

BY AUTHORITY

ORDINANCE NO. *44*
SERIES OF ²⁰¹⁰~~2009~~

COUNCIL BILL NO. **767** SERIES 2009

COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance relating to Chapter 59 (Zoning), Denver Revised municipal Code, amending section 59-537(c) (Signs subject to a comprehensive sign plan).

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

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

Section 1. Section 59-537(c) (signs subject to a comprehensive sign plan), of Chapter 59 (Zoning) of the Denver Revised Municipal Code, shall be amended by deleting the words stricken below and adding the words underlined below to read and be read as follows:

Sec. 59-537(c) *Signs subject to a comprehensive sign plan.* Notwithstanding more restrictive provisions of article V, signs, ~~certain~~ large facilities may have signs according to an approved comprehensive sign plan for the facility.

(1) ~~Intent. These provisions may be used where a facility operator can prove a clear need for additional signage.~~ The intent of these provisions is to allow flexibility in the size, type and location of signs identifying the use and location of ~~certain~~ 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 uses 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 the 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 subsection 59-537(c) ~~for a recommendation for denial, approval or approval with conditions.~~

(2) *Description of qualifying uses.* These provisions shall apply to large facilities located on a zone lot in non-residential ~~a PRV, B-5, I-1, I-2, C-MU-20 or C-MU-30 zone districts.~~ ~~used for~~

1 recreational, amusement, cultural, sports, meeting hall or entertainment uses. (Examples of
2 these include museums, botanical and zoological exhibits, aquariums and similar uses.) Such
3 facilities must have a minimum ground floor area of fifty thousand (50,000) square feet, or a
4 minimum zone lot area of one hundred thousand (100,000) square feet. They may consist of
5 one (1) or more buildings but the site must consist of contiguous zone lots. Streets or alleys
6 do not destroy the contiguity of adjacent zone lots for the purpose of this subsection 59-
7 537(c).

8 (3) *Process to establish a comprehensive sign plan.*

- 9 a. *Plan submittal.* The following items and evidence shall be submitted to the zoning
10 ~~department administrator~~ to explain a proposed comprehensive sign plan for a facility:
- 11 1. A site plan or improvement survey of the facility drawn to scale showing existing and
12 proposed buildings, parking areas, landscaped areas, adjoining streets and alleys. A
13 comprehensive sign plan may be a component of a General Development Plan;
 - 14 2. Scaled drawings showing the elevations of all existing and all proposed buildings and
15 structures that may support proposed signage;
 - 16 3. Design descriptions of all signs, including allowable sign shapes, sizes, typography,
17 lighting, exposed structure, colors, and materials, and any information on the
18 frequency of changeable graphics;
 - 19 4. All information on sign location shall also be provided: wall elevations drawn to scale
20 showing locations of wall, window, projecting, and roof signs, and site plans drawn to
21 scale showing allowable locations and heights of ground signs;
 - 22 5. Calculations of sign area and number.

23 ~~The plans and evidence received by the zoning department shall be forwarded to the planning~~
24 ~~office for review.~~

- 25 b. *Notice to others.* The ~~department administrator~~ shall see that notices are placed on the
26 property by the applicant no later than fifteen (15) days after receipt of the application for
27 the proposed plan by the zoning department. The zoning ~~department administrator~~ shall
28 also send notice of the proposed plan to neighborhood organizations which are registered
29 pursuant to the provisions of ~~section 41-19(e)~~ Article III, Chapter 12 of the Revised
30 Municipal Code and whose boundaries are within three thousand (3,000) feet of the
31 boundary line of the zone lot of the large facility. The zoning ~~department administrator~~
32 shall also send notices to the city councilmembers in whose district the large facility is
33 located, and to the at large councilmembers. Such notice shall require that written

1 comments be submitted to the zoning ~~department~~ administrator by those persons having
2 a concern with respect to the proposal within thirty (30) days of the date of the notification.
3 If the facility site falls within ~~or is adjacent to~~ a district designated for preservation or the
4 area of a structure designated for preservation pursuant to the provisions of chapter 30 of
5 the Revised Municipal Code, the zoning ~~department~~ administrator shall notify the
6 Landmark Preservation Commission regarding the proposal.

7 c. ~~Adoption Forwarding of a proposed comprehensive sign plan.~~ The ~~planning office staff~~
8 zoning administrator shall consider the concerns expressed by members of the public,
9 neighborhood organizations and councilmembers, and shall evaluate the proposed plan
10 according to the criteria listed below and shall send the proposed plan and a
11 recommendation for approval, denial or approval with conditions to the planning board.
12 ~~The planning office staff shall prepare a recommendation for denial, approval, or approval~~
13 ~~with conditions, no later than forty-five (45) days after receipt of the plan by the zoning~~
14 ~~department; and shall forward its recommendation to the zoning department no later than~~
15 ~~fifteen (15) days following the preparation of the recommendation.~~

16 d. ~~Criteria for review.~~ The criteria for reviewing proposed comprehensive sign plans are as
17 follows:

18 1. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the
19 context.

20 2. Signs shall not be oriented or illuminated so that they adversely affect the surrounding
21 area, particularly existing nearby residential uses or structures. Examples of adverse
22 effects are glare from intense illumination, and large signs or structures which visually
23 dominate an area.

24 3. Roof signs ~~should~~ shall not be allowed unless such signs are designed to appear as
25 an integral part of the building to which they are attached. Such roof signs shall not
26 extend above any building height limit or zoning bulk plane. No flashing, blinking,
27 fluctuating, animated or portable roof sign is allowed.

28 4. The comprehensive sign plan shall include design guidelines to ensure that aAll
29 features of the sign proposed signage, including the illumination, support structure,
30 color, lettering, height, and location, shall be designed to that it will be an attractive
31 and complementary feature of the building which it serves.

- ~~4. The name of a sign sponsor or activity sponsor may be shown on a sign providing it does not occupy more than one (1) percent of the sign area; provided, however, outdoor general advertising devices shall not be allowed.~~
 5. 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 subsection 59-537(c) is to encourage exciting, iconographic, and inventively illuminated signage.
 6. Signs shall be professionally designed and fabricated from quality, durable materials.
 7. The name of a sign sponsor or activity sponsor may be shown on a sign providing it does not occupy more than one (1) percent of the sign area; provided, however, outdoor general advertising devices shall not be allowed. ~~Projecting signs may be allowed as part of the sign plan if they conform to the purpose of the vital signs provisions, section 59-554, special provisions for the B-5 and B-7 districts. Within the B-5 zone, projecting signs would be allowed so long as they comply with all the requirements of the above referenced provisions.~~
 - ~~8. In general, greater latitude in sign number, type, and area may be allowed for large projects under this subsection 59-537(c) so long as the sign plan exhibits design excellence, inventiveness, and sensitivity to the context.~~
 9. Signs for accessory uses, which are prohibited by other provisions of article V, are allowed as a part of an approved sign plan.
- e. ~~*Automatic rReview by the planning board.* Sign plan proposals that exceed the sign areas listed below for different sized projects shall be forwarded to the planning board after the preparation of a planning office staff recommendation:~~
- ~~One thousand two hundred (1,200) square feet of sign area for facilities with a building coverage of at least fifty thousand (50,000) square feet and/or a zone lot area from one hundred thousand (100,000) square feet to two hundred thousand (200,000) square feet;~~
- ~~One thousand eight hundred (1,800) square feet of sign area for facilities with a building coverage of at least one hundred thousand (100,000) square feet and/or a zone lot area from two hundred thousand one (200,001) square feet to four hundred thousand (400,000) square feet; or~~
- ~~Two thousand four hundred (2,400) square feet of sign area for facilities with a building coverage of at least one hundred fifty thousand (150,000) square feet and/or a zone lot area of four hundred thousand one (400,001) square feet and above.~~

1 1. The planning board shall hold a meeting and shall require that notices be placed on
2 the property by the applicant at least fifteen (15) days prior to the meeting. The
3 planning board shall also send notice of the proposed plan to neighborhood
4 organizations which are registered pursuant to the provisions of ~~section 41-19(e)~~
5 Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within
6 three thousand (3,000) feet of the boundary line of the zone lot of the large facility. The
7 planning board shall also send notices to the councilmembers in whose district the
8 large facility is located, and to the at large councilmembers. Such notices shall be sent
9 at least thirty (30) days prior to the hearing.

10 2. The planning board shall review the ~~planning office~~ zoning administrator's
11 recommendation, the concerns of the public and the criteria for review, and shall adopt
12 a recommendation for denial, approval or approval with conditions. The planning board
13 recommendation shall be forwarded to the zoning ~~department administrator~~
14 than fifteen (15) days following the adoption of the recommendation.

15 f. ~~[Notification.]~~ Action. The zoning administrator shall ~~notify the applicant and any person~~
16 ~~or organization which expressed concerns over the plan of the recommendation for~~
17 ~~denial, approval or approval with conditions~~ take action on the proposed comprehensive
18 sign plan within fifteen (15) days after the receipt by the zoning ~~department~~ administrator
19 of the planning board's recommendation. The zoning administrator's action, which shall
20 be approval, approval with conditions or denial of the proposed plan, shall take into
21 consideration the criteria for review, the recommendation of the ~~planning office~~ and/or the
22 planning board as well as public input ~~in the issuance of any sign permits for the facility.~~
23 Upon taking action, the zoning administrator shall notify the applicant, appropriate
24 councilmembers and any registered neighborhood organization which expressed
25 concerns over the plan, either in writing or at the planning board public hearing, of the
26 action taken.

27 g. Changes to the plan. Any sign changes or additions requested for the facility after the
28 approval of the comprehensive sign plan must be reviewed according to the provisions of
29 this ~~subsection~~ 59-537(c).

30 h. Effect of the comprehensive sign plan approval. Once a comprehensive sign plan is
31 approved for a large facility, all signs for that facility shall be reviewed to ensure
32 compliance with the sign plan before a permit is issued.

33 (4) Other pPermitted signs.

1 a. Signs described and regulated by subsection 59-537(b)(5), signs giving parking or traffic
2 directions, and inflatables and balloons and/or streamers/pennants as described and
3 regulated by subsection 59-537(b)(9), need not be included in the comprehensive plan.
4 However, other signs permitted by subsection 59-537(b), signs subject to a permit, must
5 be included in the comprehensive sign plan.

6 b. Projecting signs may be allowed as part of the sign plan if they conform to the purpose of
7 the vital signs provisions, section 59-554, special provisions for the B-5 and B-7 districts.
8 Except in districts for preservation or on structures for preservation, determination of
9 compliance with 59-554 shall be made by the zoning administrator. In districts for
10 preservation or on structures for preservation determination of compliance with 59-554
11 shall be made by the Landmark Preservation Commission or the Lower Downtown Design
12 Review Board as appropriate.

13 c. Flashing, blinking, moving or fluctuating signs shall not be allowed except when the sign
14 is a projecting sign which is readable only from the 16th Street Mall, in which case the
15 provisions of 59-554(d)(3) shall apply.

16 (5) [Rules and regulations.] The planning board has the authority to adopt rules and regulations
17 concerning the its review of comprehensive sign plans.

18 (6) [Fee.] The fee for review of a comprehensive sign plan for large facilities is five hundred
19 dollars (\$500.00) per facility.

20 COMMITTEE APPROVAL DATE: 12/9/2009.

21 MAYOR-COUNCIL DATE: 12/15/2009.

22 PASSED BY THE COUNCIL

January 19

2010

23 *Jeannette Ebb*

- PRESIDENT

24 APPROVED: *Julian Stela*

ACTING MAYOR

MAYOR *Jan 20,* 2010

25 ATTEST: *Stephanie Y. O'Malley*

- CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

29 NOTICE PUBLISHED IN THE DAILY JOURNAL *Dec. 23,* 2009; *Jan. 25,* 2010

30 PREPARED BY: Kerry A. Buckey, Assistant City Attorney 12/11/2009

31 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
32 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
33 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
34 § 3.2.6 of the Charter.

35 David R. Fine, City Attorney

36 BY: *[Signature]*, Asst City Attorney 12-17-09

