



MEMORANDUM

To: Development Services staff
From: Tina Axelrad, Zoning Administrator
Date Issued: December 1, 2022
Re: **Denver Zoning Code Interpretation — Industrial Zone Districts Sign Standards for I-MX-12**
Denver Zoning Code (DZC) §10.10.13.1, §10.10.13.2

Summary of Code Interpretation

The Denver Zoning Code (DZC) text amendment that created the I-MX-12 zone district on June 6, 2022, did not specify which DZC sign standards apply to the newly created zone district.

This interpretation finds that the DZC Section 10.10.13 sign standards applicable to the I-MX-3, -5, and -8 zone districts shall also apply to the I-MX-12 zone district.

Background

The Denver City Council approved a Denver Zoning Code text amendment to create the I-MX-12 zone district and related map amendment to rezone properties to the new I-MX-12 zone district on June 6, 2022, as part of the Expanding Housing Affordability (EHA) project to ensure that as new homes are built in Denver, more affordable homes are built too. Creation of the I-MX-12 zone district related to an EHA project objective to simplify and coordinate multiple existing affordable housing incentive systems, including removal of the previous 38th and Blake Station Area Incentive Overlay in lieu of a new citywide height incentive system.

When the I-MX-12 zone district was created, DZC Section 10.10.13 that establishes Industrial Zone Districts Sign Standards was not amended to recognize this new flavor of industrial zone. This omission was an error resulting in the need for this interpretation of the applicable sign standards for the I-MX-12 zone district.

Code Analysis

DZC §10.10.13.1 General – This section states that the DZC sign standards found in Section 10.10.13 for industrial zone districts “apply to the I-MX-3, -5, -8; I-A, -B zone districts”.

Because DZC Section 10.10.13.1 states that industrial zone district sign standards apply to all the industrial zone districts, regardless of permitted building height (i.e., all “I-MX” zones share the same sign allowances regardless of the -3, -5, -8 distinctions in max building height allowed), it is logical to apply the same Section 10.10.13 sign standards to the newest industrial zone district, the I-MX-12 zone district.

DZC §10.10.13.2 Permanent Signs - The table in DZC Section 10.10.13.2 sets forth permanent sign allowances for the I-MX-3, -5, and -8 industrial mixed use zone districts in one column, and sign standards for the I-A and I-B industrial zones in a different column, but does not specifically address sign allowances in the I-MX-12 zone district. Permanent sign allowances are the same for all the “I-MX” industrial mixed use zone districts and do not differ based on the differences in max building height allowed across the

different I-MX zones. This is similar to the way permanent sign allowances are established for the code's mixed use commercial zone districts (e.g., MS, MX, and CC zones), where the sign allowances do not vary across the 3 to 20-story zone districts addressed by similar tables found in DZC Sections 10.10.11.1.B and 10.10.12.1.B.

Because allowances for permanent signs in both industrial mixed-use and commercial mixed-use zone districts do not vary by building height, it is logical to apply the same permanent sign allowances for the I-MX-3, -5, and -8 zone districts to the new I-MX-12 zone district.

Recommendation for a Denver Zoning Code Text Amendment to Codify this Interpretation

It is recommended that this interpretation be codified as part of a future DZC text amendment:

- **§10.10.13.1.B** - Amend the text in this section to reference the I-MX-12 zone district.
- **§10.10.13.2** - Amend the table in this section to include the I-MX-12 zone district in the same column heading as the I-MX-3, -5, and -8 zone districts.

Authority and Review Criteria for this Interpretation

DZC §12.4.6.1.A.— This section authorizes the Zoning Administrator to make Code Interpretations when additional clarity is required to guide general application of the Code. DZC Section 12.4.6.4 allows the Zoning Administrator to make Code Interpretations only upon finding that the interpretation is:

1. Consistent with the intent of this Code; and
2. Consistent with the intent of the subject Neighborhood Context and Zone District(s) and with the intent of any specific Code provision(s) at issue.

Consistency with the Intent of this Code: The purpose and intent of the Denver Zoning Code is stated explicitly in Division 1.1. The Denver Zoning Code is “enacted to implement Denver’s Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.” DZC, Section 1.1.1. More specifically, the Code “is intended to achieve design excellence in the built environment by... providing building and site design standards that address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.” DZC, Section 1.1.2.

This interpretation promotes the intents in sections 1.1.1 and 1.1.2 by extending the existing sign standards in the industrial mixed use zone districts to the I-MX-12 zone district in a manner consistent with sections of the Code that address permanent sign standards across mixed use zone districts with a range of height allowances. This interpretation guides the orderly development of signage in this zone district by establishing the standards to uniformly regulate signage in the I-MX-12 zone district. Additionally, by regulating signage in the I-MX-12 zone district, these standards address how the private development of signage contributes to the quality of the public realm.

Consistency with the intent of the subject Neighborhood Context and Zone District and with the intent of any specific code provision at issue: The general purpose of the industrial mixed use zone district states that “the industrial mixed use zone districts are intended to develop in a pedestrian-oriented pattern... to provide a transition between mixed use areas and I-A or I-B Industrial Districts... [and] accommodate a variety of industrial, commercial, civic, and residential uses and encourage affordable housing.” DZC,

Section 9.1.2.1.A.1. Additionally, the intent of Code’s sign standards is to “enhance the appearance and economic value of the visual environment by regulating and controlling the type, location, and physical dimensions of signs and sign structures.” DZC, Section 10.10.1.1.

The Code uses a context-based approach to apply specific sign standards that are most appropriate for the zone districts in different Neighborhood Contexts. The industrial zone district sign standards in section 10.10.13 set forth permanent sign standards that are compatible with the existing and desired character of the industrial zone districts. By establishing consistent sign standards across all of the industrial mixed use zone districts, this interpretation continues a system of signage on properties in the I-MX-12 zone district that is consistent with the other industrial mixed use zone districts and accommodates the purpose of this zone district to transition from industrial to mixed use zone districts.

Appeal

This code interpretation is a final decision of the Zoning Administrator and may be appealed to the Denver Zoning Board of Adjustment within 15 days from the date issued according to DZC Section 12.4.8, Appeal of Administrative Decision.