

1 BY AUTHORITY

2 ORDINANCE NO.
3 SERIES OF 2010

COUNCIL BILL NO. 80
COMMITTEE OF REFERENCE:
BLUEPRINT DENVER

4
5 **A BILL**

6 **For an ordinance amending Division 3 (General Outdoor Advertising Devices)**
7 **of Article V (Signs) of Chapter 59 (Zoning), Denver Revised municipal Code,**
8

9 **WHEREAS**, the city council has determined on the basis of evidence and testimony presented at
10 the public hearing that the amendment set forth herein is in conformance with the
11 comprehensive plan, is justified by changed or changing conditions, and is reasonably necessary
12 to the promotion of the public health, safety and general welfare.

13 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
14 **DENVER:**

15 **Section 1.** Division 3 (Outdoor General Advertising Devices), of Article V (Signs) of
16 Chapter 59 (Zoning) of the Denver Revised Municipal Code, shall be amended by deleting the
17 words stricken below and adding the words underlined below to read and be read as follows:

18 **Sec. 59-561. Purpose and scope.**

19 (a) Upon consideration of a recommendation that an ordinance be enacted for the purpose of
20 preserving and protecting the health, safety and general welfare of the people of the city and
21 their property therein situate, the council finds:

22 (1) That the regulation of outdoor general advertising devices within the city is required in
23 the interests of the economic prosperity, civic pride, quality of life and general welfare of the
24 people;

25 (2) That it is desirable to preserve and perpetuate uncluttered and natural views for the
26 enjoyment and environmental enrichment of the citizens of the community and visitors hereto;

27 (3) That the regulation of outdoor general advertising devices will foster civic pride in the
28 beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will
29 protect property values, will protect and enhance the city's attraction to tourists and visitors and
30 promote good urban design;

31 (4) That the regulation of outdoor general advertising devices will strengthen and
32 preserve the municipality's unique environmental heritage and enhance the quality of life of its
33 citizens; and

1 (5) That the regulation of outdoor general advertising devices within the city is necessary
2 for the promotion of safety upon the streets and highways in the City and County of Denver.

3 (b) This division shall govern and control the erection, remodeling, enlargement, moving,
4 operation and maintenance of all outdoor general advertising devices, except those permitted in
5 the B-5-T zone district pursuant to a district sign plan as authorized under section 59-556.
6 Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or
7 regulation applicable to such devices, except that the provisions of divisions 1 and 2 of this
8 article and the provisions of article IX, nonconforming uses and structures, of this chapter shall
9 not apply to such devices.

10 **Sec. 59-562. Permits.**

11 (a) *Devices subject to a permit.* Except as provided in ~~subsection~~ 59-562(b), every outdoor
12 general advertising device in existence in the City and County shall have a zoning permit on file
13 with the zoning administrator and no outdoor general advertising device shall be erected, altered
14 or maintained until without a zoning permit shall have been issued by the zoning administrator
15 department of zoning administration. Failure to obtain a permit when required shall be deemed a
16 violation of this chapter.

17 (1) Permit required for new device. Prior to the erection of a new general outdoor
18 advertising device a permit shall be required.

19 (2) Annual inspection permit required. ~~Any outdoor general advertising device existing as~~
20 ~~of December 31, 1987, shall require an inspection permit prior to March 31, 1988. Such permit~~
21 ~~shall be renewed annually. All permits for outdoor general advertising devices erected after~~
22 ~~December 31, 1987, shall be renewed annually prior to March 31 of each successive year.~~
23 Permits shall be issued without proration for periods of less than one (1) year.

24 (3) City registration number. Each permitted device shall be issued a city registration
25 number which shall be displayed on the device in a size, location and manner as prescribed by
26 the zoning administrator; provided, however, that outdoor general advertising devices existing
27 prior to March 12, 2010 shall have one-hundred and eighty (180) days to comply with this
28 requirement. The permittee shall be responsible to ensure that such number is maintained in a
29 readily visible manner.

30 (24) *Fees.* ~~Outdoor general advertising devices existing on December 31, 1987, and~~
31 ~~any device built thereafter shall be charged the fee of two hundred twenty five (225.00) dollars~~
32 ~~listed below at the time of application for a permit for: if no permit has previously been issued for~~
33 ~~the~~

- ~~a. A new device; or at the time of first~~
- ~~b. Each annual renewal if of a permit that has been previously issued; or~~
- ~~c. A permit to modify a device.; provided, however, that outdoor general advertising devices located within six hundred sixty (660) feet of a street which is classified as part of a state or interstate highway system shall be exempt from the annual fee after the initial application or first renewal.~~

Area of Individual Message Face	Fee
0 to 250 square feet	\$20.00
251 to 600 square feet	40.00 -
601 square feet or more	75.00

(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 59-562(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 59-566; 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 59-566;

b. Replacing or relocating a message surface on an existing device within one (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:

1 a. Replacing or relocating an existing message surface to a location that is greater
2 than one (1) foot from the location of the previous message surface;

3 b. Adding an additional message surface to an existing device (except, however, for
4 adding extensions allowed pursuant to section 59-566); and

5 c. The placement of an outdoor general advertising device at a location where a
6 device was previously removed or the permit holder relinquished the permit.

7 (7) *Additional requirements.* No permit for a new outdoor general advertising device
8 shall be issued until an existing device or a combination of devices with at least equal square
9 footage of message surface are removed by the applicant from the following areas in the
10 following order:

11 a. Those areas described in sections 59-568(k), 59-568(l), 59-568(m), 59-568(n), 59-
12 568(o), 59-568(p) and 59-568(p.5) and any area restricted by the provisions of section 3-
13 23 of the Revised Municipal Code;

14 b. After all of the nonconforming outdoor general advertising devices are removed
15 from the areas listed in section 59-562 (a)(7), above, then the exchange area shall be any
16 area within four hundred (400) feet of a park or a structure or district designated for
17 preservation pursuant to the provisions of article I of chapter 30 of the Revised Municipal
18 Code; and

19 c. After all of the nonconforming outdoor general advertising devices are removed
20 from the areas listed in sections 59-562 (a)(7) and 59-562(a)(8), above, then the
21 exchange area shall be any area subject to the compensatory provisions of the Federal
22 Highway Beautification Act.

23 (8) Any general outdoor advertising device in existence as of March 12, 2010, and as it
24 existed as of March 12, 2010, shall be deemed to have satisfied section 59-562(a)(7).

25 (b) *Devices not subject to a permit.* The following outdoor general advertising devices may be
26 erected in all districts without a permit:

27 (1) Outdoor general advertising devices required or specifically authorized for a public
28 purpose by any law, statute or ordinance; may be of any type, number, area, height above
29 grade, location, illumination or animation, authorized by the law, statute or ordinance under
30 which the devices are required or authorized.

31 (2) Outdoor general advertising devices in the nature of decorations, clearly incidental
32 and customary and commonly associated with any national, local or religious holiday or public
33 health, safety or welfare campaign; provided that such devices shall be displayed for a period of

1 not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year; and
2 may be of any type, number, area, height, location or illumination.

3 **Sec. 59-563. Permitted zones.**

4 Outdoor general advertising devices may be erected or maintained only in zoning districts B-4,
5 B-8, I-1 and I-2, and, notwithstanding section 509-186(a), may be erected or maintained on a
6 zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful
7 to erect or remodel within six hundred sixty (660) feet of the edge of the right-of-way of a freeway
8 any outdoor general advertising device the face of which is visible from the main-traveled way of
9 the freeway. Outdoor advertising devices may be erected and maintained in the B-5-T zone
10 district but only as permitted by a district sign plan authorized pursuant to section 59-556. For
11 such outdoor advertising devices in the B-5-T zone district the provisions of this division shall not
12 apply.

13 **Sec. 59-564. Permitted types.**

14 Ground signs or wall signs are permitted types.

15 **Sec. 59-565. Permitted maximum number.**

16 Only one (1) outdoor general advertising device will be permitted in one (1) location; provided,
17 however, that:

18 (1) Two (2) outdoor general advertising message surfaces may be placed in one (1)
19 location if they are placed on only one (1) structure, have their message surfaces facing opposite
20 directions and the message surfaces are not separated by more than four (4) feet.

21 (2) Three (3) outdoor general advertising message surfaces may be placed in one (1)
22 location if one (1) of the message surfaces is at least six hundred (600) square feet in size and
23 neither of the other two (2) message surfaces are more than three hundred (300) square feet in
24 size, if all three (3) such surfaces are placed on only one (1) structure, the two (2) smaller
25 surfaces face in the opposite direction from the larger surface, the two (2) smaller surfaces are
26 not separated from the larger surface by more than four (4) feet and no part of either of the
27 smaller surfaces extends beyond the outer edge of the larger surface by more than three (3)
28 feet.

29 (3) Four (4) outdoor general advertising message surfaces may be placed in one (1)
30 location in an I-1 or I-2 zone district if they are placed on one (1) structure, consist of two (2)
31 three hundred (300) square foot message surfaces placed side-by-side with two (2) other three
32 hundred (300) square foot message surfaces placed immediately to the back of the first

1 surfaces, facing the opposite direction, and none of the message surfaces are separated by
2 more than four (4) feet.

3 **Sec. 59-566. Permitted maximum area per message surface.**

4 No outdoor general advertising device shall ~~be~~ have any single message surface more than six
5 hundred seventy-two (672) square feet in area plus up to an additional eighty (80) square feet for
6 extensions.

7 **Sec. 59-567. Permitted maximum height.**

8 (a) Except as permitted in ~~subsection~~ 59-567(b), no outdoor general advertising device shall
9 exceed a height of forty-five (45) feet above grade.

10 (b) Outdoor general advertising devices which are located within two hundred (200) feet of an
11 elevated street or viaduct and whose messages are oriented to that elevated street or viaduct
12 may have a maximum height not to exceed twenty-five (25) feet above the roadway of such
13 elevated street or viaduct. This measurement shall be made at the point nearest on the elevated
14 street or viaduct from the outdoor general advertising device. Any outdoor general advertising
15 device having a height in excess of forty-five (45) feet above grade which device is located within
16 two hundred (200) feet of an elevated street or viaduct and whose message is oriented to that
17 elevated street or viaduct shall be lowered or reconstructed to comply with the forty-five (45) feet
18 height limitation as set forth in section 59-567(a) above or shall be lowered or reconstructed to a
19 height not to exceed twenty-five (25) feet above the roadway of the elevated street or viaduct if
20 the street or viaduct is still elevated within one (1) year after such elevated street or viaduct is
21 lowered or removed.

22 **Sec. 59-568. Permitted location.**

23 (a) No outdoor general advertising device with a message surface in excess of seventy-nine
24 (79) square feet shall be located less than five hundred (500) feet from any other outdoor
25 general advertising device which has a message surface in excess of seventy-nine (79) square
26 feet on the same or opposite side of the street to which the message is oriented.

27 (b) No outdoor general advertising device with a message surface less than eighty (80) square
28 feet shall be located less than three hundred (300) feet from any other outdoor general
29 advertising device which has a message surface less than eighty (80) square feet on the same
30 or opposite side of the street to which the message is oriented nor less than two hundred (200)
31 feet from any other outdoor general advertising device which has a message surface in excess
32 of seventy-nine (79) square feet on the same or opposite side of the street to which the message
33 is oriented.

- 1 (c) In addition to the provisions of ~~subsections~~ 59-568(a) and (b), no outdoor general
2 advertising device whose message is oriented to an elevated street or viaduct shall be located
3 less than five hundred (500) feet from any other outdoor general advertising device on the same
4 or opposite side of the elevated street or viaduct to which the message is oriented.
- 5 (d) No outdoor general advertising device shall be erected within a distance of four hundred
6 (400) feet of any public park measured from the inner curb line of the street which bounds the
7 park or from the property line of the park, whichever is closer to the outdoor general advertising
8 device.
- 9 ~~Except with the written approval of the preservation commission, n~~No outdoor general
10 advertising device shall be erected within four hundred (400) feet of any structure or district
11 designated for preservation pursuant to the landmark preservation ordinance in chapter 30.
- 12 (f) No outdoor general advertising device shall be located less than one hundred and twenty-
13 five (125) feet from a residential district or a single or multiple unit dwelling.
- 14 (g) No outdoor general advertising device shall be located within one hundred (100) feet of the
15 edge of the right-of-way of Speer Boulevard from Grove Street to I-25.
- 16 (h) No outdoor general advertising device shall be located within six hundred sixty (660) feet of
17 the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from I-25 to Wazee
18 Street.
- 19 (i) No outdoor general advertising device shall be located within one hundred (100) feet of the
20 edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to
21 Colorado Boulevard.
- 22 (j) No outdoor general advertising device shall be located within one hundred (100) feet of the
23 edge of the right-of-way of Park Avenue/23rd Street from Colfax Avenue to Welton Street.
- 24 (k) No outdoor general advertising device shall be located within one hundred (100) feet of the
25 edge of the right-of-way of Park Avenue/23rd Street from Welton Street to Blake Street.
- 26 (l) No outdoor general advertising device shall be located within six hundred sixty (660) feet of
27 the edge of the right-of-way of 23rd Street/Fox Street from Blake Street to I-25.
- 28 (l.1) No outdoor general advertising device shall be located within six hundred sixty (660) feet of
29 the edge of the right-of-way of 22nd Street from its intersection with Delgany Street to Blake
30 Street.
- 31 (l.2) No outdoor general advertising device shall be located within one hundred (100) feet of the
32 edge of the right-of-way of 22nd Street from Blake Street to Glenarm Place.

1 (l.3) No outdoor general advertising device shall be located within one hundred (100) feet of the
2 edge of the right-of-way of 20th Street from Broadway Street to the center line of vacated
3 Wewatta Street.

4 (l.4) No outdoor general advertising device shall be located within one hundred (100) feet of the
5 edge of the right-of-way of 21st Street from Broadway Street to Blake Street.

6 (m) No outdoor general advertising device shall be located within six hundred sixty (660) feet of
7 the edge of the right-of-way of West Colfax Avenue from Federal Boulevard to Osage Street.

8 (n) No outdoor general advertising device shall be located within one hundred (100) feet of the
9 edge of the right-of-way of West and East Colfax Avenue from Osage Street to Park Avenue.

10 (o) No outdoor general advertising device shall be located within six hundred sixty (660) feet of
11 the edge of the right-of-way of Walnut Street viaduct and Auraria Parkway from Colfax Avenue to
12 Speer Boulevard.

13 (p) No outdoor general advertising device shall be located within one hundred (100) feet of the
14 edge of the right-of-way of Lincoln Street from Speer Boulevard to Colfax Avenue.

15 (p.5) No outdoor general advertising device shall be located within one hundred (100) feet of
16 the edge of the right-of-way of Alameda Parkway from Knox Court to Sheridan Boulevard.

17 (q) Outdoor general advertising devices shall be oriented to only one (1) specific street or
18 highway through the construction of one (1) or more message surfaces which shall be aligned at
19 a perpendicular angle to the specific street or highway. Outdoor general advertising devices shall
20 not be oriented to local streets with an average daily traffic volume of less than three thousand
21 (3,000) vehicles, parking lots, frontage roadways or access ramps to limited access highways.

22 **Sec. 59-569. Permitted structures.**

23 The structural members, bracing and frame shall be constructed of noncombustible materials,
24 and no ground outdoor general advertising device shall have more than two (2) vertical structural
25 members or poles.

26 **Sec. 59-570. Permitted illumination.**

27 No outdoor general advertising device shall flash, blink or fluctuate; outdoor general advertising
28 devices may be illuminated, but only from a concealed light source and shall not be illuminated
29 between the hours of 1:00 a.m. and 6:00 a.m. Outdoor general advertising devices may not
30 have message surfaces made entirely or partly of light emitting diodes (LEDs). Any general
31 outdoor advertising device with one or more LED message surfaces that was permitted prior to
32 March 1, 2010, shall be considered a nonconforming general outdoor advertising device and
33 shall be allowed to continue in operation and be maintained in accordance with the provisions of

1 section 59-572. The LEDs on such device may not flash, blink or fluctuate, or change in any
2 manner more frequently than once per hour, must be dimmed at dusk and may not be lit
3 between the hours of 1:00 a.m. and 6 a.m.

4 **Sec. 59-571. Animation.**

5 No outdoor general advertising device shall be animated.

6 **Sec. 59-572. Nonconforming devices.**

7 (a) *Definition.* A nonconforming outdoor general advertising device shall be any such device
8 which:

9 (1) On the effective date of this chapter was lawfully maintained and had been lawfully
10 erected in accordance with the provisions of any prior zoning ordinance, but which sign does not
11 conform to the limitations established by this chapter; or

12 (2) On or after the effective date of this chapter was lawfully maintained and erected in
13 accordance with the provisions of this chapter, but which device by reason of amendment to this
14 chapter after the effective date thereof, does not conform to the limitations resulting from such
15 amendment.

16 (b) *Continuance.* Subject to the termination hereinafter provided, any nonconforming outdoor
17 general advertising device in existence as of January 1, 2010 may be continued in operation and
18 maintained after ~~the effective date of this chapter~~ January 1, 2010; provided, however, that after
19 January, 1, 2010, no such device shall be ~~changed in any manner~~ modified, as "modification" is
20 defined in section 59-562(a)(5). ~~that increases the noncompliance of such device with the~~
21 ~~provisions of this chapter; and, provided further, that the~~ The burden of establishing such a
22 device to be nonconforming under this section rests entirely upon the person claiming a
23 nonconforming status for an outdoor general advertising device.

24 (c) *Termination:*

25 (1) *By abandonment.* Abandonment of a nonconforming outdoor general advertising
26 device shall terminate immediately the right to maintain such device. If a message surface is
27 vacant or contains obsolete advertising copy for any six consecutive month period, it shall be
28 deemed to be abandoned. A "vacant" message surface shall mean a message surface that is
29 void of any message content and shall not include a message surface displaying the name of the
30 permit holder's business, a public service announcement or "for rent", "available for lease" or any
31 similar message. "Obsolete advertising copy" shall mean advertising copy which pertains to an
32 event or activity which has already occurred.

1 (2) *By violation of chapter.* Any violation of this chapter, except for the failure to
2 continuously display a city registration number on a device as required by section 59-562(a)(1),
3 shall terminate immediately the right to maintain a nonconforming outdoor general advertising
4 device. In the event a city registration number which was displayed on a nonconforming general
5 advertising device in conformance with section 59-562(a)(1) becomes detached or unreadable,
6 the permit holder shall have ninety (90) days from receipt of notice of such violation to cure the
7 violation.

8 (3) *By destruction, damage or obsolescence.* The right to maintain any nonconforming
9 outdoor general advertising device shall terminate and shall cease to exist whenever the device
10 is damaged or destroyed, from any cause whatsoever and the cost of repairing such damage or
11 destruction exceeds fifty (50) percent of the replacement cost of such device on the date of such
12 damage or destruction; or whenever the device becomes obsolete or substandard under any
13 applicable ordinance of the city to the extent that the device becomes a hazard or a danger.

14 ~~(4) *By amortization:*~~

15 ~~a. The right to maintain a nonconforming outdoor general advertising device which has a~~
16 ~~message surface in excess of eight hundred (800) square feet or which is located in any zone~~
17 ~~district other than B-4, B-5, B-8, I-1 and I-2 shall terminate five (5) years after the date of~~
18 ~~enactment of the ordinance from which this division was derived.~~

19 ~~b. In addition to the provisions of subsection (c)(4)a., the right to maintain a nonconforming~~
20 ~~outdoor general advertising device which exceeds the maximum height limitations contained in~~
21 ~~section 59-567 shall terminate ten (10) years after the date of enactment of the ordinance from~~
22 ~~which this division was derived; provided, however, that any such device may be lowered or~~
23 ~~reconstructed to conform to the height limitations contained in section 59-567 even though the~~
24 ~~device might still be nonconforming for other reasons under this division so long as the lowering~~
25 ~~or reconstruction does not increase in any manner any such other noncompliance.~~

26 ~~c. The right to maintain a nonconforming outdoor general advertising device which violates any~~
27 ~~of the limitations contained in section 59-568(g), section 59-568(h), section 59-568(i) and/or~~
28 ~~section 59-568(j) shall terminate five (5) years after the date of enactment of the ordinance from~~
29 ~~which this provision was derived.~~

30 ~~d. Except for outdoor general advertising devices located within one hundred (100) feet of the~~
31 ~~edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to~~
32 ~~Broadway, which shall remain subject to the provisions of section 59-572(c)(4)c., the right to~~
33 ~~maintain a nonconforming outdoor general advertising device erected prior to January 1, 1988,~~

1 ~~shall not be affected by the provisions of sections 59-572(c)(4)a. and 59-572(c)(4)c. of the~~
2 ~~Revised Municipal Code of the City and County of Denver, and the right to maintain a~~
3 ~~nonconforming outdoor general advertising device erected prior to January 1, 1988, shall not be~~
4 ~~required to be terminated as provided in said sections 59-572(c)(4)a. and 59-572(c)(4)c.~~

5 (d) Removal: Termination of a nonconforming outdoor general advertising device as set forth in
6 section 59-572(c) shall require its immediate removal. Furthermore, no device that is terminated
7 pursuant to section 59-572(c) and removed pursuant to this section 59-572(d) shall receive credit
8 under 59-562(a)(7) to be used for a new device.

9 COMMITTEE APPROVAL DATE: 1/27/2010.

10 MAYOR-COUNCIL DATE: 2/2/2010.

11 PASSED BY THE COUNCIL _____ 2010

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR _____ 2010

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER
17

18 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2010; _____ 2010

19 PREPARED BY: Kerry A. Buckey, Assistant City Attorney 1/28/2010

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
21 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
23 § 3.2.6 of the Charter.

24 David R. Fine, City Attorney

25 BY: _____, _____ City Attorney