall not exceed the height of the parapet of single story buildings unless it is found by the review committee to meet the criteria in item d., below.
- b. Signs shall not extend more than 1 story above the building floor on which the use is located unless they are found by the review committee to meet the criteria in item d., below.
- c. Signs for uses located below the Street Level shall not be located or extend beyond the uppermost part of the second story without the approval of the review committee.
- d. The following conditions will be taken into account when considering exceptions to items a. and b. above:
  - i. The additional height is found to be a factor in the success of the sign's design.
  - ii. The additional height is not a detriment to overall design of the building facade or its immediate context.
  - iii. The additional height will not overshadow or create glare in adjoining properties.
- e. Signs shall not be placed less than 25 feet apart unless they are determined to meet the following criteria:
  - i. The signs work together to make a unified and compatible design that is stronger as a group than it would be as a single sign or multiple signs widely separated.
  - ii. The sign group is compatible with the building architecture, reinforcing the design intent of a significant building feature such as a primary entry.

**10. Compatibility Required**

~~An applications for a sign permit or comprehensive sign plan including projecting graphic signs may be approved only. The applicable Design Review Committee may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the area, subject zone district. ,and the committee shall base its compatibility determination on the following criteria: "Compatibility" shall be determined based on consideration of the following:~~

- a. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
- b. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
- c. The similarity or dissimilarity of the sign's size and shape to the size and shape of other street graphics in the area.
- d. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
- e. The compatibility of the type of illumination, if any, with the type of illumination in the area.
- f. The compatibility of the materials used in the construction of the sign with the material used in the construction of other street graphics in the area.
- g. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is suspended and the surrounding buildings.
- h. ~~Whether t~~The proposed signs ~~shall be~~ **are made from** ~~of~~ high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.

## B. Auxiliary Graphics

Auxiliary graphics are elements which are complementary but subsidiary to principal graphics. The following auxiliary graphics are permitted, subject to the limitations set forth herein:

### 1. Awnings

Signage on fabric or vinyl type non illuminated awnings that is located on a surface of that awning which is perpendicular to the face of the building will not be considered a projecting sign under this ordinance, but will be allowed, subject to staff review, provided that the total area of typography and graphics does not exceed 2 square feet.

### 2. Banners

- a. Short term banners and flags, which provide information related to a specific, temporary event (not more than 60 days in any 365-day period) are permitted provided that they are no more than 64 square feet. Projection shall not exceed 7 feet-0 inches.
- b. Permanent banners and flags which are graphic in nature, providing color and design interest only and do not directly represent actual goods, services, brands or business names are permitted provided that they are no more than 32 square feet. These banners are not subtracted from the allowable sign area. Projection shall not exceed 7 feet-0 inches.

## C. Illumination

Illumination of graphics as defined herein shall be permitted by direct, indirect, and neon tube illumination. The following additional provisions also apply to the illumination of street graphics:

1. **Color of light.** Graphics as defined herein may use a variety of illuminated colors, provided they do not conflict with traffic signals.
2. Flashing signs and animated signs are expressly limited to those properties that are contiguous to the 16th Street pedestrian and transit mall. All such signs must be readable from the 16th Street Mall. ~~Bare bulb illumination is expressly discouraged.~~
  - a. The appropriateness of flashing signs, where otherwise allowed, will be based on the character and uses of the face block, existing uses within the building and the surrounding vicinity, and the protection of public safety.
  - b. Use of flashing signs shall be limited to entertainment uses such as, by way of example and not by way of limitation, theaters, movie houses, restaurants, and cabarets, and is limited to the times the business is open.
3. Fully illuminated plastic sign boxes with internal light sources ~~are prohibited will not be allowed.~~

### 10.10.17.5 Design Review Committee

~~There is hereby created a separate Design Review Committee for each of the D-C, D-TD, D-LD, and D-AS districts, which shall be composed and comprised as hereinafter set forth, and which shall have the powers and authorities described herein. Within the D-C, D-TD, and D-AS zone districts, when signage is proposed on a zone lot with landmark designation or located in a landmark district, the Denver Landmark Preservation Commission shall be the Design Review Committee.~~

~~Within the D-C and D-TD districts, except as provided by Section 10.10.17.5.A above, the Design Review Committee shall be comprised of 7 members as follows:~~

- ~~1. 1 property owner, who owns property in the D-C or D-TD district;~~
- ~~2. 2 business operators, who operate businesses in the D-C or D-TD district;~~

3. ~~1 member of Downtown Denver, Inc., nominated by Downtown Denver, Inc.;~~
4. ~~2 design professionals;~~
5. ~~1 resident of Denver, with preference given to a resident of the D-C or D-TD district; and~~
6. ~~The Manager, or his designee, who shall serve as an ex officio member.~~

~~Members of the D-C and D-TD Design Review Committee shall be nominated by downtown businesses, residents and property owners in the D-C and D-TD districts and shall be appointed by the mayor. The term of membership on the Design Review Committee is 3 years with initial appointments being of 3 appointees for 1 year terms, 2 appointees for 2 year terms and 2 appointees for 3 year terms.~~

- A. ~~Within the D-LD district, the Lower Downtown Design Review Board shall comprise the Design Review Committee.~~
- B. ~~Within the D-AS district, except as provided by Section 10.10.17.5.A above, the planning office staff shall act as the Design Review Committee.~~
- C. ~~Each Design Review Committee shall meet monthly or within 14 calendar days of a special request.~~
- D. ~~Authority is hereby expressly granted to the applicable Design Review Committee to review and recommend approval to the Zoning Administrator of applications for signs and street graphics in the applicable district pursuant to the provisions of this Section.~~

#### **10.10.17.6     ~~Design Review~~**

~~Applications for sign permits submitted for approval pursuant to the provisions of this Section shall be forwarded to the applicable Design Review Committee by the department of zoning administration. The applicable Design Review Committee shall prepare a recommendation and submit it to the Zoning Administrator. After taking into consideration the recommendation of the applicable Design Review Committee, the Zoning Administrator shall approve or deny the permit, except that the Zoning Administrator may not approve a permit if the Lower Downtown Design Review Board has recommended denial.~~

#### **10.10.17.7     ~~Review Provisions~~**

~~The applicable Design Review Committee may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the area, and the committee shall base its compatibility determination on the following criteria:~~

1. ~~The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.~~
2. ~~The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.~~
3. ~~The similarity or dissimilarity of the sign's size and shape to the size and shape of other street graphics in the area.~~
4. ~~The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.~~
5. ~~The compatibility of the type of illumination, if any, with the type of illumination in the area.~~
6. ~~The compatibility of the materials used in the construction of the sign with the material used in the construction of other street graphics in the area.~~
7. ~~The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is suspended and the surrounding buildings.~~



8. ~~The proposed signs shall be of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.~~
- A. ~~Submission of a single sign or multiple sign application:~~
  1. ~~The application for sign permit shall be forwarded to the applicable Design Review Committee at least 2 weeks prior to the regularly scheduled Design Review Committee meeting.~~
  2. ~~Recommendations to the Zoning Administrator will be made in writing with reasons for acceptance, rejection, or acceptance with changes within 15 days of each committee meeting; in the event a written recommendation is not made within said 15 days, the application shall be deemed to have a recommendation for rejection.~~
  3. ~~A graphics plan shall be submitted which shall contain visual representations of the lettering, illumination, color, area and height of graphics and may also indicate the areas and building where they may be placed and located.~~
  4. ~~Submitted photographic or drawn elevations of a minimum of 266 feet of frontage (context of individual sign) photographic or drawn perspective with the individual sign superimposed and a drawing of the sign at 0.5-inch to 1-inch scale shall be submitted.~~
  5. ~~Additionally, proof of consent or attempt to get consent, with reasons for failure, of the managers of all properties within the face block must be provided.~~
  6. ~~The application may also contain such special requirements as approved by the applicable Design Review Committee.~~
- B. ~~Adoption of rules and regulations. Each Design Review Committee shall have the authority to adopt rules and regulations concerning its administrative procedures provided that the provisions of Sections 10.10.17.7 A and B shall be adhered to.~~

#### **10.10.17.8 Review of Permit for Flashing Signs**

~~Every permit for a Flashing Sign issued pursuant to the provisions of this Section 10.10.17.8 shall be reviewed 10 years from the date the permit is issued by the department of zoning administration to determine if the Flashing Sign must be removed or not. In making such review, the review provision set forth in Section 10.10.17.7.A shall be followed, and the applicable design review committee shall prepare a recommendation and submit it to the zoning administration. After taking into consideration the recommendation of the applicable design review committee, the Zoning Administrator shall determine if the Flashing Sign must be removed or not.~~

### **SECTION 10.10.18 OPEN SPACE AND O-1 ZONE DISTRICTS SIGN STANDARDS**

#### **10.10.18.1 General**

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to OS-B, OS-C and O-1 zone districts.

#### **10.10.18.2 Permanent Signs**

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and price of products and services.
Sign Types	Wall, window, canopy, and ground signs.

<b>Maximum Number</b>	1 sign for each front line of the zone lot on which the use by right is located.
<b>Maximum Sign Area</b>	Each use by right shall be permitted a sign area of 20 square feet or the total permitted sign area for any use by right may be determined by 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet, and no single sign area shall exceed 300 square feet in area:  1 square foot of sign area for each foot of street frontage of the zone lot on which the use by right is located. 1 square foot of sign area for each acre of the zone lot on which the use by right is located.
<b>Maximum Height Above Grade</b>	Wall and window signs: The roof line of the building to which the sign is attached. Ground signs: 25'.
<b>Location</b>	Wall and window signs: Shall be set back from the boundary lines of the zone lot on which it is located the same distance as a structure containing a use by right provided, however, wall signs may project into the required setback the permitted depth of the sign.  Ground signs: Any location provided that the sign is at least 10' from any boundary line of the zone lot on which the use by right is located.
<b>Illumination</b>	May be illuminated but only from a concealed light source. Flashing signs are prohibited.
<b>Animation</b>	Animated signs are prohibited.

### 10.10.18.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 1 successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area: 32 square feet of sign area for a land area up to 5 acres and 64 square feet of sign area for a land area of 5 acres or more, provided that no sign shall exceed 100 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set back at least 25 feet from all boundary lines of the zone lot or designated land area on which the signs are located.
- F. Permitted illumination: May be illuminated but only from a concealed light source.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.19 CHERRY CREEK NORTH ZONE DISTRICTS SIGN STANDARDS

### 10.10.19.1 Purpose

The purpose of this Section is to create a comprehensive and balanced system of signs and street graphics, to facilitate the enhancement and improvement of the Cherry Creek North zone districts (C-CCN) through the encouragement of innovative signs and graphics which will aid in the creation of a unique mixed-use neighborhood, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance.



#### **10.10.19.2 General**

Signs may be erected, altered and maintained only for and by a use by right in the C-CCN zone districts; shall be located on the same zone lot as the use by right; and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

#### **10.10.19.3 Comprehensive Sign Plan**

Projecting signs shall be permitted only after a comprehensive sign plan for the entire building containing a use or uses by right has been approved. Such plan shall indicate how signs are allocated among all the individual uses, approximate designated sign locations, and allowable types of sign construction and illumination.

#### **10.10.19.4 Design Review**

In adopting the rules and regulations governing signage, the following criteria shall be utilized. These criteria shall also be the basis of all findings and recommendations regarding signage that the design advisory board shall forward to the Zoning Administrator. Signage shall be:

- A. Compatible with the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
- B. Compatible with the architectural characteristics of the buildings on which the signs are placed when considered in terms of scale, proportion, color, materials and lighting levels;
- C. Expressive of the business or activity for which they are displayed;
- D. Creative in the use of two- and three-dimensional forms, iconographic representations, lighting and graphic design, including the use of color, pattern, typography and materials; and
- E. Constructed utilizing high quality, durable materials that meet the physical demands of an urban setting.

#### **10.10.19.5 Signs Subject to a Permit**

Section 10.10.3.2 (signs subject to a permit) shall be in full force and effect in the C-CCN zone districts. All signs shall be subject to any additional requirements or standards contained within this Section and shall be subject to review by the Cherry Creek ~~North (CCN)~~ Design Advisory Board.

#### **10.10.19.6 Permitted Contents**

Identification by letter, numeral, symbol or design of the use or uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.

#### **10.10.19.7 Permitted Sign Types**

Wall, window, ground, projecting, canopy and arcade.

#### **10.10.19.8 Permitted Maximum Number**

Each use by right may have the greater number of the following:

- A. 5 signs; or
- B. 2 signs for each front line of the zone lot on which the use by right is located.

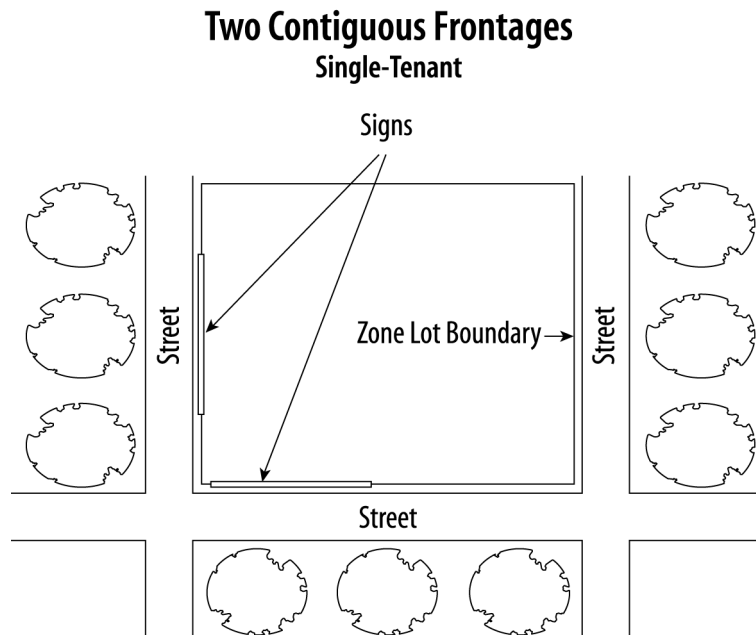
#### **10.10.19.9 Permitted Maximum Sign Area**

The permitted maximum sign area for each individual use by right is 50 square feet or the total permitted sign area determined by one of the following provisions, whichever is the greater; provided, however, that no sign shall exceed 200 square feet in area nor shall the total permitted sign area of any single use by right exceed 600 square feet:

- A. For a zone lot containing only 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the

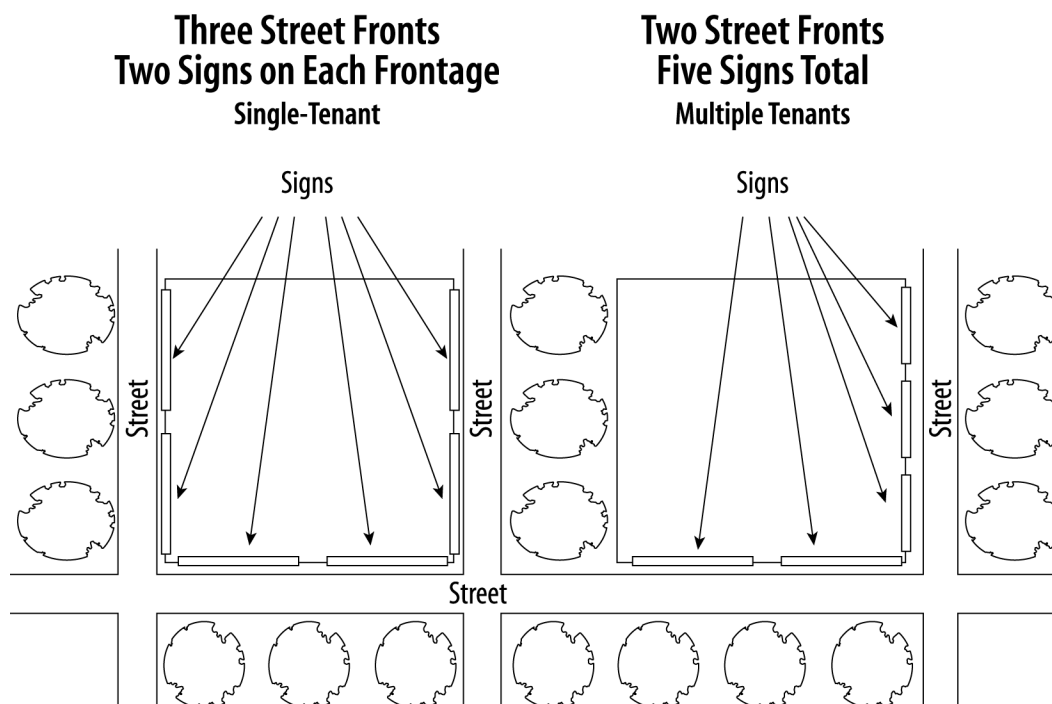
measurement of not more than 2 front lines, 1 contiguous with the other, shall be used. (See Figure 10.10-1)

Figure 10.10-1



- B. For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200 feet of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter. (See Figure 10.10-2)

Figure 10.10-2

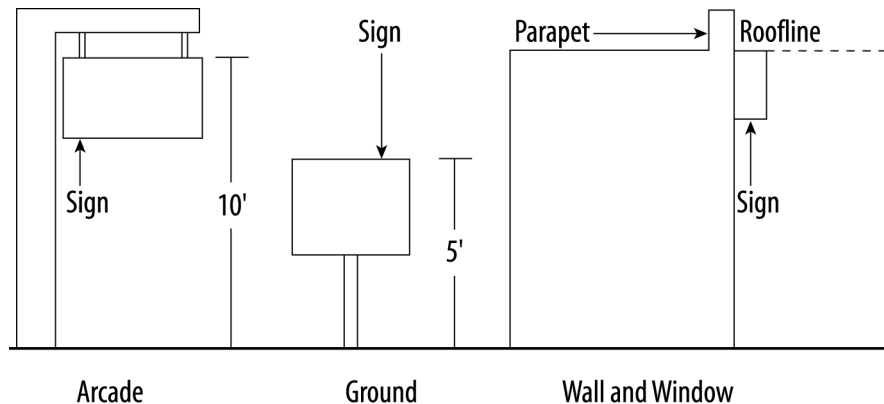


#### 10.10.19.10 Permitted Maximum Height Above Grade

(See Figure 10.10-3)

- A. Arcade signs: 10 feet.
- B. Ground signs: 5 feet.
- C. Wall and window signs: The roof line of the building to which the sign is attached.

Figure 10.10-3



#### 10.10.19.11 Permitted Location

Shall be set in at least 5 feet from every boundary line of the zone lot; provided, however, wall or projecting signs may project into the required setback the permitted depth of the sign.

#### 10.10.19.12 Permitted Illumination

May be illuminated. Neon lighting is permitted, subject to design review as specified in Section 10.10.19.4 (design review) above. Flashing signs are prohibited.

#### 10.10.19.13 Animation Prohibited

Animated signs are prohibited.

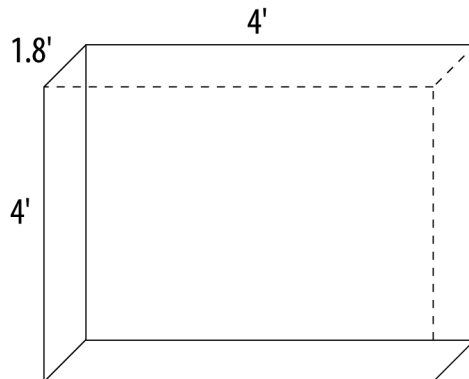
#### 10.10.19.14 Projecting Signs and Graphics

- A. Projecting sign volume. This volume is determined by a calculation using the smallest regular rectilinear geometrical shape encompassing the entire perimeters of the projecting sign. Minor sign elements may project beyond the primary boundaries of this volume subject to design review approval. Minor sign elements are those parts of the projecting sign that add to the design quality without adding significantly to the perceived volume and mass of the projecting sign.
  - 1. The minimum dimension used in calculating projecting sign volume is 1 foot.
  - 2. The maximum sign dimension shall be 4 feet.
- B. Permitted maximum projecting sign area. The permitted projecting sign area under this Section shall be deducted from the total permitted maximum sign area for each use as calculated in Section 10.10.19.9 (permitted maximum sign area) above. For the purposes of this Section, 1 cubic foot of projecting sign or graphic volume shall be considered equivalent to 1 square foot of sign area.
- C. Calculation of permitted maximum projecting sign volume. The maximum allowable size of individual projecting signs shall be based upon the horizontal linear feet of exterior building frontage facing directly upon the public right-of-way by the use by right. Buildings containing

more than 1 use by right may be limited by the total allowable projecting sign volume for the building as allocated in a required comprehensive sign plan.

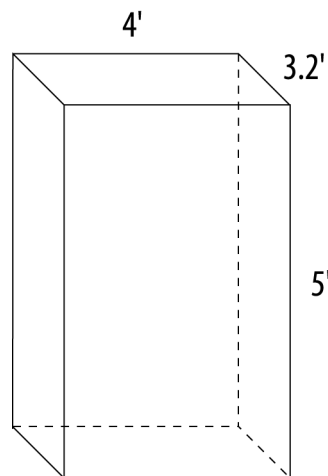
1. Single uses located at the Street Level having entries and/or windows facing onto a public sidewalk, court or plaza. The total permitted projecting sign volume shall be determined by one of the following provisions:
  - a. Uses by right occupying less than 50 linear feet of building frontage may be permitted up to 30 cubic feet of projecting sign volume, however not to exceed 4 feet in projecting sign height. (See Figure 10.10-4)

Figure 10.10-4



- b. Uses by right occupying more than 50 linear feet or more building frontage may utilize up to 64 cubic feet of projecting sign volume, however not to exceed 5 feet in projecting sign height. (See Figure 10.10-5)

Figure 10.10-5

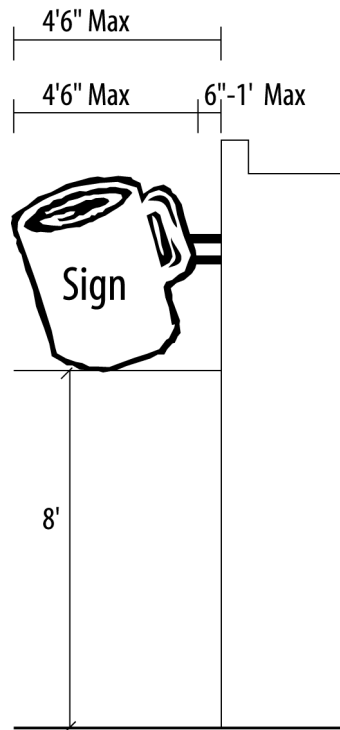


- c. For corner locations the maximum permitted volume of the projecting sign shall be calculated using only the length of the building front on which the projecting sign is attached.
  - d. For projecting signs attached directly on the corner of the building the maximum permitted volume of the projecting sign shall be calculated using the length of the longest building front of the 2 building fronts of the building to which the projecting sign is attached.

2. Total maximum permitted projecting sign volume for multiple use buildings. The sum total permitted projecting sign volume of all the uses in a building shall be limited by the following provisions:
  - a. Uses by right with building frontage. The maximum total volume of projecting signs allowed on the exterior of any building frontage facing onto a public street, court or plaza shall not exceed the sum total volume permitted for all the individual uses occupying that frontage and having direct exposure to the street, court or plaza.
  - b. Uses by right without building frontage. In order to accommodate projecting signs for all tenants including those located without direct Street Level exposure, the sum total volume of permitted projecting sign volume as determined in Section 10.10.19.14.C.1 may be increased by the following amounts, and apportioned among the building tenants through a comprehensive sign plan:
    - i. 12 cubic feet for building frontages less than 75 linear feet.
    - ii. 20 cubic feet for building frontages 75 linear feet or greater.
- D. Permitted numbers of projecting signs.
  1. Permitted numbers of projecting signs for buildings containing a single use by right. Limited to 1 projecting sign for every 25 linear feet of exterior building frontage.
  2. Permitted numbers of projecting signs for buildings containing multiple uses by right. Uses occupying less than 30 linear feet of exterior building frontage are limited to either 1 projecting sign as permitted under these regulations or other non projecting signs as allowed under this Section. For uses occupying 30 or more linear feet of exterior building frontage, the permitted number of projecting signs or graphics in Section 10.10.19.14.D.1 shall apply.
- E. Projecting sign location and building attachment. The following limitations shall apply to the location and attachment of projecting signs and graphics to the building wall:
  1. Each use by right may display 1 projecting sign or graphic on each building front occupied by the use, provided all other criteria for approval are satisfied as required by Code;
  2. All projecting signs or supporting structures shall be located at least 8 feet above the sidewalk below;
  3. Each projecting sign shall extend not more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) adjacent to such projecting sign on the building facade; and

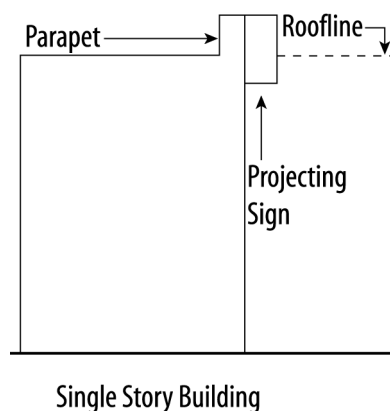
4. The maximum projection of signs from the building wall to which it is attached, including all mounting accessories, shall not exceed 4 feet 6 inches as measured perpendicularly from the building wall. (See Figure 10.10-6)

Figure 10.10-6



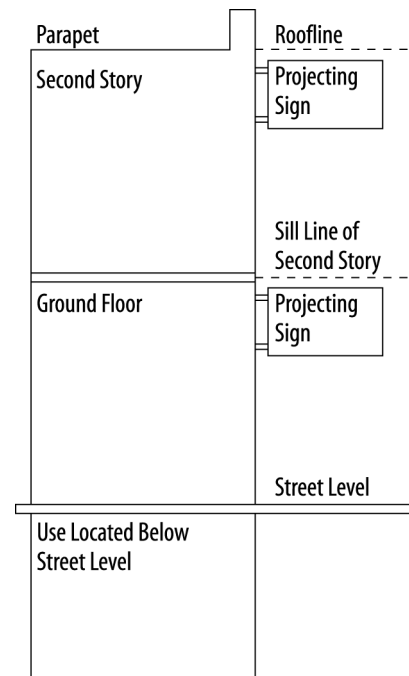
5. Maximum height of projecting signs. Maximum height of projecting signs dimensions, volumes and locations are restricted by the dimensions of the building facade on which projecting signs are located and the separations from other tenant projecting signs on the same building front. Projecting signs shall conform to the criteria in Section 10.10.19.14.E.6 below unless modified by design review in accordance with the criteria described in Section 10.10.19.14.E.7 below:
6. Projecting signs shall not exceed the height of the parapet of single story buildings (See Figure 10.10-7);

Figure 10.10-7



7. Projecting signs shall not extend above the sill line of the story above the building floor on which the use is located. Projecting signs for uses located below the Street Level shall not be located or extend above the sill line of the second story (See Figure 10.10-8); and

Figure 10.10-8



8. The following criteria will be considered by the design advisory board in making its recommendation to the Zoning Administrator who shall determine whether to grant an exception to Section 10.10.19.14.E.6 above:
  - a. The additional height is integral to the projecting sign's design;
  - b. The additional height is compatible with the overall design of the building facade; and
  - c. The additional height does not cast shadows or glare on adjoining properties.
- F. Separations between projecting signs. Projecting signs shall be placed not less than 25 feet apart without design review approval. In making its findings and recommendations for approval the design advisory board shall consider the following criteria for determining the location of multiple projecting sign groups:
  1. The projecting signs form a unified and compatible design that is stronger as a group than as a single projecting sign or multiple projecting signs widely separated; and
  2. The projecting sign group is compatible with the building architecture and/or reinforces a significant building feature such as a primary entry.
- G. Permitted illumination. Illumination of projecting signs and graphics is restricted as follows:
  1. Shall be illuminated by indirect sources, including, but not limited to, incandescent fixtures on the projecting sign mounting bracket, on the building face;
  2. Shall be subject to review and recommendation of the design advisory board to the Zoning Administrator as to compatibility with the building, surrounding district and adjoining uses;

3. Flashing signs are prohibited and animated signs are prohibited.

#### 10.10.19.15 Banners

In addition to all other permitted signs, temporary commercial banners and flags, projecting perpendicularly from a building wall, and providing information related to a specific, temporary event are permitted subject to the following limitations:

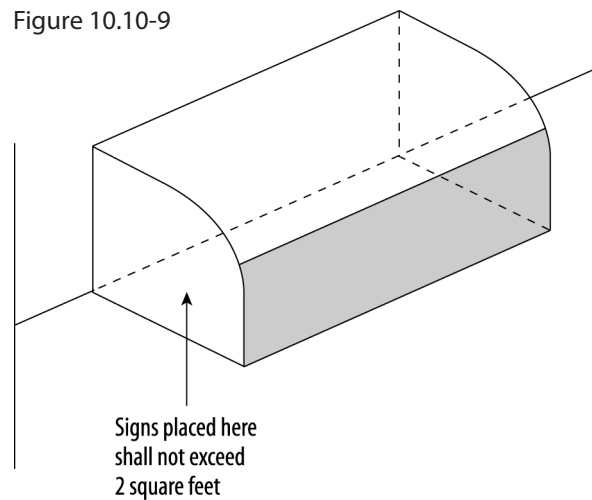
- A. Subject to review and permit;
- B. Displayed for a specifically designated period not exceeding 60 days in aggregate within a specifically designated 365 day period;
- C. Shall not exceed 12 square feet in area per face;
- D. Shall not exceed 1 such banner and/or flag for each 25 linear feet of building frontage.

#### 10.10.19.16 Awnings and Entry Canopies

Signs on the ends of awnings and entry canopies, that are perpendicular to the wall to which such awnings and entry canopies are attached, are projecting signs and graphics if they include text and/or graphics intended to promote an on site use. Such signs and graphics may be permitted subject to the following limitations:

- A. Signs on fabric or vinyl type non illuminated awnings located on a surface perpendicular to the face of the building (side panels) not exceeding 2 square feet, subject to staff review. (See Figure 10.10-9)

Figure 10.10-9



- B. Architectural entry canopies, which are permanent structures that are fully supported by the building facade and constructed of materials other than fabric or vinyl type materials, may incorporate signs for 1 or more tenants as part of their design. The calculation of the volume of signs on canopies uses the following areas:
  1. The face area of typography and graphics.
  2. The volume of iconographic three-dimensional sign figures.
- C. Awnings shall be opaque and shall not be backlit.



#### **10.10.19.17 Joint Identification Signs**

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs permitted by this Section 10.10.19:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
  - 1. 100 square feet; or
  - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

#### **10.10.19.18 Temporary Signs**

Signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area not exempted from permitting under Section 10.10.19.19 (signs not subject to a permit) below, shall be subject to the conditions hereinafter set forth and upon application to and issuance by the Zoning Administrator of a permit therefore. Each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

#### **10.10.19.19 Signs Not Subject to a Permit**

- A. Section 10.10.3.1 (signs not subject to a permit), Sections A through E and G through J shall be in full force and effect in the C-CCN zone districts.
- B. Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot provided however that nothing in this Section 10.10.19.19.B shall allow the use of portable signs or the use of parked motor vehicles and/or trailers as advertising devices. Temporary commercial signs shall be limited as follows:
  - 1. Limited to placement for 45 days;
  - 2. Placed behind or are attached to the inside face of a window;
  - 3. 1 per building frontage for each use facing a public street, walk, plaza or court;
  - 4. Not more than 5 square feet in sign area;
  - 5. Not more than 6 feet in height above grade;
  - 6. Not animated; and
  - 7. Illuminated only from a concealed light source.
- C. Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to:
  - 1. Wall, window, and ground signs;
  - 2. No more than 1 sign per zone lot;
  - 3. No more than 5 square feet in area per face;
  - 4. No more than 6 feet above grade;
  - 5. Not illuminated or animated; and
  - 6. Placed within the zone lot and not in the public right-of-way.

### **SECTION 10.10.20 SPECIAL PROVISIONS FOR SIGNS IN CIVIC CENTER AREA**

#### **10.10.20.1 Civic Center Area**

Notwithstanding the other provisions of this Division 10.10, the provisions of this Section 10.10.20 shall apply to the Civic Center Area which is described as follows:

Lots 20--32, Block 206, East Denver, including Out Lot 5;

All of Block 233, East Denver, including Out Lot 4;

All of Block 232, East Denver, including Out Lot 3;

All of vacated Cleveland Place abutting Block 232, a.k.a. "Kenneth M. MacIntosh Park";

Lots 17--23, Block 231, East Denver;

Lots 7--26, Block 244, East Denver, and Side Lot 2 except the N 125 feet of Side Lot 2;

All of Block 267, East Denver, including Out Lot 1;

Lots 9--32, Block 5, Cheesman & Kasslers Addition, together with vacated alley abutting such lots;

Lots 6--40, Block 28, H.C. Browns Addition;

Lots 10--31, Block 37, H.C. Browns Addition;

Lots 10--21, Block 68, H.C. Browns Addition;

Lots 1--20, Block 67, H.C. Browns Addition;

Lots 1--11, Block 66, H.C. Browns Addition;

Lots 1--20 and Lots 31--40, Block 39, H.C. Browns Second Addition;

All of Block 25; Lots 1--8 and 30--40, Block 26, all in H.C. Browns Second Addition;

Lots 1--4 and 37--40, Block 42, H.C. Browns Second Addition;  
All of Blocks 21, 22, 23 and 24, Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60 Evans Addition;  
Lots 1--4 and 37--40, Block 43, Lots 1--4 and 37--40, Block 44, Lots 1--4 and 37--40, Block 45, Lots 1--4, Block 46, all in Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60, Evans Addition;  
Lots 1--4, Block 22, Lots 37--40, Block 23, Lots 1--20, Block 21, all in Witters First Addition;  
Lots 21--32, Block 20, Evans Subdivision of part of Block 20, Witters First Addition;  
The E 125 feet of N 200 feet of Block 20, E 125 feet of Block 11, all in Witters First Addition;  
Block 10, Evans and Eberts Subdivision of Block 10, Evans Addition and Block 10 in Witters First Addition; all of Block 9, Evans Subdivision;  
Civic Center Park, bounded on the north by West Colfax Avenue, on the east by Broadway Street, on the south by West 14th Avenue and on the west by Bannock Street;  
The State Capitol and grounds bounded by East Colfax Avenue on the north, Grant Street on the east, East 14th Avenue on the south and Broadway Street on the west.

#### 10.10.20.2 General

Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

#### 10.10.20.3 Purpose

The purpose of this Section is to provide for a required design review of all signs in the Civic Center Area, excluding window signs and temporary signs, and to provide design guidelines and recommended sign limitations. The intent of this design review for signs in the Civic Center Area is to prevent major visual intrusions into the Civic Center Area, to keep signage subordinate to the architecture and to provide information which will assist visitors.

#### 10.10.20.4 Permitted Sign Types and Recommended Limitations on Each

- A. **Ground sign.** 30 square feet per face, double face is permitted; 15 feet maximum height; if the zone lot has 125 feet or more, excluding parking lots, of street frontage, 1 ground sign is recommended and 2 are permitted; if there are 2 or more uses on the zone lot, no ground sign is permitted; and a ground sign must be set in a distance of not less than 5 feet from each front line. The proliferation of ground signs is intended to be avoided in the Civic Center Area.
- B. **Wall sign.** If non internally illuminated, 100 square feet of sign area is permitted for each sign with 2 signs per building frontage permitted; and if internally illuminated, 50 square feet of sign area is permitted for each sign with 1 sign per building frontage permitted. A wall sign may be larger if integrated into the architecture.
- C. **Projecting graphics.** Projecting graphics are permitted on land in the Civic Center Area which is located within the D-CV zone district, and the provisions of Section 10.10.17.4.A of this chapter shall be in full force and effect with respect to these projecting graphics.
- D. **Window sign.** 1 sign per use by right and no more than 5 square feet of sign area.
- E. **Temporary signs.** The provisions of Section 10.10.3.1.F shall be in full force and effect except that streamers are allowed for special events only, and the sign area must be less than 25 percent of maximum allowed sign area plus 30 percent of unused sign area allowed or 30 percent of the ground level window area with neither to exceed 50 square feet.

#### 10.10.20.5 Additional Limitations on Signs

Backlit awnings are not permitted on the Civic Center Area. The total sign area of all ground signs, wall signs and projecting graphics should not exceed 400 square feet.

#### **10.10.20.6 Review by Downtown Design Review Committee Advisory Board**

~~The design review committee (DRC) shall be the DRC. The Downtown Design Advisory Board shall review all applications for sign permits and comprehensive sign plans for compliance with this Section 10.10.20 and other applicable standards in Division 10.10, Signs, and make a recommendation to the Zoning Administrator for approval, approval with conditions, or denial. D-C district as provided in Section 10.10.17.5.A. The DRC shall have the powers and authorities described in this Section 10.10.20, and shall have the authority to adopt rules and regulations concerning its administrative procedures.~~

#### **10.10.20.7 Submission of a Single Sign or Multiple Sign Application**

- A. ~~The application for a sign permit shall be forwarded to the DRC. The DRC meeting to consider the application must be held within 20 days of receiving the application.~~
- B. ~~Sign design plans shall be submitted which shall contain accurate representations of the sign form and style including lettering, illumination, color and dimensions of each sign on the building or on the zone lot.~~
- C. ~~The application shall include photographic or drawn elevations of each building facade showing the proposed sign location and size, and a site plan, if needed, showing location and size of other signs to be placed on the zone lot.~~
- D. ~~The application may also contain such special requirements as required by the DRC.~~

#### **10.10.20.8 Design Review**

~~The DRC shall prepare a recommendation and submit it to the Zoning Administrator. Recommendations to the Zoning Administrator shall be returned from the DRC to the Zoning Administrator with reasons for approval, denial, or approval with revisions within 15 days of the DRC meeting at which the application is discussed unless resubmission or additional information is required. After taking into consideration the recommendation of the DRC, the Zoning Administrator shall approve or deny the permit.~~

#### **10.10.20.9 Compatibility Required Review Provisions**

The ~~Downtown Design Advisory Board DRC~~ may recommend approval of a sign permit or comprehensive sign plan for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the Civic Center Area. ~~and the DRC A determination of "compatibility"~~ shall be based ~~its compatibility determination~~ on the following criteria:

- A. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is placed.
- B. The compatibility of the type of illumination, if any, with the type of illumination in the area.
- C. The relationship of the scale, shape, placement and colors of the sign to the building or premises upon which it is to be displayed.
- D. The similarity or dissimilarity of the signage to other signage within the Civic Center Area and the compatibility of the materials used in the construction of the signs with other signage in the Civic Center Area.
- E. The quality and durability of the materials used in the signs such as steel, aluminum, bronze, and wood.
- F. The impacts of the proposed signs upon adjacent districts or properties.

## **SECTION 10.10.21 OUTDOOR GENERAL ADVERTISING DEVICES IN THE BILLBOARD USE OVERLAY ZONE DISTRICT**

### **10.10.21.1 Purpose and Applicability**

#### **A. Purpose**

Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

1. That the regulation of outdoor general advertising devices within the city is required in the interests of the economic prosperity, civic pride, quality of life and general welfare of the people;
2. That it is desirable to preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
3. That the regulation of outdoor general advertising devices will foster civic pride in the beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will protect property values, will protect and enhance the city's attraction to tourists and visitors and promote good urban design;
4. That the regulation of outdoor general advertising devices will strengthen and preserve the municipality's unique environmental heritage and enhance the quality of life of its citizens; and
5. That the regulation of outdoor general advertising devices within the city is necessary for the promotion of safety upon the streets and highways in the City and County of Denver.

#### **B. Applicability**

1. This Division shall govern and control the erection, remodeling, enlargement, moving, operation and maintenance of all outdoor general advertising devices, also known as "billboards", as they are permitted in the Billboard Use Overlay District (UO-2) in accordance with Section 9.4.4.7 and may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within 660 feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway.
2. Section 10.10.3.K of this Code provides a limited allowance for off-premises identification signs related to a public facility. For such off-premises identification signs, where permitted, the provisions of this Section 10.10.21 regulating outdoor advertising devices shall not apply.
3. Outdoor advertising devices may be erected and maintained in the D-TD zone district but only as permitted by a district sign plan authorized pursuant to Section 10.10.15. For such outdoor advertising devices in the D-TD zone district, the provisions of this Section 10.10.21 shall not apply.
4. Outdoor advertising devices may be erected and maintained in the DO-6 zone district but only as permitted by a district plan authorized under Section 9.4.5.10. For such outdoor

advertising devices in the DO-6 zone district, the provisions of this Section 10.10.21 shall not apply.

5. Except in the DO-6 Overlay District, outdoor advertising devices may be erected and maintained in the DIA zone district as permitted by the Manager of Aviation pursuant to Section 9.5.2.2. For such outdoor advertising devices in the DIA zone district, the provisions of this Section 10.10.21 shall not apply.
6. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to such devices; however, the provisions of Sections 10.10.1 through 10.10.20 of this Division 10 shall not apply to such devices, except, Section 10.10.2.2, Substitution of Messages Allowed, shall apply to all such devices.

#### **10.10.21.2 Permits**

##### **A. Devices Subject to a Permit**

Except as provided in Section 10.10.21.2.B., every outdoor general advertising device in existence in the City shall have a zoning permit on file with the Zoning Administrator and no outdoor general advertising device shall be erected without a zoning permit issued by the zoning administrator. Failure to obtain a permit when required shall be a violation of this Code.

##### **1. Permit Required for New Devices.**

Prior to the erection of a new general outdoor advertising device a permit shall be required.

##### **2. Annual Permit Required**

All permits for outdoor general advertising devices shall be renewed annually prior to March 31 of each successive year. Permits shall be issued without proration for periods of less than one (1) year.

##### **3. City Registration Number**

Each permitted device shall be issued a city registration number which shall be displayed on the device in a size, location and manner as prescribed by the Zoning administrator; provided, however, that outdoor general advertising devices existing prior to March 1, 2010, shall have 180 days to be brought into compliance with this requirement. The permittee shall be responsible to ensure that such number is maintained in a readily visible condition.

##### **4. Fees**

Outdoor general advertising devices shall be charged a fee at the time of application for a permit for

- a. A new device;
- b. Each annual renewal of a permit that has been previously issued; or
- c. Modification of a device.

##### **5. Permit to Modify an Existing Device**

Permits shall be required for any modification of an existing outdoor general advertising device; provided, however, that a permit for modification shall not be issued to or obtained by any party other than the current permit holder. "Modification" shall mean any change to the structure or message surface of the device other than as excepted below in Sections 10.10.21.2.A.5.a., b., and c. No permit shall be required for the following actions by the permit holder for an existing general outdoor advertising device:

- a. Replacing or changing advertising copy including, without limitation: the addition of an extension as allowed in Section 10.10.21.6; and wrapping the message surface(s) of a device, including the perimeter edge of the message surface(s)'



frame, with advertising copy, provided that the advertising copy faces the same direction as the existing message surface(s) and the total area of advertising copy does not exceed the total message surface allowed by the current permit for the device plus the addition of an extension as allowed in Section 10.10.21.6;

- b. Replacing or relocating a message surface on an existing device within 1 foot of the previous message surface; and
- c. Customary maintenance and repair including, without limitation: replacing a part with a like part; any repairs necessary to meet current safety standards; replacing electrical wiring and bulbs; painting and routine replacement of bolts, framing, border and trim.

#### **6. Creation of a New Device**

The following shall be treated as creating a new outdoor general advertising device:

- a. Replacing or relocating an existing message surface to a location that is more than 1 foot from the location of the previous message surface;
- b. Adding an additional message surface to an existing device except, however, adding extensions allowed pursuant to Section 10.10.21.6.

#### **7. Additional Requirements**

No permit for a new outdoor general advertising device shall be issued until an existing device or a combination of devices with at least equal square footage of message surface are removed by the applicant from the following areas in the following order:

- a. Those areas described in Sections 10.10.21.7.K, 10.10.21.7.L, 10.10.21.7.Q, 10.10.21.7.R, 10.10.21.7.S, 10.10.21.7.T, and 10.10.21.7.U, and any area restricted by the provisions of Section 3-23 of the Revised Municipal Code;
- b. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Section 10.10.21.2.A.7.a, above, then the exchange area shall be any area within 400 feet of a park or a structure or district designated for preservation pursuant to the provisions of Article I of Chapter 30 of the Revised Municipal Code; and
- c. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Sections 10.10.21.2.A.7.a and 10.10.21.2.A.7.b, above, then the exchange area shall be any area subject to the compensatory provisions of the Federal Highway Beautification Act.

#### **B. Devices Not Subject to a Permit**

The following outdoor general advertising devices may be erected in all districts without a permit:

- 1. Outdoor general advertising devices required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the devices are required or authorized.
- 2. Outdoor general advertising devices in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday or public health, safety or welfare campaign; provided that such devices shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any 1 year; and may be of any type, number, area, height, location or illumination.

#### **10.10.21.3 Permitted Types**

Ground signs or wall signs are permitted types.



#### **10.10.21.4 Permitted Maximum Number**

Only 1 outdoor general advertising device will be permitted in 1 location; provided, however, that:

- A. Two outdoor general advertising message surfaces may be placed in 1 location if they are placed on only 1 structure, have their message surfaces facing opposite directions and the message surfaces are not separated by more than 4 feet.
- B. Three outdoor general advertising message surfaces may be placed in 1 location if 1 of the message surfaces is at least 600 square feet in size and neither of the other 2 message surfaces are more than 300 square feet in size, if all 3 such surfaces are placed on only 1 structure, the 2 smaller surfaces face in the opposite direction from the larger surface, the 2 smaller surfaces are not separated from the larger surface by more than 4 feet and no part of either of the smaller surfaces extends beyond the outer edge of the larger surface by more than 3 feet.
- C. Four outdoor general advertising message surfaces may be placed in 1 location in an I-A or I-B zone district, provided the location is in the Billboard Overlay Use District and provided they are placed on 1 structure, consist of two 300 square foot message surfaces placed side-by-side with two 300 square foot message surfaces placed immediately to the back of the first surfaces, facing the opposite direction, and none of the message surfaces are separated by more than 4 feet.

#### **10.10.21.5 Permitted Maximum Area Per Message Surface**

No outdoor general advertising device shall have any single message surface more than 672 square feet in area plus up to an additional 80 square feet for extensions.

#### **10.10.21.6 Permitted Maximum Height**

- A. Except as permitted in Section 10.10.21.6.B, no outdoor general advertising device shall exceed a height of 45 feet above grade.
- B. Outdoor general advertising devices which are located within 200 feet of an elevated street or viaduct and whose messages are oriented to that elevated street or viaduct may have a maximum height not to exceed 25 feet above the roadway of such elevated street or viaduct. This measurement shall be made at the point nearest on the elevated street or viaduct from the outdoor general advertising device. Any outdoor general advertising device having a height in excess of 45 feet above grade which device is located within 200 feet of an elevated street or viaduct and whose message is oriented to that elevated street or viaduct shall be lowered or reconstructed to comply with the 45 feet height limitation as set forth in Section 10.10.21.6.A above or shall be lowered or reconstructed to a height not to exceed 25 feet above the roadway of the elevated street or viaduct if the street or viaduct is still elevated within 1 year after such elevated street or viaduct is lowered or removed.

#### **10.10.21.7 Permitted Location**

- A. No outdoor general advertising device with a message surface in excess of 79 square feet shall be located less than 500 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.
- B. No outdoor general advertising device with a message surface less than 80 square feet shall be located less than 300 feet from any other outdoor general advertising device which has a message surface less than 80 square feet on the same or opposite side of the street to which the message is oriented nor less than 200 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.
- C. In addition to the provisions of Subsections 10.10.21.7.A and 10.10.21.7.B, no outdoor general advertising device whose message is oriented to an elevated street or viaduct shall be located



less than 500 feet from any other outdoor general advertising device on the same or opposite side of the elevated street or viaduct to which the message is oriented.

- D. No outdoor general advertising device shall be erected within a distance of 400 feet of any public park measured from the inner curb line of the street which bounds the park or from the property line of the park, whichever is closer to the outdoor general advertising device.
- E. No outdoor general advertising device shall be erected within 400 feet of any Historic Structure.
- F. No outdoor general advertising device shall be located less than 125 feet from a residential district or a single or multiple unit dwelling.
- G. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard from Grove Street to I-25.
- H. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from I-25 to Wazee Street.
- I. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to Colorado Boulevard.
- J. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Colfax Avenue to Welton Street.
- K. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Welton Street to Blake Street.
- L. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 23rd Street/Fox Street from Blake Street to I-25.
- M. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 22nd Street from its intersection with Delgany Street to Blake Street.
- N. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 22nd Street from Blake Street to Glenarm Place.
- O. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 20th Street from Broadway Street to the center line of vacated Wewatta Street.
- P. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 21st Street from Broadway Street to Blake Street.
- Q. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of West Colfax Avenue from Federal Boulevard to Osage Street.
- R. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of West and East Colfax Avenue from Osage Street to Park Avenue.
- S. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Walnut Street viaduct and Auraria Parkway from Colfax Avenue to Speer Boulevard.
- T. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Lincoln Street from Speer Boulevard to Colfax Avenue.
- U. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Alameda Parkway from Knox Court to Sheridan Boulevard.
- V. Outdoor general advertising devices shall be oriented to only 1 specific street or highway through the construction of 1 or more message surfaces which shall be aligned at a perpendicular angle to the specific street or highway. Outdoor general advertising devices shall not be

oriented to local streets with an average daily traffic volume of less than 3,000 vehicles, parking lots, frontage roadways or access ramps to limited access highways.

**10.10.21.8 Permitted Structures**

The structural members, bracing and frame shall be constructed of noncombustible materials, and no ground outdoor general advertising device shall have more than 2 vertical structural members or poles.

**10.10.21.9 Permitted Illumination**

No outdoor general advertising device shall fit the definition of “Flashing Sign” in this Code; outdoor general advertising devices may be illuminated, but only from a concealed light source and shall not be illuminated between the hours of 1:00 a.m. and 6:00 a.m. Outdoor general advertising devices shall not have message surfaces made entirely or partly of light emitting diodes (LEDs). Any general outdoor advertising device with one or more LED message surfaces that was permitted prior to March 1, 2010, shall be considered a nonconforming outdoor general advertising device and shall be allowed to continue in operation and maintained in accordance with the provisions of Section 12.9.2. The LEDs on any such device may not flash, blink or fluctuate, or change in any manner more frequently than once per hour, must be dimmed at dusk, and may not be lit between the hours of 1:00 a.m. and 6 a.m.

**10.10.21.10 Animation Prohibited**

No outdoor general advertising device shall fit the definition of “animated sign” in this Code.

**10.10.21.11 Nonconforming Devices**

See Section 12.9.2., Nonconforming Outdoor General Advertising Devices.

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## **DIVISION 10.11 LIMITATIONS ON EXTERNAL EFFECTS OF USES**

### **SECTION 10.11.1 NOISE, VIBRATIONS, AIR POLLUTION / ODORS, & RADIOACTIVITY**

All land uses shall comply with the following limitations, which are subject to administration and enforcement by agencies and departments other than Community Planning and Development:

#### **10.11.1.1 Noise**

The regulations of Chapter 36 of the Denver Revised Municipal Code, Noise Control, as administered by the Department of Environmental Health, shall apply to all properties.

#### **10.11.1.2 Vibration**

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located. Vibrations from temporary construction and vehicles which leave the zone lot (such as trucks, trains, airplanes and helicopters) are excluded. This limitation on vibrations is administered by the Department of Environmental Health.

#### **10.11.1.3 Air Pollution and Odors**

The emission of any air contaminant or odor shall be regulated by the provisions of Chapter 4, Denver Revised Municipal Code, Air Pollution, as administered by the Department of Health and Hospitals.

#### **10.11.1.4 Radioactivity**

The airborne emission of radioactive material shall comply with the latest provisions of the State of Colorado Rules and Regulations pertaining to radiation control.

### **SECTION 10.11.2 OTHER EMISSIONS**

Emissions of electromagnetic radiation, heat, or glare shall comply with applicable standards adopted by city regulatory agencies; and in no case shall such emissions endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments, or interfere with the reasonable use and enjoyment of property located outside the zone lot on which a use is operated.

### **SECTION 10.11.3 CHANGE IN DRAINAGE PATTERNS**

#### **10.11.3.1 Proper Drainage**

Every zone lot shall provide and maintain proper drainage. Proper drainage is a system of drainage that:

- A. Provides for adequate drainage of water away from foundations in order to prevent dampness in basements, walls, ceilings or floors;
- B. Controls erosion; and
- C. Provides for natural or artificial drainage to adjacent public right-of-way, roadways or drainage infrastructure that have adequate drainage capacity to accept such flow or, when such drainage outlets are not available, provides drainage consistent with the historic and natural drainage patterns in a reasonable manner that will not adversely impact adjacent property.

#### **10.11.3.2 Drainage to Public Infrastructure**

Drainage directed to the public right-of-way, roadways, or drainage infrastructure shall be conveyed in a manner that complies with Article XV, Chapter 49, and Chapter 56 of the Denver Revised Municipal Code, and is administered by the Department of Transportation and Infrastructure.

#### **SECTION 10.11.4 TRUCK AND RAIL LOADING OPERATIONS**

Truck or railroad loading or unloading operations located within 200 feet of and abutting to a Residential Zone District shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m., or else shall be conducted entirely within an enclosed structure.

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## **DIVISION 10.12 INCENTIVES FOR AFFORDABLE HOUSING**

### **SECTION 10.12.1 HEIGHT INCENTIVES**

#### **10.12.1.1 Enhanced Affordable Housing**

**A. Intent**

To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building height.

**B. Applicability**

This Section 10.12.1.1 shall apply to the Apartment, General, and Shopfront primary building forms in the following zone districts.

**1. Suburban Context (S-)**

- a. Multi Unit (MU) zone districts: S-MU-3, S-MU-5, S-MU-8, S-MU-12, S-MU-20
- b. Commercial Corridor (CC) zone districts: S-CC-3, S-CC-3x, S-CC-5, S-CC-5x
- c. Mixed Use (MX) zone districts: S-MX-3, S-MX-3A, S-MX-5, S-MX-5A, S-MX-8, S-MX-8A, S-MX-12, S-MX-12A
- d. Main Street (MS) zone districts: S-MS-3, S-MS-5

**2. Urban Edge Context (E-)**

- a. Residential Mixed Use (RX) zone districts: E-RX-3, E-RX-5
- b. Commercial Corridor (CC) zone districts: E-CC-3, E-CC-3x
- c. Mixed Use (MX) zone districts: E-MX-3, E-MX-3A
- d. Main Street (MS) zone districts: E-MS-3, E-MS-5

**3. Urban Context (U-)**

- a. Residential Mixed Use (RX) zone districts: U-RX-3, U-RX-5
- b. Mixed Use (MX) zone districts: U-MX-3
- c. Main Street (MS) zone districts: U-MS-3, U-MS-5

**4. General Urban Context (G-)**

- a. Multi Unit (MU) zone districts: G-MU-3, G-MU-5, G-MU-8, G-MU-12, G-MU-20
- b. Residential Office (RO) zone districts: G-RO-3, G-RO-5
- c. Residential Mixed Use (RX) zone districts: G-RX-3, G-RX-5
- d. Mixed Use (MX) zone districts: G-MX-3
- e. Main Street (MS) zone districts: G-MS-3, G-MS-5

**5. Urban Center Context (C-)**

- a. Residential Mixed Use (RX) zone districts: C-RX-5, C-RX-8, C-RX-12
- b. Mixed Use (MX) zone districts: C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-MX-16, C-MX-20
- c. Main Street (MS) zone districts: C-MS-5, C-MS-8, C-MS-12

**6. Industrial Context (I-)**

- a. Mixed Use (MX) zone districts: I-MX-3, I-MX-5, I-MX-8, I-MX-12

### C. Exceptions

1. This Section 10.12.1.1 shall not apply to a Primary Structure where the total square footage of Parking Spaces and Parking Aisles comprises 50% or more of the total gross square footage of all Uses.
2. This Section 10.12.1.1 shall not apply to the Downtown Arapahoe Square 12+ and 20+ (D-AS-12+, D-AS-20+) zone districts or the Downtown Central Platte Valley - Auraria (D-CPV-T, D-CPV-R, D-CPV-C) zone districts. Refer to Article 8 for specific height incentive applicability and standards.

### D. Standards

1. A Structure that qualifies for the incentives for enhanced on-site compliance as set forth in D.R.M.C. Chapter 27, Article X Mandatory Affordable Housing and any applicable Rules and Regulations may develop to the maximum height with incentives set forth in the applicable building form table and summarized below.

MAXIMUM HEIGHT WITH INCENTIVES IN STORIES AND FEET			
ZONE DISTRICT	APARTMENT BUILDING FORM	GENERAL BUILDING FORM	SHOPFRONT BUILDING FORM
3-story zone districts	4/50'	4/55'	4/55'
5-story zone districts	7/90'	7/95'	7/95'
8-story zone districts	12/140'	12/150'	12/150'
12-story zone districts	16/185'	16/200'	16/200'
16-story zone districts	22/250'	22/275'	22/275'
20-story zone districts	30/340'	30/375'	30/375'

2. Maximum height with incentives may be limited if the Primary Structure is located near a Protected District per the rules set forth in the applicable building form standards and in Section 13.1.3.4 Height in Feet.

#### 10.12.1.2 Enhanced Linkage Fees

##### A. Intent

To encourage additional affordable housing linkage fee payments beyond mandatory requirements by providing flexibility in building height for nonresidential projects near high-capacity transit.

##### B. Applicability

This Section 10.12.1.2 shall apply to the General and Shopfront primary building forms on Zone Lots that have their nearest point within 1/2 mile of the outer boundary of a Rail Transit Station Platform and are located in Urban Center Residential Mixed Use (C-RX), Mixed Use (C-MX), or Main Street (C-MS) zone districts.

##### C. Standards

1. Notwithstanding the applicability of D.R.M.C. Chapter 27, Article X, Division 2, a A Primarily Nonresidential Structure that is primarily nonresidential may be developed to the maximum height with incentives set forth in the applicable building form table, if the applicant and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate. If the Primarily Nonresidential Structure contains 10 or more Dwelling Units, it must also provide income restricted units in an amount that complies with D.R.M.C. Sec. 27-224(a), may develop to the maximum height with incentives set forth in the applicable building form table. For

the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

MAXIMUM HEIGHT WITH INCENTIVES IN STORIES AND FEET		
ZONE DISTRICT	GENERAL BUILDING FORM	SHOPFRONT BUILDING FORM
3-story zone districts	4/55'	4/55'
5-story zone districts	7/95'	7/95'
8-story zone districts	12/150'	12/150'
12-story zone districts	16/200'	16/200'
16-story zone districts	22/275'	22/275'
20-story zone districts	30/375'	30/375'

2. Maximum height with incentives may be limited if the Primary Structure is located near a Protected District per the rules set forth in the applicable building form standards and in Section 13.1.3.4 Height in Feet.

## SECTION 10.12.2 FLOOR AREA PREMIUMS OR INCENTIVES

### 10.12.2.1 Intent

To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building floor area where applicable in Downtown Neighborhood Context (D-) zone districts.

### 10.12.2.2 Applicability

This Section 10.12.2 shall apply to the Downtown Core and Downtown Theater District (D-C/D-TD), Downtown Golden Triangle (D-GT), and Downtown Arapahoe Square (D-AS) zone districts.

### 10.12.2.3 Standards

Refer to Article 8 for specific floor area premium or incentive applicability and standards.

## SECTION 10.12.3 PARKING INCENTIVES

### 10.12.3.1 Intent

To encourage on-site affordable housing and mixed income development by reducing or eliminating vehicle parking requirements.

### 10.12.3.2 Standards

Refer to Section 10.4.5.1, Vehicle Parking Exemptions and Section 10.4.5.2 Alternative Minimum Vehicle Parking Ratios for specific applicability and standards.



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