

9.5.3.2 Effective Date of Overlay District Standards

The standards and limitations applicable in the DIA Influence Area Overlay Zone District shall apply only to properties rezoned according to this Code after June 25, 2010.

9.5.3.3 Land Use Restrictions

- A. Single unit and two unit dwellings are not permitted in the DIA Influence Area Overlay Zone District.
- B. Multi-unit dwellings, live/work dwellings, all uses categorized as group living uses in this Code, hospitals, bed and breakfasts, and all educational uses that include residential accommodations are not permitted in the DIA Influence Area Overlay Zone District north of 64th Avenue.
- C. Surface parking of vehicles is not permitted as a primary use of land in the DIA Influence Area Overlay Zone District. Garage parking is permitted.

9.5.3.4 Easement and Right-of-Way Required

On or before the date of approval of an official map amendment or approval of a site development plan for development in the DIA Influence Area Overlay Zone District, the property owner shall be required to grant an avigation easement and right-of-way to DIA for passage of aircraft in a form established by DIA and recorded in the Office of the Denver Clerk and Recorder.

9.5.3.5 Airport Disclosure Notice

See D.R.M.C. Chapter 5, Article IV, for disclosure notice requirements for residential dwelling units.

9.5.3.6 Noise Level Reduction Measures

See the Building Code of the City and County of Denver for noise mitigation construction requirements for multi-unit dwellings and schools.

B. Approval of Required Site Development Plan

When a Site Development Plan is required by Section 12.4.3, no zoning permit for construction shall be issued until a Site Development Plan is approved.

C. Payment of Gateway Regional Systems Development Fee

No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence and wall, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

D. Manager of Parks and Recreation Approval of Uses and Development in the OS-A District

No zoning permit for an applicable zone lot shall be issued for any use or development in an OS-A Zone District until the Manager of Parks and Recreation, or designee, has agreed to the approval of the zoning permit in writing.

E. Denver International Airport (DIA) Review of Uses and Development in the DIA Influence Area Overlay District (AIO)

No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the Zoning Administrator, shall be deemed a recommendation of approval.

12.4.1.4 Review Process

A. Initiation

The owner[s] of the subject property or the owner's authorized agent may initiate an application for zoning permit review.

B. Pre-Application Meeting

A pre-application meeting is optional before submittal of a zoning permit review application. See Section 12.3.2, Pre-Application Conference/Concept Plan Review.

C. Application and Fees

1. Submittal in Writing

All applications for zoning permit review shall be submitted in writing to Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications

The applicant may submit a zoning permit review application concurrent with the submittal of other applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit be issued until the zoning permit according to this Section is approved, unless the Zoning Administrator allows an exception in writing.

D. Review, Referral and Final Decision

The Zoning Administrator may refer the zoning permit application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application. The Zoning Administrator shall make a final decision to approve, approve with conditions, or deny the zoning permit application, taking into consideration relevant agency or other party comments.

such provision explicitly requires zoning permit review with informational notice and approval prior to establishment of the use.

- C. Deviations from the Sign Code permitted with a Comprehensive Sign Plan for Large Facilities authorized under Division 10.10, Signs.

12.4.2.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

A. Prohibitions on Activities Prior to Zoning Permit

No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

B. Payment of Gateway Regional Systems Development Fee

No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence and wall, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

C. Denver International Airport (DIA) Review of Uses and Development in the DIA Influence Area Overlay District (AIO)

No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the Zoning Administrator, shall be deemed a recommendation of approval.

12.4.2.4 Review Process

A. Initiation

The owner[s] of the subject property or the owner's or owners' authorized agent may initiate an application for zoning permit review with informational notice.

B. Pre-Application Meeting

A pre-application meeting is mandatory before submittal of an application for zoning permit review with informational notice. See Section 12.3.2, Pre-Application Meetings.

C. Application and Fees

1. Submittal in Writing

All applications for zoning permit review with informational notice shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications

The applicant may submit a zoning permit review with informational notice application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the zoning permit is issued according to this Section, unless the Zoning Administrator allows an exception in writing.

D. Informational Notice

1. Written and Posted Notice of Receipt of Application

Written and posted notice of receipt of application shall be provided according to Sections 12.3.4.5.A and 12.3.4.5.B.

1. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.
2. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Section 9.2.3.2.3, Construction Subject to Review and Final Decision by Planning Board.

E. Review, Referral and Decision by Development Review Committee

1. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
 - a. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the DRC, shall be deemed a recommendation of approval.
2. If required by Section 12.4.3.3.F, Review and Final Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.
3. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.
4. The DRC may attach conditions to the site development plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

F. Review and Final Decision by Planning Board

1. Applicability

The DRC shall forward the following site development plan applications to the Planning Board for the Planning Board's review and final decision:

a. Campus Healthcare Zone Districts

Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board.

2. Review and Decision by the Planning Board at Public Hearing

- a. The Planning Board shall hold a public hearing to review the site development plan application and make a final decision.
- b. The applicant shall provide written and posted public notice of such public hearing according to Section 12.3.4, Public Notice Requirements.
- c. The Planning Board shall review the DRC's recommendation, the actions taken by other agencies on the site development plan, as applicable, and the review criteria