

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3
Side Interior Setback	DO-4
South Sloan's Lake	DO-5
<u>Peña Station Next Design Overlay District</u>	<u>DO-6</u>

9.4.5.4 Effect of Approval

A. Official Map Designator

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.
2. As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.

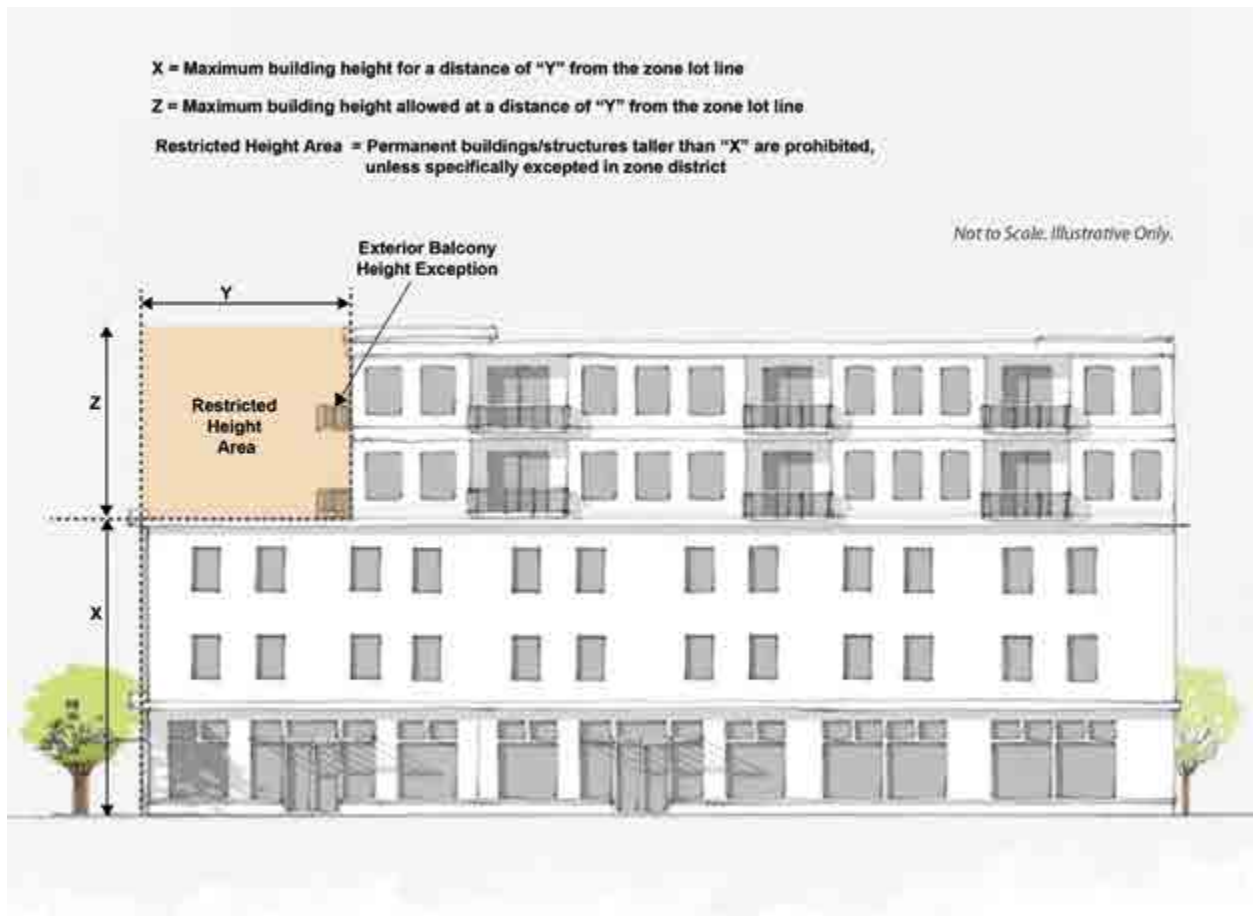
B. Lower Floor Building Design

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

1. Lower Floor Design Standards

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street front-

Figure 9.4-11



9.4.5.10 Peña Station Next Design Overlay District (DO-6)

A. **Creation**

There is hereby created a design overlay district designated as the Peña Station Next Design Overlay District (DO-6).

B. **Intent**

The intent of this Section 9.4.5.10 is to:

1. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to showcase ever-evolving, cutting-edge technology and sustainability in a model transit-oriented development located at the commuter rail station at 61st Avenue near Peña Boulevard. Such ever-evolving, cutting-edge technology and elements supporting sustainability within the District are intended to be incorporated and displayed in ways that will foster civic pride and economic vitality, which may include:
 - a. Creative and artistic signs.
 - b. Special Lighting Elements.
 - c. Signs fused with art.
 - d. Self-illuminated signs.
 - e. Signs integrated with one or more iconic or distinctive features, and
 - f. Non-standard or one-of-a-kind advertising opportunities.

2. The flexibility referenced in Section 9.4.5.10.B.1 is intended to 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 greater excitement and anticipation for residents, employees, and visitors; and promotes good urban design. Further, the processes to establish or amend a District Plan, and the review criteria in this Section 9.4.5.10, are intended to mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on residential uses and on users of Peña Boulevard, thereby protecting property values.
3. Signs permitted under the District Plan established in this section are intended to be in addition to signage permitted according to Division 10.10 Signs.

C. Applicability

1. The provisions of this Section 9.4.5.10, shall apply only with respect to:
 - a. Signs that are located within the DO-6 zone district and permitted by the District Plan, and
 - b. Special Lighting Elements that are located within the DO-6 zone district and permitted by the District Plan.
2. Notwithstanding Section 9.4.5.10.C.1., except to the extent otherwise stated in the District Plan, the provisions of this Section 9.4.5.10 shall not apply to signs permitted in Division 10.10 Signs, except Section 9.4.5.10.F Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and
3. Notwithstanding Sections 9.4.5.10.C.1 and 9.4.5.10.C.2, the provisions of this Section 9.4.5.10 shall not apply to any signs or Special Lighting Elements located on land retaining an underlying Zone District designation under Former Chapter 59 until such property is rezoned (through an Official Map Amendment) to an underlying Zone District under this Code.
4. A sign or Special Lighting Element that does not require a zoning permit or a building permit under the provisions of either the D.R.M.C. or this Code (other than this Section 9.4.5.10) shall not be deemed to require a zoning permit or a building permit, as appropriate, due to the provisions of this Section 9.4.5.10.

D. Conflicting Provisions

In addition to the provisions of Sections 9.4.2.2 and 9.4.2.3, if any provision of this Code (other than this Section 9.4.5.10) that is applicable to the underlying Zone District is varied by, or conflicts with, the provisions of the District Plan adopted in accordance with the requirements of this Section 9.4.5.10, then the provisions of the District Plan shall control.

E. Glare

Signs and Special Lighting Elements permitted under this Section 9.4.5.10 or under the terms of the District Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

F. 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 Plan.

G. Maximum Height

1. Except as provided by Section 9.4.5.10.G.2 and 9.4.5.10.G.3 below, the District 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 underlying Zoning District.

2. The District 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 specified in the District 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 or such equipment 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 Plan; however, the District 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 Plan

The DO-6 zone district may have signs and Special Lighting Elements in accordance with the approved District 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 9.4.5.10 shall comply with the requirements stated in the District Plan.

I. 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 DO-6 zone district. In addition, the District Plan may define and allow other sign types not otherwise allowed or defined in this code. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the DO-6 according to an approved District Plan.
2. Special Lighting Elements are allowed in the DO-6 zone district. For purposes of this Section 9.4.5.10, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or medium are located within the DO-6 District, the illumination of:
 - a. The outside surface of any building, structure, part of any building or structure, or
 - b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.
3. In the DO-6 zone district, 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 Plan.

J. Maximum Number

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

K. Maximum Area

Unless otherwise stated in the District 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.

L. Locations

1. There is no requirement that signage or equipment for any Special Lighting Element be setback from the zone lot line or any built feature, however, signs and equipment for Special Lighting Elements shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Elements may project into public rights-of-way if such signs and equipment comply with applicable provisions of the D.R.M.C. pertaining to encroachments within public rights-of-way.

2. Signs allowed under this Section 9.4.5.10 may be sited on vacant zone lots.

M. Illumination

1. Illumination of signs and illumination integrated into Special Lighting Elements are allowed.
2. Flashing signs and flashing Special Lighting Elements are allowed.
3. Subject to the provision of this Section 9.4.5.10, illumination for or of signs and Special Lighting Elements 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 Plan.
4. It is not a violation of this Section 9.4.5.10 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 sign or Special Lighting Element is located. However, the District 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 purposes of this Section 9.4.5.10, 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.

N. 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.

O. Materials

1. The District 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 Plan shall not permit internally illuminated, translucent face box signs.

P. Projecting Signs

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building wall.

Q. Accessory Uses

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

R. 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.

S. Varying Regulations by Subareas within the District Plan

1. The District Plan shall contain geographically defined areas within the plan that have different regulations from those applicable to other geographic areas within the District Plan.
2. The District Plan shall identify a methodology to identify and characterize subareas within the DO-6 zone district 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 a rail station, or (2) other existing or planned publicly accessible spaces, major arterials, or major entrances to the DO-6 zone district, 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 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 such 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.

T. Supplemental Plans

The District Plan may establish a convention whereby certain signs or and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and replaced unless a Supplemental Plan is approved under Section 9.4.5.10.W with respect to such signs and/or Special Lighting Elements, as appropriate. The District 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.

U. Process to Establish or Amend the District Plan

1. **Definition**
For purposes of this Section 9.4.5.10, the term "District Plan" means the plan approved in accordance with this Section 9.4.5.10.U, as such plan may be amended from time to time in accordance with the provisions of this Section 9.4.5.10.
2. **Intent of District Plan Approach**
 - a. The DO-6 zone district is envisioned to showcase ever-evolving, cutting-edge technologies and sustainability in a unified, cohesive and integrated program throughout the DO-6 zone district. The District Plan is the mechanism that efficiently reconciles the vision for the DO-6 zone district with the reality that the district will be built over a long period of time during which technology and best practices for sustainability will evolve.

- b. The DO-6 zone district 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 DO-6 zone district at the very outset of its development. Such a requirement would thwart the design intent for the DO-6 zone district.

3. Regulatory Construct

The District Plan shall establish standards applicable to a wide range of allowed signs and Special Lighting Elements within the DO-6 zone district. As a general matter, the District Plan will contain two levels of specificity with respect to signs and Special Lighting Elements.

a. Detailed Level

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, 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 9.4.5.10 apply to such 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 Plan.

b. General Level

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, 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 buildings permits (to the extent such permits are required) until a Supplemental Plan for such signs and Special Lighting Elements providing the higher level of specificity is approved in accordance with Section 9.4.5.10.W.

4. One District Plan

The City shall approve no more than one District Plan within the DO-6 zone district. The District Plan's boundaries shall include all land area within the DO-6 zone district.

5. Initiation

- a. Any of the following persons may initiate a request to establish a District Plan or amend the District Plan:
 - i. A member of the City Council;
 - ii. A member of the Planning Board;
 - iii. The City Attorney;
 - iv. The Manager;
 - v. The manager or director of any other city department or agency; or
 - vi. One or more owners of real property located within the DO-6 zone district or their authorized representative.

6. Submittal

- a. To establish the District Plan, or amend the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W), the applicant shall submit to Community Planning and Development a District Plan and accompanying materials that incorporate:
 - i. 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 Plan,
 - ii. Identifications and/or descriptions of all signs and Special Lighting Elements allowed,

- iii. 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 Peña Boulevard and other major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.
- iv. Provisions allowing technology and elements supporting sustainability and “smart-cities” components to be incorporated and displayed in many ways, which may include:
 - a) Creative and artistic signs,
 - b) Special Lighting Elements,
 - c) Signs fused with art,
 - d) Self-illuminated signs,
 - e) Signs integrated with one or more iconic or distinctive features,
 - f) Non-standard or one-of-a-kind advertising opportunities, and
 - g) Smart signs
- v. Provisions addressing design review for signs and Special Lighting Elements,
- vi. Design standards and guidelines that include:
 - a) The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;
 - b) 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;
 - c) Identification of areas from which signs and Special Lighting Elements are intended to be viewed;
 - d) General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and
 - e) 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.
- vii. Design standards and guidelines for allowable Special Lighting Elements, including:
 - a) A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;
 - b) 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
 - c) General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.
- viii. Information describing the general locations where signs and Special Lighting Elements are allowed,

- ix. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements.
- x. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and
- xi. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Plan or amendment consistent with the criteria stated in Section 9.4.5.10.U.11.

7. 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 Plan or amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) unless the applicant agrees in writing to an extension of time.

8. Notice of Complete Application

- a. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Plan or any proposed amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or Section 9.4.5.10.W) to:
 - i. 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 DO-6 zone district,
 - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
 - iii. The at-large City Council members.
- b. 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 Plan or a proposed amendment to the District Plan (other than amendments effected through Sections 9.4.5.10.V or 9.4.5.10.W) to each property owner within the DO-6 zone district 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.
- c. 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.
- d. 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.
- e. 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.

9. Notice of Planning Board Public Meeting

- a. 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.
- b. 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.
- c. 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.
- d. 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.

10. Adoption of a Plan or Plan Amendment

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 Plan or amendment.

11. Appeals

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

12. Criteria for Review

The Planning Board may approve an application for the District Plan or an amendment to the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) if the application complies with all of the following criteria:

- a. The District Plan complies with all applicable standards contained in this Code.
- b. The cumulative effect of the District Plan's allowances for signs and Special Lighting Elements:
 - i. Encourages exciting, iconographic, and inventive signage, attention-getting devices, and special elements that distinguish the DO-6 zone district from other places in Denver;
 - ii. Creates excitement and anticipation for residents, employees, and visitors of the DO-6 zone district;
 - iii. Exhibits design excellence, inventiveness, and sensitivity to the existing or planned character of a specific subarea;

- iv. Ultimately assists in attracting employers and visitors to the DO-6 zone district; and
- v. Establishes a coordinated program of signage for signage subject to the District Plan.
- c. Sign allowance and design reflects the existing or planned character of the District Plan subarea in which such signs are proposed.
- d. The District Plan contains specific mitigation measures reasonably necessary to mitigate possible material adverse impacts of signs and Special Lighting Elements, on existing nearby residential uses or structures or motor vehicles on major roadways located within the DO-6 zone district.
- e. The District Plan contains restrictions to prevent the cumulative effect of signs approved in reliance on the standards set forth in this Section 9.4.5.10 (as opposed to signs approved in reliance on Division 10.10 Signs or Former Chapter 59) from being visually overwhelming when viewed from various residential areas, major public use roadways and/or other significant public areas outside the DO-6 zone district when used in their ordinary course. Such restrictions may include limitations on signage area, spacing between signs, sign locations, and/or sign heights.

V. **Minor Deviations to the District Plan**

1. **Allowed**

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

- a. 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 Plan and Section 9.4.5.10.B, and
- b. 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.
- c. 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.

2. **Not Allowed**

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

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

3. **Plan Amendment Required**

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Plan and is not allowed under Section 9.4.5.10.V.1 shall require an amendment to the District Plan, approved under Section 9.4.5.10.U.

W. **Supplemental Plans**

1. **Definition**

For purposes of this Section 9.4.5.10, the term “Supplemental Plan” means a supplement to the District Plan that is approved in accordance with this Section 9.4.5.10.W.

2. **Intent**
The intent of Supplemental Plans 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 DO-6 zone district over time in phases.
3. **Requirement**
To the extent the District 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 Plan.
4. **Submittal Requirements**
An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:
 - a. Information as required by the District Plan, and
 - b. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criterion stated in Section 9.4.5.10.W.7.
5. **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 plan unless the applicant agrees in writing to an extension of time.
6. **Notice to Others**
 - a. The Zoning Administrator shall send notice of the Supplemental Plan to:
 - i. Neighborhood organizations which are 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 DO-6 zone district,
 - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
 - iii. The at-large City Council members.
 - b. Notices required by this Section 9.4.5.10.V.6. shall be sent at least 14 days prior to the Zoning Administrator's decision to approve, approve with conditions or deny such plan.
7. **Criterion for Review**
The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan is consistent with the provisions of the District Plan.
8. **Appeals**
Any decision of the Zoning Administrator under this Section 9.4.5.10.W may be appealed to the Planning Board. Thereafter, the Planning Board's decision may be appealed to the District Court.
9. **Effect of Approval of a Supplemental Plan**
Upon the Zoning Administrator's 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 Plan. An approved Supplemental Plan shall be incorporated into the next Amend- ed District Sign Plan, at which time the Supplemental Plan shall expire.

SECTION 9.5.2 DENVER INTERNATIONAL AIRPORT ZONE DISTRICT (DIA)

9.5.2.1 Building Forms

The Denver Manager of Aviation shall determine all ~~design and development standards applicable to new development~~applicable building form standards in the DIA Zone District.

9.5.2.2 Design Standards

A. Signage

Design and development standards governing signage in the DIA Zone District shall be determined by the Denver Manager of Aviation, except that in the Peña Station Next Design Overlay District (DO-6), Section 9.4.5.10 and Division 10.10 Signs shall apply.

B. All Other Design Standards

All other dDesign and development standards governing uses and structures in the DIA Zone District, including but not limited to landscaping and parking, shall be determined by the Denver Manager of Aviation.

9.5.2.3 Permitted Uses in the DIA Zone District

See Section 9.5.5, Uses and Required Minimum Parking.

SECTION 9.5.3 DIA INFLUENCE AREA OVERLAY ZONE (AIO-)

9.5.3.1 DIA Influence Area

The DIA Influence Area is defined as the land area located north of 56th Avenue in the City and County of Denver's DIA statistical neighborhood, as shown in Figure 9.5-1, and on the Official Map.

SECTION 10.10.20 OUTDOOR GENERAL ADVERTISING DEVICES IN THE BILLBOARD USE OVERLAY ZONE DISTRICT

10.10.20.1 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. 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 10.10.14. For such outdoor advertising devices in the D-TD Zone District, the provisions of this Section 10.10.20 shall not apply.
3. 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 10.10.20 shall not apply.
4. 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 10.10.20 shall not apply. 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 10.10.20 shall not apply.