ARTICLE 11. USE LIMITATIONS AND DEFINITIONS

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DIVISION 11.1 GENERAL PROVISIONS

SECTION 11.1.1 INTENT

11.1.1.1 Article 11 sets forth the limitations specific to primary, accessory and temporary uses permitted under this Code. Limitations in this Article 11 are generally intended to:

A. Promote continued economic development while mitigating the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods, and the physical environment;

B. Implement Comprehensive Plan and Blueprint Denver objectives to promote walkable, pedestrian environments in appropriate neighborhood contexts and zone districts;

C. Encourage and facilitate the reuse of existing structures;

D. Accommodate the special housing needs of segments of the resident population, while balancing those needs with a neighborhood's interest in notification and public input; and

E. Encourage and facilitate implementation of sustainable activities or uses that promote long-term energy efficiency and reduce vehicle trips, such as urban agriculture, wind and solar energy facilities, and live-work and Home Occupation opportunities.

11.1.1.2 The hierarchy and structure of the use classifications, categories, and definitions in this Article 11 are intended to aid the City and code users in the interpretation of this Code over time.

SECTION 11.1.2 APPLICABILITY

All primary, accessory, and temporary uses subject to this Article's limitations shall be established, operated, and maintained only in compliance with such limitations.

SECTION 11.1.3 ORGANIZATION

Article 11 is organized into divisions and sections that track the organization of the Use Tables found in Articles 3 through 9, as follows:

11.1.3.1 Divisions in Article 11 correspond to the same order of the use classifications (e.g., residential primary uses) found in the Use Tables.

11.1.3.2 Sections in Article 11 correspond to the specific use types (e.g., multi-unit dwelling) found within each use classification (e.g., residential primary uses), organized within the sections first by use category (e.g., household living uses) and then by listing in alphabetical order.

SECTION 11.1.4 ENCLOSURE OF USES

11.1.4.1 All primary accessory and temporary uses must be established, operated and maintained within a Completely Enclosed Structure, unless otherwise specifically allowed by this Code. The Use Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a Completely Enclosed Structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

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DIVISION 11.2 RESIDENTIAL PRIMARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to primary residential uses permitted across multiple zone districts and neighborhood contexts.

HOUSEHOLD LIVING USE CATEGORY

SECTION 11.2.1 DWELLING, SINGLE UNIT

11.2.1.1 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, single unit dwellings uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected for single unit dwelling use prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the single unit dwelling shall comply with the provisions of the Denver Zoning Code as it applies to the urban house form in the U-SU-C zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by the Denver Zoning Code as it applies to a single unit dwelling use in the U-SU-C zone districts.

D. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.

E. The zone lot containing a single unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

SECTION 11.2.2 DWELLING, TWO UNIT

11.2.2.1 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

A. Two Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.

B. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards allowed in the subject SU zone districts and all applicable overlay districts without regard to the building form's use restrictions, or alternately in conformity with the duplex building form standards applicable in the U-TU-C zone districts and all applicable overlay districts, provided:

1. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

C. Zone Lots containing Two-Unit Dwelling uses that were legally established and Continuously Maintained shall not be reduced, expanded or enlarged.

D. Variances may be granted according to Section 12.4.7, Variance.

11.2.2.2 U-SU-A2, -B2, -C2 Zone Districts

In U-SU-A2, -B2, -C2 zone districts, where permitted with limitations, new Two Unit Dwelling uses may be established only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Department of Transportation and Infrastructure ("DOTI").

11.2.2.3 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, Two Unit Dwelling uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected for two unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the two unit dwelling use shall comply with the provisions of this Code as it applies to the duplex or tandem house building forms in the U-TU-C zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a two unit dwelling use in the U-TU-C zone districts.

D. A two unit dwelling use in an I-A or I-B zone districts shall be subject to the same limitations as a two unit dwelling use located in any Residential Zone District.

E. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses, and shall not be exempt from these provisions due to the industrial zoning.

F. The zone lot containing a two unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

SECTION 11.2.3 DWELLING, MULTI-UNIT

11.2.3.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations:

A. Multi-Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.

B. A structure containing such a Multi-Unit Dwelling use may be modified or demolished and rebuilt according to the following limitations:

1. In a SU zone districts, the rebuilt structure shall comply with either the building form standards in the subject SU zone districts without regard to the building form's use restrictions, or with the duplex building form standards in the U-TU-C zone districts without regard to the building form's use restrictions.

2. In a TU zone districts, the rebuilt structure shall comply with the building form standards allowed in the subject TU zone districts without regard to the building form's use restrictions.

3. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

C. Zone Lots containing Multi-Unit Dwelling uses that were legally established and Continuously Maintained shall not be reduced, expanded or enlarged.

D. Variances may be granted according to Section 12.4.7, Variance, except the number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

11.2.3.2 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, Multi-Unit Dwelling uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected as a multiple unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the multiple unit dwelling use shall comply with the provisions of this Code as it applies to a building form allowed in the G-MU-3 zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a multi-unit dwelling use in the G-MU-3 zone districts.

D. A multi-unit dwelling use in an I-A or I-B zone districts shall be subject to the same limitations as a multi-unit dwelling use located in any Residential Zone District.

E. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses, and shall not be exempt from these provisions due to the industrial zoning.

F. The zone lot containing a multi-unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

11.2.3.3 U-TU-B2 Zone District

In the U-TU-B2 zone districts, where permitted with limitations, new Multi-Unit Dwelling uses may be established only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Department of Transportation and Infrastructure ("DOTI").

SECTION 11.2.4 DWELLING, LIVE/WORK

11.2.4.1 All Zone Districts (Except I-A, I-B Zone Districts)

In all zone districts, except in the I-A, I-B zone districts, where permitted with limitations, a Live/Work Dwelling's commercial activity may be any nonresidential primary use permitted in the same zone districts that the Live/Work Dwelling is established, subject to compliance with this subsection's limitations. In addition, the following commercial activities, when not otherwise specifically listed as permitted in the applicable zone districts, are permitted in a Live/Work Dwelling use:

A. Art gallery;

B. Artist studio;

C. Professional studio;

D. Office, not including dental/medical office and clinic; and

E. Other similar activities as determined by the Zoning Administrator according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

11.2.4.2 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations:

A. A Live/Work Dwelling's commercial activity shall be limited to an Artist Studio use only.

B. A Live/Work Dwelling use shall not be considered a "Residential Use" or "Residential Zone District" or "Protected District," nor in any other way be accorded residential protection (e.g., separation) against the effects of surrounding industrial uses as may otherwise be required by this Code.

11.2.4.3 All Zone Districts (Except I-MX, I-A, I-B; M-IMX Zone Districts)

In all zone districts where permitted with limitations, except in the I-MX, I-A, I-B; M-IMX zone districts, any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.

11.2.4.4 G-RO Zone District; All RX Zone Districts

In the G-RO zone districts and in all RX zone districts, where permitted with limitations:

A. The commercial or nonresidential activity shall not exceed 50 percent of the gross floor area of the use.

B. The commercial activity shall not have more than 2 employees or regular assistants on the premises at one time (such employees or regular assistants may be in addition to residents of the Live/Work Dwelling employed or working in the commercial activity portion of the use).

C. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs not exceeding 20 square feet in total area.

D. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.

E. Nonresidential storage in the Live/Work Dwelling shall be limited to no more than 10% of the space dedicated to the commercial or nonresidential activity.

SECTION 11.2.5 MANUFACTURED HOME COMMUNITY

11.2.5.1 MHC Zone District

In the MHC zone district, where permitted with limitations:

A. Manufactured Home Community uses that were established before July 1, 2024 and Continuously Maintained on a Zone Lot shall be considered conforming uses in the MHC zone district.

B. The Zone Lot containing the Manufactured Home Community use shall not be reduced, expanded or enlarged, except when a street or alley vacation or dedication causes a Zone Lot reduction or expansion.

C. Manufactured Home Replacement does not need to match the exact size or location of the original structure.

D. If 100% of all Manufactured Homes are replaced at one time or in phases, such development is not a Manufactured Home Replacement and will not benefit from exemptions in this Code for Manufactured Home Replacement.

SECTION 11.2.6 ALL HOUSEHOLD LIVING USES IN C-CCN ZONE DISTRICTS

In all C-CCN zone districts, where permitted with limitations, Household Living uses shall comply with the following limitations:

11.2.6.1 Intent

Improve the pedestrian experience along the Street Level in the Cherry Creek North mixed use shopping district by requiring Street Level active uses in all development. Retain ground stories for nonresidential uses permitted in the C-CCN zone districts that are more likely to invite high-intensity customer, visitor, and resident interactions and that contribute substantially to the

activation, economic vitality, and safety of this important mixed-use neighborhood. Street Level area set aside in buildings for uses other than household living according to this limitation is intended to be adequately configured and dimensioned to support the feasible use of such space for pedestrian-friendly active uses.

11.2.6.2 Limitation on Location of Household Living Uses

A. In a building that does not abut a named or numbered public street, household living uses may be located on any story of such building.

B. In a building that abuts one or more named or numbered public streets, household living uses may be located:

1. On any building story above or below the Street Level; and/or

2. On the Street Level, but not along the building's street frontage. All of the building's street frontage(s) shall be occupied by one or more primary uses other than a household living use. However, residential lobbies or other similar internal access to the household living use are permitted along street frontages.

See also C-CCN zone district supplemental design standards in Section 7.3.5.5 related to permitted Street Level active uses in structures or buildings containing parking spaces.

SECTION 11.2.7 ALL HOUSEHOLD LIVING USES

In all zone districts where permitted with limitations, Household Living uses shall comply with the following limitations:

11.2.7.1 Kitchens

A. A Dwelling Unit occupied by a Household Living use shall contain either a Full Kitchen and/or Partial Kitchen, as further limited by this Section 11.2.7.

B. Consistent with the purpose of a single Dwelling Unit housing a single Household, more than one Full Kitchen is prohibited in any Dwelling Unit containing a Household Living use with the following exceptions:

1. At any time after a Full Kitchen is established as part of a Single-Dwelling Unit use, the addition of an additional Full Kitchen is prohibited unless otherwise expressly allowed by this Code, or by a separate zoning permit obtained for a second Full Kitchen according to Section 11.8.9, Second Full Kitchen Accessory to Single Unit Dwelling Use, or the additional Full Kitchen it is part of an allowed Accessory Dwelling Unit use.

2. An unenclosed area that may be covered but is permanently open to the outdoors on at least two sides, and otherwise meeting the definition of Full Kitchen is allowed.

C. A Dwelling Unit occupied by a Multi-Unit Dwelling use or Live/Work Dwelling use and originally permitted with only a Partial Kitchen, may be permitted to convert the Partial Kitchen to a Full Kitchen or to add no more than one Full Kitchen to the Dwelling Unit.

D. Any Household Living use may include both one Full Kitchen and one or more Partial Kitchens.

E. When a Kitchen is a "Full Kitchen" solely because of the presence of a 220 volt or greater electrical outlet or a gas line connection, the Zoning Administrator may determine the Kitchen is a "Partial Kitchen" if the Applicant can evidence that the electrical outlet or gas line connection is not designed or intended to service a stove/cooktop or range. Evidence to be considered may include, but is not limited to, the specific location or arrangement within the larger Dwelling Unit, the lack of any other common indicators of a Kitchen (such as but not limited to countertops, sink, garbage disposal, refrigerator), and proximity of the electrical outlet or gas line connection to food preparation/cooking/storage appliances or areas.

Residential Care Use Category

SECTION 11.2.8 ALL RESIDENTIAL CARE USES

11.2.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Intent

The intent of these limitations for Residential Care uses is:

1. To support and reinforce the viability and socioeconomic diversity of neighborhoods and communities that provide healthy environments for all their residents;
2. To encourage distribution of Residential Care facilities throughout the city and prevent concentration of larger facilities to ensure all neighborhood residents can reap the benefits of residential surroundings and equitable access to community resources such as transit and employment opportunities;
3. To increase location opportunities for critically needed Residential Care facilities;
4. To comply with the principles, policies and regulations of federal and state fair housing legislation; and
5. To establish an ongoing, effective process of communication between local neighborhood residents, the operators of Residential Care facilities and city agencies that regulate such facilities.

B. Limitations Applicable To All Residential Care Uses

1. The applicant and the owner have obtained or will obtain any license or certification required by the state and/or the City, where applicable.
2. A Structure which provides a primary residence for more than one non-paroled persons who have been placed in a program of correctional supervision by the judicial or correctional departments of any city, county, state or federal government, including a supervised correctional program to facilitate transition to a less-structured or independent residential arrangement, shall be considered a Residential Care Use. In accordance with Section 12.4.1.4, Zoning Permit Review Process, the Zoning Administrator shall refer all zoning permit applications to establish such use to the Manager of the Denver Department of Public Safety for review and comments before making a final decision.
3. A Residential Care use that is operated less than 24 hours per day (such as a facility providing only overnight emergency shelter) shall comply with the following standards:
    a. Waiting areas shall be placed and supervised so that the operation of the Residential Care use will not create obstructions in adjacent public rights-of-way.
    b. A Residential Care use that is closed during the day (such as an overnight shelters) shall make restroom facilities available during hours when the Residential Care use is closed. Such facilities may include temporary or mobile restroom facilities provided by the City.

C. Continuation of Certain Existing Residential Care Uses

1. A Residential Care use that was legally established and Continuously Maintained as a Residential Care use as that term was defined by the zoning code at the time of establishment of the use is considered a Conforming Use, subject to the following limitations:

a. The Zone Lot may be enlarged or reduced in size in compliance with the building form standards of at least one primary building form allowed in the zone district.

b. A structure containing such use may be expanded, modified, or demolished and rebuilt in compliance with the building form standards of a primary building form allowed in the zone district.

c. The number of permitted guests shall not be increased.

2. In zone districts that allow more than one primary Residential Care use on a single zone lot, new primary uses can be established where permitted in conformance with Section 11.2.8, All Residential Care Uses, even when an existing Residential Care use located on the same Zone Lot is limited by this Section 11.2.8.1.C, Continuation of Certain Existing Residential Care Uses.

3. The number of guests permitted in a Residential Care use subject to this Section 11.2.8.1.C, Continuation of Certain Existing Residential Care Uses, may be increased for up to 10 consecutive calendar days, or 10 consecutive overnight stays due to emergencies according to Section 11.2.12.1, Short-term Emergency Expansion of a Residential Care Use.

D. Measurement of Distance for Spacing Limitations

1. Where required for a specific Residential Care use by Sections 11.2.8, 11.2.9, 11.2.10 and 11.2.11 below, distance shall be measured from the proposed Residential Care use, according to the rule of measurement in Section 13.1.11.1, Measurement of Separation or Distance Between Uses.

SECTION 11.2.9 TYPE 1 RESIDENTIAL CARE USES

11.2.9.1 Type 1 Residential Care Use Operated by a Religious Assembly Use

In all zone districts, where permitted with limitations, Type 1 Residential Care uses operated by a Religious Assembly use (a "Religious Assembly" use is defined in Article 11) shall be operated according to provisions of Section 11.2.8.1.B, Limitations Applicable to All Residential Care Uses, without the requirement for a zoning permit. Any change in operation or expansion that exceeds the permitted number of guests or limit on days of operation set forth in Section 11.12.2.3.B.1, Specific Residential Care Use Types, Type 1, shall require a zoning permit and compliance with all the requirements of the applicable provisions of Section 11.2.9, 11.2.10 and 11.2.11 for Type 2, Type 3, or Type 4 Residential Care Use.

11.2.9.2 All SU, TU and RH-2.5 Zone Districts

In all SU, TU and RH-2.5 zone districts, where permitted with limitations, all Type 1 Residential Care uses shall comply with the following limitations:

A. Correctional Supervision Programs Prohibited

Type 1 Residential Care uses serving non-paroled persons who have been placed in a program of correctional supervision by the judicial or correctional departments of any city, county, state or federal government are prohibited.

B. Density Limitation.

A proposed Type 1 Residential Care use shall not be located within a one-mile radius of more than three other Residential Care uses of any type.

SECTION 11.2.10 TYPE 2 RESIDENTIAL CARE USES

11.2.10.1 All SU, TU and RH Zone Districts

In all SU, TU and RH zone districts, where permitted with limitations, all Type 2 Residential Care uses shall comply with the following limitations:

A. Permitted Locations

A proposed Type 2 Residential Care use shall only be permitted on a zone lot where the most recent Primary Use was a Residential Care use, or a Civic, Public or Institutional use. For the purpose of this provision, prior use may be evidenced by a zoning use permit, or by categorization of the subject property by the Denver County Assessor as the equivalent of a Civic, Public or Institutional use defined by this Code. The Zoning Administrator shall make all final determinations of prior primary use.

B. Facility Size Limitation

A proposed Type 2 Residential Care use shall be limited to a maximum of 20 guests.

C. Minimum Lot Size

The Zone Lot Size shall be a minimum of 12,000 square feet.

11.2.10.2 All SU, TU and RH-2.5 Zone Districts

In all SU, TU and RH-2.5 zone districts, where permitted with limitations, Type 2 Residential Care uses serving non-paroled persons who have been placed in a program of correctional supervision by the judicial or correctional departments of any city, county, state or federal government are prohibited.

11.2.10.3 All RH-3 and RH-3A Zone Districts

In all RH-3 and RH-3A zone districts, where permitted with limitations, Type 2 Residential Care uses serving non-paroled persons who have been placed in a program of correctional supervision by the judicial or correctional departments of any city, county, state or federal government are subject to Zoning Permit Review with Community Information Meeting (ZPCIM).

SECTION 11.2.11 TYPE 3 RESIDENTIAL CARE USES

11.2.11.1 All Zone Districts

In all zone districts, where permitted with limitations, additional Residential Care uses are permitted on the same zone lot as a Type 3 Residential Care use.

11.2.11.2 All MU, RO, and RX Zone Districts

In all MU, RO, and RX zone districts, where permitted with limitations, a proposed Type 3 Residential Care use shall be located a minimum of 1,200 feet from any other Type 3 and Type 4 Residential Care uses.

11.2.11.3 All CC, MX, MS, and C-CCN-3, -4, -5, -7, -8 Zone Districts

In all CC, MX, MS, and C-CCN-3, -4, -5, -7, and -8 zone districts, where permitted with limitations, a proposed Type 3 Residential Care use shall be located a minimum of 600 feet from any other Type 3 or Type 4 Residential Care uses.

11.2.11.4 All D-AS, D-AS-12+, D-AS-20+, and D-GT Zone Districts

In all D-AS, D-AS-12+, D-AS-20+, and D-GT zone districts, where permitted with limitations, a proposed Type 3 Residential Care use shall be located a minimum of 400 feet from any other Type 3 or Type 4 Residential Care uses.

SECTION 11.2.12 TYPE 4 RESIDENTIAL CARE USES

11.2.12.1 All Zone Districts

In all zone districts, where permitted with limitations, a Type 4 Residential Care use shall comply with the following limitations:

A. Additional Residential Care uses are permitted on the same zone lot as a Type 4 Residential Care use.

B. A proposed Type 4 Residential Care use shall not be located within a one-mile radius of more than three other Type 3 or Type 4 Residential Care uses.

11.2.12.2 All MU, RO and RX Zone Districts

In all MU, RO and RX zone districts, where permitted with limitations, a proposed Type 4 Residential Care use shall be located a minimum of 1,200 feet from any other Type 3 and Type 4 Residential Care uses.

11.2.12.3 All CC, MX, MS, and C-CCN-3, -4, -5, -7, -8 Zone Districts

In all CC, MX, MS, and C-CCN-3, -4, -5, -7, and -8 zone districts, where permitted with limitations, a proposed Type 4 Residential Care use shall be located a minimum of 600 feet from any other Type 3 or Type 4 Residential Care uses.

11.2.12.4 All D-AS, D-AS-12+, D-AS-20+, and D-GT Zone Districts

In all D-AS, D-AS-12+, D-AS-20+, and D-GT zone districts, where permitted with limitations, a proposed Type 4 Residential Care use shall be located a minimum of 400 feet from any other Type 3 or Type 4 Residential Care uses.

SECTION 11.2.13 EMERGENCY PROVISIONS

11.2.13.1 Emergency Expansion or Establishment of a Residential Care Use

A. Applicability

During emergencies that threaten public health or life, the Zoning Administrator may suspend certain requirements of the Zoning Code applicable to Residential Care uses serving people who are at risk of homelessness or are experiencing homelessness.

B. Initiation and Written Request

1. Initiation of Request for Suspension

Suspension of Residential Care Use limitations and zoning standards under this Section 11.2.13 may be requested by any of the following:

a. The owner of the subject property or the operator of a Residential Care use;

b. The manager or executive director of any department or agency of the City and County of Denver;

c. The Zoning Administrator or Chief Building Official; or

d. The Mayor or any individual member of City Council.

2. Written Request Required

Prior to taking advantage of this emergency allowance, the person or entity requesting the expansion must provide written notice to the Zoning Administrator describing the nature of the emergency and its threat to public health, the need for additional services, the number of additional guests to be served during the emergency, and the requested duration of the expansion of services. The Zoning Administrator shall keep a written record of short-term emergency expansion requests.

C. Qualifying Emergencies

Qualifying emergencies include any one of the following scenarios:

1. A local disaster state of emergency declared by the Mayor;
2. A public health order issued by the Executive Director of the Denver Department of Public Health and Environment;
3. A shortage of capacity for guests when temperatures are projected to be below 32 degrees Fahrenheit or exceed 90 degrees Fahrenheit for an extended period; or
4. Other situations that clearly threaten public health or life that are described in a written request to the Zoning Administrator made by the manager or executive director of a City department or agency, or their designee.

D. Extent of Suspension Allowed

1. For legally permitted and established Residential Care uses, the maximum permitted number of guests in a Residential Care use that serves people who are at risk of homelessness or are experiencing homelessness may be suspended during an emergency.
2. For Residential Care uses proposed to be established during a Qualifying Emergency, the following use limitations, definitions, and other requirements may be suspended according to this Section 11.2.13.1, Emergency Suspension of Zoning Code Standards and Procedures:
    a. Spacing and density limitations for Residential Care Uses opened specifically in response to a Qualifying Emergency (such as a temporary shelter).
    b. The following limitations for establishment of a Residential Care use during a Qualifying Emergency in a structure owned by a non-profit organization, government entity, or quasi-governmental entity:
        i. Minimum density or spacing standards in Article 11 of this Code;
        ii. All procedural requirements in Articles 3-9 and Article 12, including the need for a zoning permit to establish the use or any required process steps such as a Pre-Application meeting or Community Information Meeting;
        iii. Maximum permitted number of guests, and;
        iv. Minimum Zone Lot area.

E. Duration of Suspension of Zoning Code Standards and Procedures

Suspension of zoning code standards and procedures according to Section 11.2.13 shall last for the duration of the emergency, as determined by the Zoning Administrator in consultation with the requesting person, entity, department or agency. The Zoning Administrator shall keep a record of emergency suspension of Zoning Code requirements granted under this section.

DIVISION 11.3 CIVIC, PUBLIC AND INSTITUTIONAL PRIMARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the primary Civic, Public and Institutional Primary Use Classification across multiple zone districts and neighborhood contexts.

Basic Utilities Use Category

SECTION 11.3.1 UTILITY, MAJOR IMPACT

11.3.1.1 All Residential Zone Districts; All Mixed Use Commercial Zone Districts

In all Residential Zone Districts and in all Mixed Use Commercial Zone Districts, except the Downtown zone districts and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations, Major Impact Utility uses are limited to water reservoir, which need not be enclosed.

11.3.1.2 All Open Space Context Zone Districts and O-1 Zone District

In all Open Space Context zone districts and the O-1 zone district, where permitted with limitations, Major Impact Utility uses are limited to water reservoir or, in the OS-B and O-1 zone district only, water filtration plant is also permitted.

11.3.1.3 I-A, I-B Zone Districts; All Downtown Neighborhood Context Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts

In the I-A, I-B zone districts, all Downtown Neighborhood Context zone districts, and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts where permitted with limitations:

A. Sanitary Service
All sanitary service utilities shall be located a minimum 500 feet from any Residential Zone District.

B. Solid Waste Facility
All solid waste facilities must be located in a Completely Enclosed Structure and must be located a minimum of 500 feet from any Residential Zone District.

C. Above-Ground Power, Gas, and Other Facilities
The expansion of transmission line capacity shall not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

11.3.1.4 I-A, I-B Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts

In the I-A, I-B, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations

A. Spacing Required
The following major impact utilities shall be located a minimum of 500 feet from any Residential Zone District:

1. Sewage disposal plant.
2. Incinerator, publicly operated.
3. Electric generation plant, excluding nuclear powered plants.

SECTION 11.3.2 UTILITY, MINOR IMPACT

11.3.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Electric substations are prohibited in a Residential Zone District; All MS zone districts; All Open Space Context zone districts; and all Downtown Neighborhood Context zone districts.

B. In all zone districts except a Residential Zone District; MS zone district; Open Space Context zone district; or Downtown Neighborhood Context zone district, if electric substation transformers are exposed, there shall be provided an enclosing fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons or materials.

11.3.2.2 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

A. A minor impact utility use shall be located not less than 50 feet from the nearest boundary of any zone lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless such utility has been sited and designed to assure its compatibility with adjacent dwelling units.

B. The adequacy of the siting and design for the purpose of achieving compatibility shall be determined by the Zoning Administrator as part of the zoning permit review.

11.3.2.3 C-CCN Zone Districts

In the C-CCN zone districts, where permitted with limitations, utility pumping stations are prohibited.

COMMUNITY/PUBLIC SERVICES USE CATEGORY

SECTION 11.3.3 COMMUNITY CENTER

11.3.3.1 All Zone Districts

A. Community Center in a Completely Enclosed Structure - General Limitations

In all zone districts, where permitted with limitations, a Community Center use operated in a Completely Enclosed Structure shall comply with the following limits:

1. Overnight accommodations are prohibited.

2. A Community Center use may include accessory outdoor recreation or entertainment services facilities, subject to the following limitations:

   a. If in a Residential Zone District, the accessory outdoor facility shall comply with the limitations in Section 11.3.3.3;

   b. If in a Residential Zone District or on a zone lot that abuts a Residential Zone District, the accessory outdoor facility shall comply with the outdoor lighting limitations in Section 11.3.3.4; and

   c. In all zone districts other than a SU or TU zone district, no portion of the accessory outdoor facility shall be located nearer than 50 feet from the boundary of a SU or TU zone district.

B. Community Centers - Unenclosed - Limitations

In all zone districts, where permitted with limitations, a Community Center use operated as an unenclosed use (not in a Completely Enclosed Structure) shall comply with the following conditions:

1. Overnight accommodations are prohibited;

2. If in a Residential Zone District or on a Zone Lot that abuts a Residential Zone District, the unenclosed Community Center use shall:
   a. Have no outdoor public address system or any type of amplified music or sound device;
   b. Comply with the outdoor lighting limitations in Section 11.3.3.4; and
3. If in a Residential Zone District and the unenclosed Community Center includes active recreation or outdoor entertainment facilities, shall comply with the limitations in Section 11.3.3.3 below.

11.3.3.2 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations, a Community Center use operating in a Completely Enclosed Structure shall be established and/or operated only inside an existing nonresidential structure originally designed for a nonresidential use and not for Residential Occupancy.

11.3.3.3 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, a Community Center use operating in a Completely Enclosed Structure may include accessory outdoor recreation or entertainment services facilities subject to compliance with the following conditions:

A. Establishment of proposed facility, and any expansion of such facility, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

B. The proposed facility shall be located on the same zone lot and operated by the same owner and/or operator of the Community Center, and the applicant must be either the owner of record or has the permission of the owner of record to operate the proposed outdoor recreational or entertainment services facility.

C. The facility occupies no more than 10 percent of the zone lot on which it is located.

D. No other such outdoor recreational or entertainment services facility on a different zone lot is located within 500 feet of the proposed use.

E. The hours of operation shall be 8:00 a.m. to one-half hour after sunset.

F. The facility shall be operated and controlled in such a manner to prevent unauthorized use of the facility outside of the permitted hours of operation.

G. Signs visible from the public rights-of-way are limited to no more than 3 signs providing directional or cautionary information not exceeding 4 square feet per sign in area and not more than 6 feet in height above grade.

11.3.3.4 All Residential Zone Districts and on Zone Lots Abutting Residential Zone Districts

In all Residential Zone Districts, where a Community Center is permitted with limitations, and where the subject zone lot abuts a Residential Zone District, all outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier.

SECTION 11.3.4 DAY CARE CENTER

11.3.4.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations:

A. The Day Care Center shall be located either:

1. In an existing structure originally designed for a nonresidential use and not for residential occupancy and operated by and used as a place for religious assembly; or

2. Within an existing nonresidential structure originally designed for a nonresidential use and not for residential occupancy; or

3. Within a structure used or formerly used as an elementary and/or secondary school meeting all the requirements of the compulsory education laws of the state.

B. Daily operations of the center shall terminate by no later than 10:00 p.m.

SECTION 11.3.5 PUBLIC SAFETY FACILITY

11.3.5.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, an ambulance service use may be established only if located in the same building with a police or fire station.

Cultural/Special Purpose/Public Park & Open Space Use Category

SECTION 11.3.6 CEMETERY

11.3.6.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, cemeteries are allowed subject to compliance with the following limitations:

A. A cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

B. Cemetery use shall be limited to columbariums only.

11.3.6.2 OS Zone Districts

In the OS-B zone district, where permitted with limitations, a cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

SECTION 11.3.7 CULTURAL/SPECIAL PURPOSE/PUBLIC PARKS & OPEN SPACE USES

11.3.7.1 OS-B Zone District

In the OS-B zone district, where permitted with limitations, all permitted cultural/special purpose/public parks and open space uses shall comply with the following limitations:

A. Permitted accessory uses and structures are limited to:

1. Swimming pools and customary associated buildings;

2. Tennis, basketball, or other similar playing courts;

3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;

4. Playground or picnic shelters/areas; and

5. Water features and Public Art.

B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10:00 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

C. No portion of any recreation facility that is not in a Completely Enclosed Structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) zone district.

D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in Section 11.7, Accessory Use Limitations and finds that the proposed structure or use will not adversely affect properties adjoining the OS-B zone district. See Section 12.4.6, Code Interpretations and Determination of Uses, for the applicable procedure to determine unlisted uses.

Education Use Category

SECTION 11.3.8 ELEMENTARY OR SECONDARY SCHOOL, UNIVERSITY OR COLLEGE, VOCATIONAL OR PROFESSIONAL SCHOOL

11.3.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. An Elementary or Secondary School, University or College, or Vocational or Professional School shall comply with the following limitations:

1. Permanent outdoor storage is prohibited.

2. Residential accommodations or student housing as an accessory use is prohibited in all zone districts except in a MU zone district or a Mixed Use Commercial Zone District.

11.3.8.2 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; MS-2x, -2 zone districts, where permitted with limitations:

A. Classes or other school activities in a Vocational or Professional School shall terminate by no later than 11:00 p.m.

B. Repair as a commercial service or the commercial sale of repaired machinery or appliances is prohibited as part of a Vocational or Professional School use.

SECTION 11.3.9 UNIVERSITY OR COLLEGE

11.3.9.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, a University or College use shall be limited to those that include residential accommodations for at least 20 percent of its student body or 50 students, whichever is less.

Public and Religious Assembly Use Category

SECTION 11.3.10 PUBLIC OR RELIGIOUS ASSEMBLY, ALL TYPES

11.3.10.1 All Residential Zone Districts; All MX-2x, MS-2x Zone Districts

In all Residential Zone Districts and in all MX-2x, MS-2x zone districts, where Public or Religious Assembly uses are permitted with limitations, the following operations shall be terminated by 11:00 p.m.:

A. Daily operations of uses and activities accessory to a primary Public or Religious Assembly use, including but not limited to accessory recreation uses or activities; and

B. Daily operations of other primary uses located on the same zone lot as the Public or Religious Assembly use, including but not limited to Day Care Centers or Elementary or Secondary Schools, but not including a primary household living use located on the same zone lot.

11.3.10.2 All SU, TU, TH, RH Zone Districts

In all SU, TU, TH, RH zone districts, where permitted with limitations, Club or Lodge use is prohibited.

11.3.10.3 All SU, TU, TH, RH, MU, RO Zone Districts

In all SU, TU, TH, RH, MU, RO zone districts, where permitted with limitations, Conference Center use is prohibited.

DIVISION 11.4 COMMERCIAL SALES, SERVICE AND REPAIR PRIMARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the Commercial Sales, Service, and Repair Primary Use Classification across multiple zone districts and neighborhood contexts.

Arts, Entertainment and Recreation Use Category

SECTION 11.4.1 ARTS, ENTERTAINMENT AND RECREATION USES

11.4.1.1 OS-B Zone District

In the OS-B zone district, where permitted with limitations, all permitted arts, entertainment and recreation uses shall comply with the following limitations:

A. Permitted accessory uses and structures are limited to:

1. Swimming pools and customary associated buildings;
2. Tennis, basketball, or other similar playing court;
3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
4. Playground or picnic shelters/areas; and
5. Water features and Public Art.

B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

C. No portion of any recreation facility that is not in a Completely Enclosed Structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) zone district. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

11.4.1.2 All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, Sports and/or Entertainment Arena or Stadium uses, where permitted with limitations, shall comply with the following limitations:

A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

SECTION 11.4.2 ARTS, RECREATION AND ENTERTAINMENT SERVICES, INDOOR

11.4.2.1 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; MS-2x, -2 zone districts, where permitted with limitations, seating capacity in a permitted Arts, Entertainment and Recreation, Indoor, use shall be limited to no more than 100 persons.

11.4.2.2 G-RO Zone District

In the G-RO zone district, where permitted with limitations, Arts, Recreation and Entertainment Services, Indoor, uses are limited to the following specific use types (as defined in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions):

A. Art Gallery;

B. Artist Studio;

C. Professional Studio; and

D. Personal Instruction Studios.

SECTION 11.4.3 ARTS, RECREATION AND ENTERTAINMENT SERVICES, OUTDOOR

11.4.3.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. If the Arts, Recreation and Entertainment Services, Outdoor use is located within 200 feet of a Residential Zone District, outdoor public address systems and all types of amplified music or sound devices are prohibited.

B. A racquet/swim club type of outdoor recreation service use shall comply with the following additional standards:

1. All outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier; and

2. No portion of any court or swimming pool that is not in a Completely Enclosed Structure shall be located nearer than 50 feet from the boundary of a SU or TU zone district.

3. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

SECTION 11.4.4 EVENT SPACE WITH ALTERNATE PARKING AND LOADING

11.4.4.1 CMP-NWC-G and CMP-NWC-F Zone Districts

A. In the CMP-NWC-G and CMP-NWC-F zone districts, where permitted with limitations, an area established as Event Space with Alternate Parking and Loading may be used as an Off-Street Parking Area, subject to the following:

1. A Parking Operations Plan that identifies how parking will be sited and managed within an event space for one or more short-term parking configurations must be approved by the Zoning Administrator prior to issuance of a zoning permit.

2. A Parking Operations Plan must include a site plan and narrative description for each short-term parking configuration, which shall include the following:

a. Dimension of overall parking area

b. Dimensions of typical parking stall width and depth

c. Dimensions of all ingress, egress and drive aisles

d. Identification of any structures on the zone lot

e. Numbering of parking stalls

f. Parking lot area in square feet

g. Labeling of public streets and alleys

h. Approximate locations of an on-site staff persons to direct motorists to the appropriate parking area

i. Physical means by which parking stalls and/or aisles will be physically demarcated (temporary striping, cones, rope, etc.)

j. Means of separating parking areas from event activities (for an option where parking directly abutting active event space)

k. Pedestrian circulation routes adjacent to and within parking areas

l. Passenger loading zone areas (if applicable)

3. A parking lot manager or attendant shall be present on the zone lot at all times when the area is being used as an Off-Street Parking Area.

4. Mixing of separate components of approved short-term parking configurations is not allowed.

5. Additional parking configurations not expressly identified by an approved Parking Operations Plan would require application for and issuance of a new zoning permit.

6. The event space used for an Off-Street Parking Area shall be surfaced with an all-weather surfacing material.

7. The dimensions for and arrangement of parking spaces and driving aisles shall comply with Section 10.4.6, Vehicle Parking Design, however permanent delineation of individual parking stalls is not required.

B. In the CMP-NWC-G and CMP-NWC-F zone districts, where permitted with limitations, an area established as Event Space with Alternate Parking and Loading may be used for Loading, subject to the following:

1. A Loading Operations Plan that identifies how loading spaces will be sited and managed within an event space for one or more short-term loading configurations must be approved by the Zoning Administrator prior to issuance of a zoning permit.

2. A Loading Operations Plan must include a site plan and narrative description for each short-term parking configuration, which shall include the following:

a. Dimension of overall loading area

b. Dimensions of loading spaces

c. Dimensions of area or means adequate for maneuvering, ingress, and egress.

d. Identification of any structures the loading spaces will serve

e. Numbering of loading spaces

f. Loading area in square feet

g. Labeling of public streets and alleys

h. Pedestrian circulation routes adjacent to and within loading areas

3. Additional parking configurations not expressly identified by an approved Parking Operations Plan would require application for and issuance of a new zoning permit.

4. The dimensions for and arrangement of loading spaces shall comply with Section 10.4.8, Loading, however permanent delineation of individual loading spaces is not required.

SECTION 11.4.5 SPORTS AND/OR ENTERTAINMENT ARENA OR STADIUM

11.4.5.1 I-MX, I-A, I-B, and All OS Zone Districts

In the I-MX, I-A, I-B, and all OS zone districts, where permitted with limitations, sports and/or Entertainment Arena or Stadium uses shall comply with the following limitations:

A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

Nonresidential Uses in Existing Business Structures in Residential Zone Districts Use Category

SECTION 11.4.6 NONRESIDENTIAL USES IN EXISTING BUSINESS STRUCTURES IN RESIDENTIAL ZONES

11.4.6.1 Limited Nonresidential Uses Permitted

In all Residential Zone Districts, where permitted with limitations:

A. Primary nonresidential and accessory uses permitted in the MS-2x zone district in the same neighborhood context as the subject property (e.g., U-MS-2x) may be operated in an existing business structure. If there is no MS-2x zone district in the same neighborhood context, the primary and accessory uses established by the U-MS-2x zone district shall apply.

B. Any use established according to this Section 11.4.6 shall comply with the Use Limitations and use review procedure applicable to such use indicated in the Use Table for the subject MS-2x zone district.

C. More than one primary nonresidential use may be permitted in the same existing business structure. In addition to any permitted primary nonresidential uses, one or more primary residential uses may also be permitted in the same existing business structure. For example, in a two-story existing building structure meeting the requirements of this Section, one or more nonresidential primary uses may be permitted on the ground story and one or more residential primary uses may be permitted on the second story.

11.4.6.2 Existing Business Structures Only

The primary nonresidential uses permitted under this Section shall be permitted only within an existing structure meeting all of the following conditions:

A. The applicant is the owner of the subject structure.

B. The subject structure was legally erected.

C. The applicant proves by a preponderance of evidence that the subject structure is a "business structure." For purposes of this Section, "business structure" shall mean the subject structure or a portion of the subject structure was originally designed and constructed for a primary business use and occupancy, and not for Residential Occupancy. For structures constructed for both business use and occupancy and for Residential Occupancy, only the portion of the structure originally designed and constructed for business use and occupancy shall be regulated by this provision. "Primary business use and occupancy" means any use permitted in the U-MS-2x zone district that falls within one of the following primary use classifications as defined in this Code:

1. Commercial sales, service and repair primary use classification;

2. Industrial, manufacturing and wholesale primary use classification; or

3. Agricultural primary use classification.

11.4.6.3 Limitations

A nonresidential use proposed under this Section shall comply with the following limitations:

A. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the zone district in which the structure is located.

B. All uses operated in the structure involved shall comply with Division 10.4, Parking and Loading, for each such use in the subject MS-2x zone district; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive as much of those requirements as are impossible of fulfillment according Section 12.4.5, Administrative Adjustment.

C. All uses permitted in the structure shall comply with limitations on permitted signs applicable to uses in the subject MS-2x zone district.

11.4.6.4 Modifications to the Business Structure

The business structure in which a nonresidential use is permitted under this Section shall be occupied, operated, and maintained in a state of good repair. Modifications, alterations, and expansions of the subject business structure shall comply with the following limitations:

A. Modifications and alterations are permitted that do not change, alter, move, or remove an exterior load-bearing portion of the structure, except for minor alterations of exterior walls to replace or add new windows or doors. Modifications, alterations, or expansions that increase the gross floor area of the existing business structure are prohibited.

> For example: (1) Permitted Modifications: Replacement of windows, repairs to an existing roof, or non-structural facade improvements. (2) Prohibited Modifications: Removal of an exterior, load-bearing wall, partial or complete demolition of the structure's roof framing, adding a new floor or adding additional Street Level floor area, or raising or modifying the existing roof line.

B. For any modifications to the structure that require landmark approval, the modification shall be reviewed and approved by the Landmark Preservation Commission before submittal for zoning approval.

11.4.6.5 Special Authority to Rescind Zoning Permit for Use

A zoning permit allowing a nonresidential use under this Section 11.4.6 may be rescinded according to Section 12.11.6, Enforcement Powers, Penalties and Remedies, upon a finding that the structure involved is obsolete or substandard under any applicable ordinance of the City to the extent that the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date of such finding.

Parking of Vehicles Use Category

SECTION 11.4.7 PARKING, GARAGE

11.4.7.1 D-C and D-TD Zone Districts

In the D-C and D-TD zone districts, where permitted with limitations, Garage Parking use is permitted provided it meets at least one of the following conditions:

A. The use was operated in a structure before October 10, 1994; or

B. The use is operated in a structure constructed or converted from other uses after October 10, 1994, that:

1. Was constructed or converted by or on behalf of a public entity to serve the general public; or

2. Serves only buildings that do not contain office uses; or

3. Serves 1 or more buildings that contain office uses and does not contain more than 2 parking space per 1,000 gross square feet of office space in the building or buildings served by the structure. Parking spaces restricted for use by non-office uses within the building or buildings served by the parking structure shall be exempt from such parking ratio restriction.

11.4.7.2 D-GT and D-AS Zone Districts

In the D-GT and D-AS zone districts, where permitted with limitations:

A. Garage Parking is limited to enclosed structures, or structures that are enclosed except for portions of the parking structure over 45 feet above grade, provided that any unenclosed parking deck must have screening walls at least 4 feet in height, and further provided that all lighting on the unenclosed parking deck shall be provided with fully shielded fixtures, none of which exceed 6,500 lumens per fixture and which are designed and installed so that they do not project glare off of the zone lot.

B. Zoning permit review is required according to Section 12.4.2, Zoning Permit Review with Informational Notice, if the parking use is unenclosed and does not meet the criteria of Paragraph A above.

SECTION 11.4.8 PARKING, SURFACE

11.4.8.1 All TU, TH, RH, MU, RO Residential Zone Districts

In all TU, TH, RH, MU, RO Residential Zone Districts, where permitted with limitations, Surface Parking of vehicles as a primary use of land is permitted only to serve a permitted Civic, Public and Institutional Use in the zone district. Commercial Surface Parking lots are prohibited.

11.4.8.2 D-C and D-TD Zone Districts

In the D-C and D-TD zone districts, where permitted with limitations:

A. Surface Parking lots are permitted only if such use was in existence before May 25, 1990, and has been in continuous use as a parking lot since that date, provided, however, that a temporary use properly permitted under the provisions of this Article 11 shall not destroy the continuity of use; or

B. The Surface Parking lot received a use permit between May 25, 1990, and October 10, 1994, and has been in continuous use as a parking lot since the date of such permit, provided, however, that a temporary use properly permitted under the provisions of Article 11 shall not destroy the continuity of use, and complies with all specifications for use and maintenance contained in Ordinance 140, series of 1986 and Ordinance 270, series of 1990; or

C. Began operation after October 10, 1994, and meets the following conditions:

1. Such use shall not be located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Larimer Street-Market Street alley; and

2. Such use shall not be located where necessary curb cuts will interfere with pedestrian activity on Larimer Street, Curtis Street, Cleveland Place, or on any street frontage facing a light rail line.

11.4.8.3 D-GT Zone District

In the D-GT zone district, where permitted with limitations, Surface Parking lots constructed after July 1, 1994 shall be permitted according to Section 12.4.2, Zoning Permit Review with Informational Notice, and shall only be approved provided that the following limitations are met:

A. Such parking lot shall serve a specific, identified business or residential facility that is a permitted use then permitted and operating in the D-GT district.

B. Any parking lot that is not located on the same zone lot as the use it serves:

1. Shall have some portion of such parking lot located within 200 feet of the zone lot containing the use it serves; and

2. Shall not offer parking to the public in return for a fee; and

3. Shall include signage stating that parking is available only for the specific, identified business or residential facility that it serves and that public parking is not permitted.

11.4.8.4 CMP-H and CMP-EI Zone Districts

In the CMP-H and CMP-EI zone districts, where permitted with limitations:

A. Surface parking of vehicles is permitted only to serve a use permitted in the district.

B. Commercial Surface Parking lots are prohibited.

EATING AND DRINKING ESTABLISHMENTS USE CATEGORY

SECTION 11.4.9 EATING AND DRINKING ESTABLISHMENTS, ALL TYPES

11.4.9.1 All MX-2x, -2A, -2; MS-2x, -2, -CMP-H2, CMP-EI2 Districts

In all MX-2x, -2A, -2; MS-2x, -2, CMP-H2, CMP-EI2 zone districts abutting a SU or TU zone district, where permitted with limitations:

A. Lighted signage for an Eating and Drinking Establishment shall be turned off during non-operating hours.

B. All outdoor lighting for an Eating and Drinking Establishment shall be provided with full cut-off fixtures.

11.4.9.2 All MX-2x, MS-2x, CMP-H2, CMP-EI2 Zone Districts

In all MX-2x, MS-2x, CMP-H2, CMP-EI2 zone districts, where permitted with limitations, in addition to compliance with the use limitations in this Section 11.4.9, if the eating and drinking establishment is less than 100 feet from the boundary of any Protected District, all business activities open to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m.

OFFICE USE CATEGORY

SECTION 11.4.10 DENTAL/MEDICAL OFFICE OR CLINIC

11.4.10.1 G-RO Zone District

In the G-RO zone district, where permitted with limitations, Dental/Medical Office or Clinic use is permitted provided, however, that such use that expands to create a gross floor area exceeding 10,000 square feet shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. Any such use that contains a gross floor area in excess of 10,000 square feet and which was legally established on or before September 16, 1994, shall be considered a legal, conforming use and does not need to comply with Section 12.4.2, Zoning Permit Review with Informational Notice. This limitation shall not apply to rehabilitation centers for People with Disabilities.

11.4.10.2 All Zone Districts

In all zone districts, where permitted with limitations:

A. In all zone districts, except the RO, RX, MX-2x, MS-2x, and I-B zone districts, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use.

B. In the RO, RX, MX-2x, MS-2x and I-B zone districts, overnight patient or client stays are prohibited.

Retail Sales, Service and Repair Use Category

SECTION 11.4.11 RETAIL SALES, SERVICE AND REPAIR, ALL TYPES

11.4.11.1 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; and MS-2x, -2 zone districts, where permitted with limitations:

A. Lighted signage shall be turned off during non-operating hours.

B. All outdoor lighting shall be provided with full cut-off fixtures.

C. Retail Marijuana Stores and Medical Marijuana Centers are prohibited in these zone districts.

D. Zoning permit review is required according to Section 12.4.2, Zoning Permit Review with Informational Notice for Liquor Stores and Manufacturer Sales Rooms.

11.4.11.2 I-B Industrial Zone District

In the I-B Industrial zone district, where permitted with limitations

A. Retail Sales are permitted only as a Primary Use (and not an Accessory Use) and only if the Retail Sales use complies with at least one of the following limitations:

1. The commodity sold in the Retail Sales use is grown, manufactured, processed, or fabricated on the same Zone Lot; or

2. Where the commodity sold in the Retail Sales is not grown, manufactured, processed, or fabricated on the site, the Retail Sales use

   a. Operates in addition to at least one other permitted Primary Use that is not a Retail Sales use and is located on the same Zone Lot as the Retail Sales use;

   b. Is operated and maintained under the same ownership as at least one other permitted Primary Use located on the same Zone Lot; and

   c. Is limited to a maximum of 20 percent of the gross floor area ("GFA") of total GFA of all other Primary Uses located on the same Zone Lot; or

3. The Retail Sales use or uses is a minimum of 20,000 square feet GFA in any single primary structure on a zone lot. Additionally, the primary structure(s) containing the proposed Retail Sales use shall be located a minimum of 500 feet from any Residential Zone District, and vehicle traffic generated by the proposed Retail Sales use shall not create adverse impacts on nearby residential access streets.

B. Retail Repair Services are limited to the following:

1. Repair of any commodity manufactured, processed, fabricated, stored or sold in the I-B zone district;

2. Vehicle body shop;

3. Upholstery or top shop;

4. Paint shop;

5. Refrigeration and air conditioning service and repair; or

6. Disinfecting and pest control service.

SECTION 11.4.12 ANIMAL SERVICES AND SALES, HOUSEHOLD PETS ONLY

11.4.12.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. All sales and services shall be for household pets only. Wild or dangerous animal services and sales are prohibited.

B. Overnight boarding is permitted within a completely enclosed building; however, animal services or sales uses over 20,000 square feet in gross floor area that use a majority of their gross floor area for retail sales, shall have no more than 15 percent of their gross floor area devoted to overnight boarding.

C. The use must be completely enclosed except that outdoor animal runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are permitted subject to compliance with the following conditions:

1. Outdoor runs, including the addition, expansion, or relocation of an existing outdoor run, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

2. Outdoor runs shall not be permitted within 20 feet of a habitable residential structure on a zone lot in a SU, TU, TH, or RH zone district.

3. The outdoor run may operate only between the hours of 6:30 a.m. and 9:00 p.m.

4. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.

D. The facilities shall be constructed, maintained and operated so that neither the sound nor smell of any animals boarded or kept on the premises during the time that full enclosure is required can be discerned on other zone lots provided, however, that existing facilities may continue to be maintained and operated as previously permitted.

SECTION 11.4.13 ANIMAL SERVICES AND SALES, ALL OTHERS

11.4.13.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX, and M-GMX zone districts, where permitted with limitations:

A. Wild or dangerous animal boarding and breeding services are prohibited.

B. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.

C. Overnight accommodations are allowed.

D. Where located abutting a Residential Zone District, a minimum 50 foot wide landscaped buffer shall be provided, as approved by the Zoning Administrator. Such buffer is intended to substantially mitigate potential adverse effects from the animal service use, including but not limited to noise and odor.

SECTION 11.4.14 FOOD SALES OR MARKET

11.4.14.1 All MX, MS and RX Zone Districts

In all MX, MS and RX zone districts, where permitted with limitations:

A. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, shall occupy no greater than ¼ the gross floor area of the structure containing the Food Sales or Market primary use.

B. Outdoor storage is prohibited, unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

SECTION 11.4.15 PAWN SHOP

11.4.15.1 All Zone Districts

In all zone districts where permitted with limitations:

A. No Pawn Shop establishment shall be established, operated, or maintained within 1,000 feet of another Pawn Shop establishment.

B. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

SECTION 11.4.16 RETAIL SALES, SERVICES AND REPAIR, OUTDOOR

11.4.16.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, except the CMP-NWC-F zone district, where permitted with limitations:, Outdoor Retail Sales only are permitted, and Outdoor Retail Repair or Service uses are prohibited.

11.4.16.2 Industrial Zone Districts, CMP-NWC-F Zone District

In the Industrial Zone Districts and the CMP-NWC-F Zone District, where permitted with limitations:

A. All Outdoor Retail Repair and Service uses located within 500 feet of a Residential Zone District or Mixed Use Commercial Zone District shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

B. In the CMP-NWC-F zone district, all Outdoor Retail Repair and Service uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

Vehicle / Equipment Sales, Rentals, Service and Repair Use Category

SECTION 11.4.17 AUTOMOBILE EMISSIONS INSPECTION FACILITY

11.4.17.1 All MX-2A, -2; MS-2; Downtown Neighborhood Context Zone Districts

In all MX-2A, -2; MS-2; and Downtown Neighborhood Context zone districts, where permitted with limitations, all Automobile Emissions Inspection Facility uses shall be totally enclosed with no outdoor displays, sales, or storage.

SECTION 11.4.18 AUTOMOBILE SERVICES, LIGHT OR HEAVY

11.4.18.1 All RX Zone Districts

In all RX zone districts, where permitted with limitations,

A. All Automobile Services uses, including the sale of automotive fuel and associated fuel pumps, shall be completely enclosed.

11.4.18.2 All MX-2A, -2; MS-2 Zone Districts

In all MX-2, -2A; MS-2 zone districts, where permitted with limitations, automobile wash, laundry, detail or polishing shops (a specific type of Automobile Services, Light use) are prohibited.

11.4.18.3 All C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

In all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts, where permitted with limitations, the following limitations shall apply and control in case of any conflict with the more general limitations in Section 11.4.18.4:

A. Intent

Improve the pedestrian experience in important mixed-use districts through Street Level active uses. While Automobile Services uses provide a desirable neighborhood service, such uses do not invite the high-intensity customer, visitor, and resident interactions throughout the day and night that substantially contribute to the activation, economic vitality, and safety of vibrant mixed-use neighborhoods. Street Level area set aside in buildings for non-Automobile Services uses according to this limitation is intended to be adequately configured and dimensioned to support the feasible use of such space for Street Level active uses

B. Limitations

1. Permitted Automobile Services uses are limited to routine maintenance and minor repair of automobiles, which may include greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other similar minor repair and servicing activities.

2. All Automobile Services uses shall be operated in a Completely Enclosed Structure with no outdoor displays, sales, or storage.

   See also C-CCN zone district use limitations related to Street Level Household Living uses in Section 11.2.6, C-CCN zone district supplemental design standards in Section 7.3.5.1 related to permitted Street Level active uses in structures or buildings containing parking spaces, Street Level active use requirements for the D-AS-12+ and D-AS-20+ zone districts in Section 8.8.5.1, and Street Level active use and Street Level active non-residential use requirements for the D-CPV-T, D-CPV-R, and D-CPV-C zone districts in Sections 8.9.5.1 and 8.9.5.2.

3. Accessory fuel sales, including the sale of compressed natural gas or liquefied petroleum, are prohibited, except accessory electric charging of vehicles shall be permitted.

4. Accessory trailer rental is prohibited.

5. Washing, cleaning, and/or waxing of automobiles by hand or with manually or automatically operated equipment is permitted only as accessory to the primary Automobile Services use, and shall be located in the same building as the primary Automobile Services use.

6. In the C-CCN zone districts, when located in a building that abuts one or more named or numbered public streets, Automobile Services uses may be located:

   a. On any story above or below the Street Level, and/or

   b. On the Street Level, but only if 100% of the building's street frontage(s) is occupied by one or more primary uses other than the Automobile Services use. Internal pedestrian-only access to the Automobile Services use from the primary street side(s) of the building is permitted (e.g., a pedestrian lobby or waiting area), and such area may be credited toward compliance with the 100% Street Level use frontage requirement.

11.4.18.4 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor public address or loudspeaker systems are prohibited.

B. Rental or sale of motor vehicles is prohibited, unless otherwise permitted as a primary use in the subject zone district.

C. Fuel pumps and permitted accessory trailer storage need not be enclosed, except in a RX zone district.

D. All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.

E. Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks or public park strips.

F. The use shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles; outdoor lighting shall be arranged so it neither unreasonably disturbs occupants of adjacent residential properties nor interferes with traffic.

G. All outdoor lighting shall be provided with full cut-off fixtures. The use shall extinguish all outdoor lighting that is not fully shielded at close of business or 11:00 p.m., whichever is earlier.

H. Trailer rentals are permitted as an accessory use subject to the following limitations:

1. One trailer is permitted on the zone lot for each 4,000 square feet of land area in the zone lot, not, however, exceeding 5 trailers at any one time; and

2. Each trailer shall not exceed 8 feet in height, length and width.

I. A single bay car wash containing either manual or automatic equipment is permitted as an accessory use subject to compliance with the accessory use standards in Division 11.7, Accessory Use Limitations, and in Division 11.10, Uses Accessory to Nonresidential Uses - Limitations.

J. An automobile services use may include the sale of compressed natural gas, liquefied petroleum, or other types of fuel for vehicles as regulated by the Denver Fire Code. Any above-ground fuel tanks shall be located a minimum of 1,000 feet from a protected use, as "protected use" is defined by the Denver Fire Code.

11.4.18.5 CMP-NWC-F Zone District

In the CMP-NWC-F zone district, where permitted with limitations, all Automobile Services uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

SECTION 11.4.19 AUTOMOBILE SERVICES, LIGHT

11.4.19.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Limitation on Automobile Fueling Stations

1. Intent

The limitations on Automobile Services, Light are intended to promote pedestrian activity and neighborhood-serving commercial by avoiding clustering of automobile fueling stations unless they are combined with commercial space that provides opportunities for the sale of groceries, home goods or other products that could serve nearby residents.

2. Limitations

In all Zone Districts, an Automobile Services, Light, use containing an Automobile Fueling Station must comply with the following limitations:

a. The use shall not be located within 300 feet of a Protected District, unless the proposed use is included in the same approved Site Development Plan with at least

one Food Sales or Market or Retail Sales, Service and Repair, All Others use with a gross floor area of 20,000 square feet or greater.

b. The use shall not be located within 1/4 mile of any other Automobile Fueling Station, unless the proposed use is included in the same approved Site Development Plan with at least one Food Sales or Market or Retail Sales, Service and Repair, All Others use with a gross floor area of 20,000 square feet or greater. For the purpose of administering this use limitation, "any other Automobile Fueling Station" shall mean any Zone Lot containing an Automobile Fueling Station with a valid zoning permit, or any Zone Lot with an approved and unexpired Site Development Plan that includes an Automobile Fueling Station.

c. The use shall not be located within 1/4 mile of a Rail Transit Station Platform.

B. Automobile wash, laundry, detail or polishing shops are permitted as a type of Automobile Service, Light, use, subject to compliance with the following standards:

1. An automobile wash, laundry, detail or polishing shop shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards stated in the applicable zone district.

2. The structure housing the primary use shall be setback a minimum 8 feet from any abutting Residential Zone District.

3. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District.

4. If the zone lot containing the use abuts a SU or TU zone district, the hours of operation shall be limited to the time period between 7:00 a.m. and 10:00 p.m.

5. The use shall provide sufficient hard-surfaced and dust-free space on the same zone lot to accommodate at least 3 vehicles waiting to be washed for each washing stall.

SECTION 11.4.20 AUTOMOBILE SERVICES, HEAVY

11.4.20.1 All Zone Districts

In all zone districts, where permitted with limitations, review is required according to Section 12.4.9, Zoning Permit with Special Exception Review, for facilities that involve an environmental hazard as determined by the Denver Fire Code, including but not limited to the following:

A. Vehicle body shop,

B. Upholstery or top shop, and

C. Paint shop.

11.4.20.2 All CC, MS; I-MX, I-A; M-IMX Zone Districts

In all CC, MS**;** I-MX, I-A; and M-IMX zone districts, where permitted with limitations:

A. The zone lot for all automobile services, heavy, uses shall be enclosed with a solid fence or wall except for the following excluded areas:

1. The Primary Street frontage of the zone lot directly in front of the Primary Street facing building wall or a Primary Street facing entrance of the primary structure, and in no case shall such fence or wall be required along more than 40 percent of the length of the Primary Street frontage of the zone lot described in this Section 11.4.20.2;

2. The Primary Street frontage of the zone lot directly in front of an automobile retail display area; or

3. Any portion of a zone lot line containing a building wall.

B. Such fence or wall shall be constructed to a height adequate to conceal any vehicles, equipment, or parts located on the zone lot; provided, the height and location of such wall or fence shall not interfere with clear sight at the intersection with a right-of-way and complies with the Denver Building and Fire Code.

C. Permitted fence or wall materials shall consist of wood, brick, masonry or other similar durable materials as approved by the Zoning Administrator

D. Prohibited fence or wall materials include salvaged doors and corrugated or sheet metal.

SECTION 11.4.21 AUTOMOBILE / MOTORCYCLE, LIGHT TRUCK SALES, RENTAL AND/OR LEASING; PAWN LOT OR VEHICLE AUCTIONEER

11.4.21.1 All Downtown Neighborhood Context Zone Districts and All C-CCN Zone Districts

In all Downtown Neighborhood Context zone districts and in all C-CCN zone districts, where permitted with limitations:

A. The use shall be operated in a Completely Enclosed Structure with no outdoor displays, sales, or storage.

B. Automobile pawn lots are prohibited.

11.4.21.2 All RX and MS Zone Districts

In all RX and MS zone districts, where permitted by limitations, all Automobile / Motorcycle, Light Truck Sales, Rental and/or Leasing uses and all Pawn Lot or Vehicle Auctioneer uses shall be operated in a Completely Enclosed Structure, with no outdoor displays, sales, or storage.

11.4.21.3 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor public address or loudspeaker systems are prohibited.

B. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and provision of services to the extent of installing the foregoing items, making minor mechanical adjustment, washing and polishing vehicles.

C. The facility shall not include Heavy Automobile Service uses, either as an accessory or primary use, unless otherwise permitted as a primary use in the subject zone district.

D. Adjoining Residential Zone Districts shall be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by the establishment of landscaped buffers or an opaque fence or wall at least 5 feet high, by the location of landscaped employee or public parking areas, or by other means to achieve the same protection purpose.

E. Vehicles being displayed, serviced or stored shall not be parked on streets, alleys, public sidewalks or public park strips.

F. As permitted, vehicles displayed outside a Completely Enclosed Structure may have individual signs and, when provided, such signs shall be located only inside such vehicles.

G. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles shall not be included for computation of any maximum off-street parking standard.

SECTION 11.4.22 HEAVY VEHICLE / EQUIPMENT SALES, RENTALS, AND SERVICES

11.4.22.1 All I-MX, I-A; M-IMX Zone Districts

In all I-MX, I-A; and M-IMX, zone districts, where permitted with limitations:

A. Heavy Vehicle / Equipment Sales, Rentals, and Services uses shall be located 500 feet or more from the nearest boundary of any Residential Zone District existing at the time of application for the use.

11.4.22.2 I-B Zone District

In the I-B zone district, aircraft maintenance and repair shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application.

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DIVISION 11.5 INDUSTRIAL, MANUFACTURING AND WHOLESALE PRIMARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the Industrial, Manufacturing and Whole Primary Use Classification across multiple zone districts and neighborhood contexts.

Communications and Information Use Category

SECTION 11.5.1 COMMUNICATION SERVICES

11.5.1.1 All RX, CC, MX, MS Zone Districts

In all RX, CC, MX, MS zone districts, where permitted with limitations, where the permitted maximum building height in the zone district is 3 stories or less, a transmitter shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

11.5.1.2 All Downtown Neighborhood Context Zone Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations, this use is limited to radio and television broadcasting, including transmitter.

SECTION 11.5.2 TELECOMMUNICATIONS TOWERS; TELECOMMUNICATIONS TOWER - ALTERNATIVE STRUCTURE; TELECOMMUNICATION FACILITIES - ALL OTHERS

11.5.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Intent

The intent of this Section 11.5.2 is to establish regulations for telecommunications facilities to achieve the following goals:

1. To protect residential areas and lands by minimizing adverse impacts of towers;
2. To encourage the location of towers in nonresidential zone districts;
3. To minimize the total number of towers in the community;
4. To encourage the joint use of new and existing tower locations;
5. To ensure that towers are located in areas that minimize adverse impacts;
6. To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
7. To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
8. To consider public health and safety of telecommunications facilities;
9. To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
10. To encourage the attachment of antennas to existing structures; and
11. To facilitate the provision of telecommunications services throughout the city.

B. Applicability and Exceptions

These regulations shall apply to all towers and antennas as defined, except:

1. Any tower, or antenna, not more than 70 feet in height, owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive only facility.

2. High tension electric transmission or distribution line support towers used as mounts for antennas not more than 12 feet in height above the highest point of the said tower shall be permitted in all zone districts and are exempt from the separation requirements contained in this section. However, the requirements in Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities, shall apply.

3. **Telecommunications Tower - Alternative Structure Exception**
   Telecommunications Tower - Alternative Structures not more than 50 feet in height shall be permitted in all zone districts subject to:
   a. Section 11.5.2.1.A, Intent;
   b. Section 11.5.2.1.C.7, Design Review;
   c. The setback requirements for like structures in the zone district; and
   d. Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities.
   e. If such a Telecommunications Tower - Alternative Structure is in, or, as measured from the base of the tower to the nearest part of the zone district, within 200 feet of a Residential Zone District, MX-2x, -2A, -2; or MS-2x, -2 zone district, the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice, shall apply.

4. The provisions of this Section 11.5.2.1 shall be of no force and effect in the Open Space Context zone districts.

5. The provisions of this section 11.5.2.1 shall be of no force and effect for Emergency Telecommunications Services use.

C. General Requirements

1. **Not Utilities**
   Towers, antennas and telecommunications support facilities shall be regulated and permitted pursuant to this Section and shall not be considered utilities.

2. **Permitted Uses**
   Towers, antennas and telecommunication support facilities shall be considered permitted uses and the existence of another structure or use on the same zone lot shall not preclude the installation of towers, antennas and telecommunication support facilities.

3. **Towers in Nonresidential Zone Districts**
   Towers are permitted in nonresidential zone districts and shall:
   a. Comply with the regulations contained herein and the zone district regulations for permitted structures in the zone district in which it is located. The dimensions of the entire zone lot shall apply and not the dimensions of the leased parcel; and
   b. Have a diameter of not more than 48 inches measured at the base of the tower.

4. **Antennas Not Attached to a Tower**
   Antennas not attached to a tower and their associated telecommunications support facilities may be located in any zone district on:
   a. Any nonresidential structure; or
   b. A multi-unit dwelling structure containing 8 or more dwelling units that is at least 35 feet in height; or

c. A residential structure other than as provided in 4.b. above, provided any antenna is camouflaged or obscured so as to resemble architectural or natural features commonly associated with the site and district where located.

5. Telecommunications Support Facilities

Telecommunications support facilities shall comply with Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities.

6. Abandonment

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or towers shall remove the same and the accompanying telecommunications support facilities within 90 days of the issue date of the notice to remove the tower or antenna.

7. Design Review

a. Antennas, towers, and Telecommunications Tower - Alternative Structures, their associated antennas and arrays and telecommunications support facilities shall be subject to design review and approval. Applicants may submit their designs for pre-approval subject to the same procedures outlined herein.

b. Designs for antennas, towers, Telecommunications Tower - Alternative Structures, their associated antennas and arrays and telecommunications support facilities shall be submitted to the Zoning Administrator for design review.

c. Upon submission of a complete application for design review, the Zoning Administrator shall establish a schedule for processing the application. Design review shall be completed within 30 days of the date designated in the schedule, except that the review period may be extended by an amount of time equal to any delay caused by the applicant or agreed to by the applicant.

d. In reviewing the design of towers, the goals and requirements set forth in this Section 11.5.2.1 shall be considered. Within 7 days after completion of the design review, the Zoning Administrator shall approve, approve with conditions or deny the application.

e. A reasonable design review fee shall be assessed at the time of submittal.

8. Screening and Landscaping

If a tower is within 200 feet of a Residential Zone District or Mixed Use Commercial Zone District, the installation shall provide screening and landscaping in accordance with the following:

a. Unless the Zoning Administrator finds that alternative screening is appropriate to the character of the zone district and/or landscaping, including existing vegetation, topography or structures, screening shall be provided in one of the following two ways:

   i. Solid view-obscuring landscaping not less than 6 feet in height and landscaped in accordance with the landscaping requirement of Section 11.5.2.1.C.8.b; or

   ii. A finished masonry wall of similar material and/or finish to the primary structures on the site or adjacent properties, in which case landscaping shall not be required.

b. Except as provided in Section 11.5.2.1.C.8.a. above, landscaping shall be provided in accordance with the following requirements:

   i. The area around the tower shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base from property used for residences. The standard buffer shall consist of a landscaped strip at least 5 feet wide outside the perimeter of the fence described in Section

11.5.2.1.C.8.a.ii, and shall be composed of at least 50 percent coniferous or broadleaf evergreens that will reach at least 5 feet in height at maturity, and shall provide for and maintain minimal landscaping on the remainder of the zone lot.

ii. In locations where the visual impact of the tower would be minimal, or where landscaping would not reduce or alleviate the visual impact of the tower, the landscaping requirement may be reduced or waived.

iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer.

D. Specific Requirements -- All Towers, Antennas and Telecommunications Support Facilities

The following standards shall apply to all towers, antennas, and telecommunications support facilities, excluding Telecommunications Tower - Alternative Structures not more than 50 feet in height:

1. The design of towers, antennas, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures;

2. Signs shall be limited to those signs required for cautionary or advisory purposes only;

3. The mass of antennas or an antenna on a tower shall not exceed 450 cubic feet per user, with no one dimension exceeding 14 feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array.

E. Specific Requirements -- Towers

The following standards shall apply to all towers, excluding Telecommunications Tower - Alternative Structures not more than 50 feet in height (see Section 11.5.2.1.B, Applicability and Exceptions).

1. Setbacks

The minimum zone district setback requirements shall apply to all towers.

2. Height

The height and bulk of the tower shall be controlled by the district regulations of the zone district in which the tower is located but in no case shall it exceed the following maximum heights, measured from the lowest grade within 10 feet of the base of the tower to the highest point of the tower or any antenna attached thereto:

a. Single users: Not more than 75 feet in height;

b. Two or more users: Not more than 90 feet in height.

3. Color

Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

4. Lighting

Towers shall not be artificially illuminated unless required by the FAA, other governmental regulation, or as specified in the next two sentences. Towers that are used as flagpoles may be lit at night if they are flying the national flag. Ground level security lighting not more than 20 feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties.

5. Separation Requirements

The following separation requirements shall apply to all towers:

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. If the requested separation distance is greater than or equal to the distance in Table 1, the Zoning Administrator can proceed to process the application hereunder. If the requested separation distance is less than the separation distances provided in Table 1, but more than or equal to 100 feet, the provisions of Section 11.5.2.5, Alternative Procedure for Separation Allowances, shall apply.

TABLE 1. TOWER SEPARATION FROM CERTAIN USES AND ZONES.

Off-Site Use/Designated Area	Separation Distance
Single-unit or two-unit dwellings	500' or 3 times the height whichever is greater
Vacant platted or unplatted residentially zoned land	500' or 3 times the height whichever is greater
Existing multi-unit residential units	500' or the height of tower whichever is greater
City park and open space uses	1,000'
Nonresidentially zoned lands with nonresidential uses	None; only setbacks apply

b. Separation distances between towers shall be maintained and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower, pursuant to a site development plan of the proposed tower. If the requested tower separation distance is greater than or equal to the distance in Table 2, the Zoning Administrator can proceed to process the application hereunder. If the requested tower separation is less than the separation distance as provided in Table 2, but more than or equal to 500 feet, the provisions of Section 11.5.2.5, Alternative Procedure for Separation Allowances, shall apply.

TABLE 2. MINIMUM SEPARATION BETWEEN TOWERS (IN FEET)

Existing Towers--Types	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole not more than 75 feet in height
Lattice	2,500'	2,500'	1,500'	1,000'
Guyed	2,500'	2,500'	1,500'	1,000'
Monopole 75 feet in height or greater	1,500'	1,500'	1,500'	1,000'
Monopole not more than 75 feet in height	1,000'	1,000'	1,000'	1,000'

F. Specific Requirements - Antennas Installed On Structures Other than Towers

The following height and bulk plane standards shall apply to antennas installed on a structure other than a tower:

1. The height and bulk plane of the antenna shall be controlled by the district regulations of the zone district in which it is located, provided that antennas, together with any support structure built to hold, camouflage or conceal them, may extend up to 14 feet beyond the highest point of the building or structure to which they are attached.

G. Specific Requirements - Telecommunications Support Facilities

1. Telecommunications support facilities may be located on the roof of a building.
2. If located on a building, telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
3. Telecommunications support facilities shall not contain more than 350 square feet of gross floor area per user or be more than 12 feet in height, measured from the roof upon which the facility is placed to the highest part of the facility, or if on the ground, measured according to Division 13.1, Rules of Measurement.
4. If the telecommunications support facilities are located at grade, they shall comply with all the same requirements as those for towers in Section 11.5.2.1.C.8, Screening and Landscaping.

11.5.2.2 Application for Towers and Antennas

Every applicant for a tower, but not Telecommunications Tower - Alternative Structures 50 feet or less in height according to Section 11.5.2.1.B.3, Telecommunications Tower - Alternative Structure Exception, shall provide the Zoning Administrator with:

A. The first application for a permit by a provider or an applicant for a provider shall include an inventory of all of that provider's existing towers, antennas, or sites approved for towers or antennas, that are either within the city or within 1,000 feet of the border thereof and the provider shall also comply with the inventory and tracking requirement of this section;

B. The identification of its backhaul providers, updated on at least an annual basis, and the method of providing backhaul, wired or wireless;

C. A vicinity map drawn to scale showing adjacent land uses that require separation and zoning within 1,000 feet; including those in adjacent municipalities;

D. Upon the request of the Zoning Administrator, the Chief Information Officer or a member of city council, or their designees, the telecommunications provider shall meet with the requesting official and provide them with information concerning the proposed system design, which information shall not be reduced to writing and shall be treated as a confidential trade secret;

E. A scaled set of plans containing the following information:

1. Location and legal description of the proposed site;
2. Type and height of the proposed tower
3. On-site land uses and zoning;
4. Adjacent roadways;
5. Proposed means of access;
6. Setbacks from property lines;
7. Architectural elevation drawings of the proposed tower and any other telecommunications support facilities;
8. Site topography;
9. Parking;
10. A landscape plan showing specific landscape materials;
11. The method of fencing, finished color and, if applicable, the method of camouflage and illumination.

F. An affidavit from the owner of the property acknowledging that the owner of the property is responsible for the removal of a tower, and the associated telecommunications support facilities, that are abandoned or unused for a period of 12 months.

G. Every applicant for an antenna shall provide the Zoning Administrator with the information required in Section 11.5.2.2.E, where applicable.

H. The Zoning Administrator may share information, except for the confidential proposed system design, with other applicants applying for administrative approvals or use exceptions under this section or other organizations seeking to locate towers/antennas in the city, except that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

11.5.2.3 Inventory and Tracking

The Zoning Administrator shall compile a list of towers and maintain and update the same from information furnished by all service providers. The Zoning Administrator shall issue a registration number to be affixed to and displayed on each tower. Reasonable fee as determined by the Zoning Administrator shall be assessed for an initial registration and annual inspections.

11.5.2.4 Collocation and Modifications

A. Modifications and Collocations that are Physically Substantial

Any Telecommunications Tower Structure, Telecommunications Tower-Alternative Structure, Antennas Not Attached to a Tower, Telecommunications Facility, Telecommunications Facility-All Others or Base Station may be modified or reconstructed in a manner that does not substantially change the physical dimensions of such structure. A modification shall be determined to be a substantial change to the physical dimensions of the subject structure only if the modification or change meets any of the following criteria:

1. It increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

2. It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or placement outside the current site of the telecommunications facility;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is not in conformance only in a manner that would not exceed the thresholds identified in this Section 11.5.2.4.A.1.

B. Conditions on Modifications and Collocations that are Physically Substantial

1. Modifications defined in Section 11.5.2.4.A shall be considered physically substantial. A tower may be substantially modified or reconstructed to accommodate the collocation of additional antennas under the following conditions:
    a. The tower shall be the same type as the existing tower, unless the tower is replaced by a monopole not more than 48 inches in diameter, provided, however that an existing alternative tower structure not over 50 feet in height may only be replaced by another alternative tower structure not over 50 feet in height;
    b. An existing tower, to accommodate the collocation of an additional antenna, may be substantially modified or rebuilt only once to a taller height, not to exceed 30 feet more than the tower's existing height, provided, however that this Section 11.5.2.4.B shall not apply to Telecommunications Tower - Alternative Structures not over 50 feet in height;
    c. The additional height referred to in this Section 11.5.2.4.B.1 shall not require an additional distance separation as set forth in Table 2 of Section 11.5.2.1.E.5, Separation Requirements. The tower's pre-modification height shall be used to calculate distance separations;
    d. The existing tower shall comply with the separations from certain uses and zones in Table 1 of Section 11.5.2.1.E.5, Separation Requirements;
    e. If a tower is replaced to accommodate a physically substantial collocation, only 1 tower may remain on the zone lot; and
    f. If a tower is relocated on-site in compliance with all setback requirements, and within a 25 feet radius of its existing location, under the terms and conditions of this section, it shall not be deemed a violation of the separation requirements of Section 11.5.2.1.E.5, Separation Requirements.
2. Antennas may be attached to an existing tower that is accessory to a police station, fire station or hospital, and said tower may be substantially modified to a height not to exceed 135 feet above grade. No part of any collocated antenna shall be more than 90 feet above grade.

C. Substantial Modifications to Towers not in Conformance

Antennas may be attached to an existing tower that is not in conformance with all the requirements of Section 11.5.2.1, All Zone Districts, and said tower may be substantially modified, with the following limitations:

1. The tower is of the same type as the existing tower, unless the tower is replaced by a monopole tower not more than 48 inches in diameter or a tower that meets the definition of a Telecommunications Tower - Alternative Structure, and;
2. The tower with the attached additional antenna as substantially modified must meet the requirements of Section 11.5.2.1.D., Specific Requirements - All Towers, Antennas and Telecommunication Support Facilities, and Section 11.5.2.1.G, Specific Requirements - Telecommunication Support Facilities.

11.5.2.5 Alternative Procedure for Separation Allowances

A. Applicability

1. The following provisions shall govern applications where the requested separations are less than the minimum requirements in Tables 1 and 2 of Sections 11.5.2.1.E.5, Separation Requirements, but greater than or equal to 100 feet for Section 11.5.2.1.E.5. (Table 1) and greater than or equal to 500 feet for Section 11.5.2.1.E.5. (Table 2).

2. This Section 11.5.2.5 shall not apply to Telecommunications Tower - Alternative Structures not over 50 feet in height. See Section 11.5.2.1.B.3, Telecommunications Tower - Alternative Structure Exception, for applicable procedures.

3. This Section 11.5.2.5 shall not apply to towers and antennas where the requested separations are less than 100 feet from a City Park.

B. Applicable Review Procedure

In addition to meeting the minimum requirements of Section 12.4.2, Zoning Permit Review with Informational Notice, applications for telecommunication towers and antennas subject to this Section 11.5.2.5 shall comply with the following submittal, notification and certification, public meeting, and review criteria standards. In case of any conflict with the informational notice provisions in Section 12.4.2, this Section's requirements shall apply.

C. Submittal Requirements

In addition to the application requirements of Section 11.5.2.2, Applications for Towers and Antennas, and a reasonable review fee, the Zoning Administrator may require that the applicant submit for review the following information or items if applicable:

1. Legal description of the zone lot and leased parcel (if applicable);

2. The setback distance between the base of the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties;

3. The separation distance from other towers located within 1,000 feet of the base of the proposed tower shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known;

4. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;

5. A description of the suitability of the use of existing towers, other structures or locations to provide the services to be provided through the use of the proposed new tower;

6. Such other information as is deemed by the Zoning Administrator to be necessary to render a determination.

D. Notification and Certification Requirements

1. Written Notice Required

a. Using a notice form supplied by the Zoning Administrator, the applicant shall promptly notify all property owners within 500 feet of the proposed tower and registered neighborhood organizations whose boundaries contain or are within 200 feet of the proposed tower as required in D.R.M.C., Section 12-96.

b. Such notice shall indicate the boundaries of the property included in the application, shall explain the character and dimensions of the proposed telecommunication tower, the nature and applicable separation distances and shall give directions for submitting written comments. The said notice shall also include notice of a date not less than 30 days after the delivery of the notice which has been set by the Zoning Administrator for consideration of the application and any written comments related thereto and that a public meeting may be requested.

c. The applicant shall also file a statement with the Zoning Administrator stating how and on what date the applicant has so notified said adjoining property owners and registered neighborhood organizations. The Zoning Administrator may solicit comments from appropriate city agencies.

2. Posting Requirements

a. In addition to the written notice required above, the applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator.

b. The posted notices shall contain the same information as the written notices and shall be in number, size and location as required by the Zoning Administrator. The property shall remain posted for 20 days.

c. Such posted notices shall be removed by the applicant within 45 days after their posting, failure to remove such notices in a timely manner shall constitute a violation of this Code.

d. If the tower is approved by the Zoning Administrator the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

E. If No Public Meeting is Requested

If no timely request for a public meeting in accordance with this Section 11.5.2.5 is received, the Zoning Administrator shall consider the written comments of all interested parties and the factors contained in this subsection.

1. Findings Required

The Zoning Administrator may approve or approve with conditions the application providing findings are made that the proposed telecommunication towers will:

a. Not substantially or permanently injure the appropriate use of adjacent property;

b. Maintain the separation distances between towers and certain uses contained in Table 1 of Section 11.5.2.1.E.5, Separation Requirements, of at least 100 feet and a distance of at least 500 feet from any other tower if the tower has a diameter or width of less the 48 inches;

c. Maintain a setback distance of 500 feet from a Residential Zone District or residential structure if the tower has a diameter or width of more than 48 inches; and

d. Meet all zone district regulations.

2. Considerations

The Zoning Administrator shall consider the following factors in determining whether the application meets the goals contained in Section 11.5.2.1.A, Intent.

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers or other structures.

3. Conditions

In approving with conditions, the Zoning Administrator may place such conditions on the approval as deemed necessary to advance the goals contained in Section 11.5.2.1.A, Intent. Such conditions may include but are not limited to:

a. Moving the location of the tower to a more appropriate site;

b. Requiring an appropriate alternative tower structure; or

c. Other actions that will disguise or otherwise lessen the impact of the tower.

F. If a Public Meeting is Requested

If a request for a public meeting is received from 3 property owners within 500 feet of the proposed tower or from a registered neighborhood association whose boundaries contain or are within 200 feet of the proposed tower, the Zoning Administrator shall refer the application to the Chief Information Officer to arrange for a public meeting to be held within 30 days from the date of request.

1. Committee

A committee composed of the Chief Information Officer, the Manager, and the chairman of the Planning Board, or their designees, shall hold the public meeting.

2. Notification and Posting

All persons submitting comments or requests for a public meeting and all registered neighborhood organizations whose boundaries contain or are within 200 feet of the location of the proposed tower shall be notified of the date, time and location of the public meeting. The applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator. Such sign shall describe the proposed construction and the date, time and location of the public meeting. The property shall be posted for 15 days prior to the meeting date. Such posted notices shall be removed by the applicant within 45 days after their posting; failure to remove such notices in a timely manner shall constitute a violation of this Code. If the tower is approved by the Zoning Administrator, the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

3. Recommendation

Within 15 days of the public meeting the committee shall make a recommendation to the Zoning Administrator to approve, approve with conditions or deny the application. In making its recommendation the committee shall consider the comments at the public meeting and the goals of Section 11.5.2.1.A, Intent, and the provisions of Section 11.5.2.5.E.1, Findings Required, Section 11.5.2.5.E.2., Considerations, and Section 11.5.2.5.E.3, Conditions.

4. Zoning Administrator's Decision

Within a reasonable time of receiving the recommendation of the committee, the Zoning Administrator shall make a decision according to Section 11.5.2.5.E, If No Public Meeting is Requested, above.

11.5.2.6 Telecommunications Towers In and Adjacent to Residential Zone Districts or within 500 Feet of Another Tower

Subject to Section 12.4.9, Zoning Permit with Special Exception Review, telecommunication towers that are either in or within 100 feet of Residential Zone District or within 500 feet of another tower, but not including Telecommunications Tower - Alternative Structures not more than 50 feet in height, may be permitted subject to compliance with the following standards:

A. The placement of towers and their associated telecommunications support facilities in Residential Zone Districts, within 100 feet of a Residential Zone District, or within 500 feet of another tower, shall be permitted only if the Board of Adjustment finds that the proposed tower is necessary and essential to providing the applicant's telecommunication service.

B. The Board of Adjustment may place such conditions on the use as will advance the goals contained in Section 11.5.2.1.A, Intent, including but not limited to:

1. Moving the location of the tower or antenna to a more appropriate available site;

2. Using a different technology that will lessen the impact of the tower or antenna;

3. Requiring an appropriate alternative tower structure; or

4. Other actions that will disguise or otherwise lessen the impact of the tower or antenna.

Industrial Services Use Category

SECTION 11.5.3 CONTRACTORS, SPECIAL TRADE, GENERAL

11.5.3.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

A. Trucks having a manufacturer's capacity of more than 2 tons shall not remain on the premises except as necessary to load and discharge contents.

B. Any unenclosed areas permitted shall be provided with:

1. A fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot;

2. Proper grading for drainage; and

3. Asphalt, oil or any other dust-free surfacing. These areas shall be maintained in good condition, free of weeds, dust, trash and debris.

11.5.3.2 All Downtown Neighborhood Context Zone Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations, this use shall be operated within a Completely Enclosed Structure.

11.5.3.3 All Industrial Context Zone Districts, CMP-NWC-F District

In all Industrial Context zone districts and the CMP-NWC-F zone district, where permitted with limitations:

A. The use shall be located at least 500 feet from any Residential Zone District.

B. In the CMP-NWC-F zone district, all Contractors, Special Trade, General uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

SECTION 11.5.4 CONTRACTOR, SPECIAL TRADE-HEAVY/CONTRACTOR YARD

11.5.4.1 I-MX, I-A, I-B, CMP-NWC-F, M-IMX and M-GMX Zone Districts

A. In the I-MX, I-A, I-B, CMP-NWC-F, M-IMX, and M-GMX Zone Districts, where permitted with limitations, a contractor, special trade/heavy use shall be located at least 500 feet from a Residential Zone District.

B. In the CMP-NWC-F zone district, all Contractor, Special Trade-Heavy/Contractor Yard uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

SECTION 11.5.5 FOOD PREPARATION AND SALES, COMMERCIAL

11.5.5.1 All Zone Districts

In all zone districts, where permitted with limitations, a Food Preparation and Sales, Commercial use engaged in the production of marijuana-infused products shall be allowed to produce marijuana concentrate through the use of the following extraction processes, provided all of the marijuana concentrate produced shall be incorporated into food products made on site:

A. Water-based extraction;

B. Food-based extraction; or

C. Alcohol- or ethanol-based extraction, but only if the production of marijuana concentrate is done without the application of any heat from a fuel-fired or electrified source and uses no more than 16 ounces of alcohol or ethanol during each extraction process.

SECTION 11.5.6 LABORATORY, RESEARCH, DEVELOPMENT, TECHNOLOGICAL SERVICE

11.5.6.1 All Zone Districts

In all zone districts, where permitted with limitations, a Laboratory, Research, Development, Technological Service use may include sales facilities limited to non-retail sales and sales activities, which shall occupy no more than 20 percent of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.

SECTION 11.5.7 SERVICE/REPAIR, COMMERCIAL

11.5.7.1 All CC, MX, MS Zone Districts

In all CC, MX, MS zone districts, except in the M-IMX zone districts, where permitted with limitations, Commercial Service/Repair uses are limited to building maintenance service uses only. All other Commercial Service/Repair uses are prohibited.

11.5.7.2 All Downtown Context Zone Districts

In all Downtown Context zone districts, where permitted with limitations, Commercial Service/Repair uses are limited to: diaper service, linen supply, laundry, metal sharpening, and mirror silvering.

11.5.7.3 All I-A, I-B; CMP-NWC-F; M-IMX Zone Districts

In all I-A, I-B, CMP-NWC-F, and M-IMX zone districts, where permitted with limitations:

A. Commercial Service/Repair uses are limited only to the following specific types:

1. Repair, rental and servicing of any commodity that is manufactured, processed, fabricated, stored, or sold in the zone, and which may involve an environmental hazard as determined by the Denver Fire Code, including but not limited to the following:
    a. Vehicle body shop,
    b. Upholstery or top shop,
    c. Paint shop,
    d. Refrigeration and air conditioning service and repair,
    e. Disinfecting and pest control service.
2. Autoclave;
3. Laundry, dry cleaning, commercial, industrial.

B. In the CMP-NWC-F zone district, all Commercial Service/Repair uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. All Commercial Service/Repair uses shall be located at least 500 feet from any Residential Zone District.

Manufacturing and Production Use Category

SECTION 11.5.8 MANUFACTURING, FABRICATION, AND ASSEMBLY - CUSTOM

11.5.8.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. On-site manufacturing of malted barley is prohibited.

B. Unenclosed outdoor storage is prohibited.

C. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided in all zone districts, except in the I-A zone district, such areas shall comply with the limitations stated in Section 11.10.14 Outdoor Gathering Area.

11.5.8.2 All RX and All MX -2x, -2A, -2; MS -2x, -2 Districts

In all RX, and MX-2x, -2A, -2, and MS-2x, -2 zone districts abutting a SU or TU zone district, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. Lighted signage shall be turned off during non-operating hours; and

B. All outdoor lighting shall be provided with full cut-off fixtures.

11.5.8.3 All RX and MX -2x, MS -2x Zone Districts

In all RX, MX-2x, and MS-2x zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. If the use is less than 100 feet from the boundary of any Protected District, all business activities open to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m.

SECTION 11.5.9 MANUFACTURING, FABRICATION, AND ASSEMBLY - GENERAL

11.5.9.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - General uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that the proposed use, its siting, design, traffic generation, and other external effects indicate a reduced or eliminated separation will have no significant adverse impact on the nearby Residential Zone District.

11.5.9.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

A. A Manufacturing, Fabrication and Assembly - General use on a zone lot greater than 60,000 square feet or operating between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

B. A Manufacturing, Fabrication and Assembly - General use proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

C. A Manufacturing, Fabrication, and Assembly - General use involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following additional limitations:

1. On-site manufacturing of malted barley is prohibited.

2. Unenclosed outdoor storage is prohibited.

3. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided such areas shall comply with the limitations stated in Section 11.10.14 Outdoor Gathering Area.

11.5.9.3 CMP-NWC-F Zone District

In CMP-NWC-F, where permitted with limitations, all Manufacturing, Fabrication and Assembly-General uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

SECTION 11.5.10 MANUFACTURING, FABRICATION, AND ASSEMBLY - HEAVY

11.5.10.1 All Zone Districts

A. In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Heavy uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application.

B. Special Exception review is required for the manufacturing, fabrication, and assembly of:

1. (SIC 3631) Household cooking equipment;

2. (SIC 3632) Household refrigerators and freezers;

3. (SIC 3633) Household laundry equipment; or

4. (SIC 3639 Household appliances.

C. Petroleum refining is prohibited except for the following activities, which are permitted only in the I-B zone district:

1. (SIC 295) Asphalt paving and roofing materials; or

2. (SIC 299) Miscellaneous products of petroleum and coal.

D. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses to a Manufacturing, Fabrication, and Assembly - Heavy use involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors.

Mining & Extraction and Energy Production Systems Use Category)

SECTION 11.5.11 OIL, GAS, PRODUCTION, DRILLING

11.5.11.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX and M-GMX zone districts, where permitted with limitations, oil gas, production, drilling uses are limited to geophysical services only. As part of the Site Development Plan review process, the Zoning Administrator shall determine the separation between the proposed use and any adjacent Residential Zone District based on the external effects of the proposed use.

11.5.11.2 O-1 and DIA Zone Districts

In the O-1 and DIA zone districts, where permitted with limitations:

A. All site plan applications for oil and gas uses shall be reviewed according to Section 12.4.3, Site Development Plan Review, with the addition of a representative from the building inspection division of Community Planning and Development, designated by the Manager, and a representative from the Department of Aviation, designated by the Manager of Aviation.

B. As part of the Site Development Plan Review, the Manager may recommend conditions on the approval of any oil and gas permit application to ensure the following public health, safety, and welfare objectives:

1. There shall be adequate financial assurances to insure the city against any claims which may arise due to the applicant's operation under any and all permits issued by the city;

2. The applicant shall provide appropriate protection of the natural environment and adjacent land uses; and

3. The applicant shall assure avoidance of any adverse impact on other permitted uses in the subject zone district.

SECTION 11.5.12 SAND OR GRAVEL QUARRY

11.5.12.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX, and M-GMX zone districts, where permitted with limitations, a sand or gravel quarry use shall be located at least 500 feet from a Residential Zone District.

SECTION 11.5.13 WIND ENERGY CONVERSION SYSTEM ("WECS")

11.5.13.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Zone Lots Containing or Adjacent to Single-Unit or Two-Unit Dwelling Uses or Row House Building Forms

Establishment of a wind conversion energy system use on a zone lot, or adjacent to a zone lot, that contains a single unit dwelling use or two-unit dwelling use, or that contains a Row House Building Form, is permitted according to Section 12.4.9, Zoning Permit with Special Exception Review. The Board of Adjustment may approve such use only upon findings that the proposed wind energy conversion system complies with the following standards:

1. The applicant is the owner of the property and has submitted a site plan of the property that shows the location of the proposed system;

2. The proposed system, including guy wires, will not encroach into any setback and will be no closer than 10 feet to any property line; provided, however, that for any zone lot not containing a single unit or two-unit dwelling use, or a Row House Building Form, the

10 foot setback only applies to zone lot lines abutting such residential zone lots; other setbacks shall be as per the applicable zone district and building form regulations.

3. The proposed system will extend no further than 30 feet above the highest point of existing buildings on the zone lot, unless the zone lot does not have a single unit or two unit dwelling use or Row House building form, in which case the proposed system will extend no further than 35 feet above the highest point of existing buildings on the zone lot, or 60 feet above the ground, whichever is higher;

4. All power transmission lines shall be located underground or inside a structure and that the proposed system, will consist of a tubular pole tower if the proposed system is to be a horizontal axis system;

5. Climbing access to the structure shall be limited by means of a fence 6 feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: "WARNING: Wind Energy Electrical Generating System";

6. Any system with a capacity in excess of 100 kilowatts shall not be installed in a Residential Zone District and shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference;

7. The proposed system will not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency; and

8. The proposed system will not substantially or permanently injure the appropriate use of adjacent conforming property.

B. All Other Zone Lots - Systems Not Subject to Special Exception Review

A wind energy conversion system may operate on any zone lot that is not adjacent to and does not have a single-unit dwelling or two-unit dwelling use. A wind energy conversion system may be permitted according to Section 12.4.2, Zoning Permit Review with Informational Notice, and subject to compliance with the following conditions:

1. The applicant is the owner of the property and has submitted a site plan of the property which shows the location of the proposed system.

2. The proposed system, including guy wires and blades, shall not encroach into any setback, and in no event shall be within 10 feet of the front zone lot line.

3. The proposed system, including blades, shall extend no further than 35 feet above the highest point of existing buildings on the zone lot or any building within 100 feet of the zone lot or 60 feet above the ground, whichever is higher, provided, however that in no event may the system extend more than 75 feet above the building on which it is mounted.

4. All power transmission lines shall be located underground or inside a structure.

5. Climbing access to the structure shall be limited by means of a fence six feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: "WARNING Wind Energy Electrical Generating System".

6. Any system with a capacity in excess of 100 kilowatts shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.

7. The proposed system shall not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency.

8. The proposed system shall not substantially or permanently injure the appropriate use of adjacent conforming property.

TRANSPORTATION FACILITIES USE CATEGORY

SECTION 11.5.14 HELIPAD, HELISTOP, HELIPORT

11.5.14.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, the use shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.

11.5.14.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

A. The use shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.

B. The Helipad or Helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses; except that helipads or helistops in the CMP-H and CMP-H2 zone districts and in the D-GT zone district located south of 8th Avenue shall not be subject to this 1,000 feet distance requirement.

C. Helipads or helistops in the CMP-H and CMP-H2 districts and in the D-GT zone district located south of 8th Avenue shall be subject to Zoning Permit with Special Exception Review.

11.5.14.3 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, the Helipad or Helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses.

SECTION 11.5.15 RAILROAD FACILITIES

11.5.15.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. A railway facility proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District.

B. All mass transit railroad facilities located within 200 feet of a conforming residential structure shall be reviewed according to Section 12.4.3, Site Development Plan Review.

11.5.15.2 All Downtown Zone districts

In all Downtown zone districts where permitted with limitations, all mass transit railroad facilities located within 200 feet of a conforming residential structure shall comply with review procedures according to Section 12.4.3, Site Development Plan Review.

SECTION 11.5.16 TERMINAL, STATION OR SERVICE FACILITY FOR PASSENGER TRANSIT SYSTEM

11.5.16.1 All Residential Zone Districts

In all Residential zone district, where permitted with limitations, the use shall be limited to a stop or station for the mass passenger transit system only; and parking provided for the use of passengers or employees of the passenger transit provider.

SECTION 11.5.17 TERMINAL FREIGHT, AIR COURIER SERVICE

11.5.17.1 I-MX, I-A, I-B, M-IMX, M-GMX and All Downtown Zone Districts

In the I-MX, I-A, I-B, M-IMX, M-GMX, and all Downtown Zone Districts, where permitted with limitations:

A. Any terminal proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than 15 percent gross floor area or gross site area.

Waste Related Services

SECTION 11.5.18 AUTOMOBILE PARTS RECYCLING BUSINESS

11.5.18.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. The use shall be located no less than 500 feet from a Residential Zone District.

B. The use shall comply with the screening and enclosure requirements of Section 9.1.5.5, Required Screening and Enclosure Standards.

C. Vehicle parts and bodies shall be arranged and/or stacked in an orderly manner. Outdoor aisles shall be graveled or covered with a dust-free surface material, and the site along with abutting street right-of-way areas shall be kept free of weeds and litter. The dismantling area shall not be visible from the street or from abutting residential or business zoned properties. Outdoor storage areas shall be enclosed by a solid wall or fence, except where such business adjoins a similar use along a side or rear lot line. Provision shall be made to control, contain, and collect for proper disposal oil, antifreeze, and other liquids generated by the dismantling or storage of motor vehicles or parts. Disposal of CFCs (chlorofluorocarbons) from vehicle air conditioners shall be done in accordance with chapter 4 of the Revised Municipal Code and applicable rules and regulations.

SECTION 11.5.19 JUNKYARD

11.5.19.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. Separation

The use shall be a minimum of 1,000 feet from any Residential Zone District, Mixed Use Commercial Zone District, or Downtown Neighborhood Context zone district.

B. Screening

The use shall comply with the screening and enclosure requirements of Section 9.1.5.5, Required Screening and Enclosure Standards. The height of such fence or wall shall screen the view from an abutting Primary Street of the stored material and shall not exceed a height of 10 feet. Existing solid walls or fences consisting of prohibited materials shall be replaced with approved materials no later than June 15, 1993.

SECTION 11.5.20 RECYCLING CENTER

11.5.20.1 I-MX, I-A, I-B, M-IMX, and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX, and M-GMX Zone Districts, where permitted with limitations:

A. Separation
The recycling center facility shall be located at least 500 feet from a Residential Zone District.

B. Screening
The use shall comply with the screening and enclosure requirements of Section 9.1.5.5, Required Screening and Enclosure Standards.

SECTION 11.5.21 RECYCLING PLANT, SCRAP PROCESSOR

11.5.21.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. Separation
The recycling plant shall be located at least 500 feet from a Residential Zone District.

B. Screening
The use shall comply with the screening and enclosure requirements of Section 9.1.5.5, Required Screening and Enclosure Standards.

Wholesale, Storage, Warehouse and Distribution Use Category

SECTION 11.5.22 AUTOMOBILE TOWING SERVICE STORAGE YARD

11.5.22.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, an automobile towing service storage yard plant shall be located at least 500 feet from a Residential Zone District.

SECTION 11.5.23 MINI-STORAGE FACILITY

11.5.23.1 All MX, MS, and Downtown Zone Districts

In all MX, MS, and Downtown zone districts, where permitted with limitations, a Mini-Storage Facility use shall not have individual entrances to storage units from the exterior of the structure.

11.5.23.2 All MX, MS, CC, and Downtown Zone Districts

In all MX, MS, CC, and Downtown zone districts, where the Zone Lot is located within 1/4 mile of a Rail Transit Station Platform, a Mini-Storage Facility shall be prohibited.

11.5.23.3 All I-A and I-B Zone Districts

In all I-A and I-B zone districts, where the Zone Lot is located within 1/4 mile of a Rail Transit Station Platform, and where permitted with limitations, a Mini-Storage Facility use shall not have individual entrances to storage units from the exterior of the structure.

SECTION 11.5.24 VEHICLE STORAGE, COMMERCIAL

11.5.24.1 All Downtown Neighborhood Context Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations:

A. Vehicle Storage is limited to enclosed garage storage for commercial and public utility vehicles only.

B. Commercial storage of automobiles and light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

11.5.24.2 I-A, I-B, and CMP-NWC-F Zone Districts

In I-A , I-B, and CMP-NWC-F zone districts, where permitted with limitations:

A. The Vehicle Storage use shall be located at least 500 feet from a Residential Zone District.

B. In CMP-NWC-F, all Vehicle Storage, Commercial uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

11.5.24.3 All CC Zone Districts

In all CC zone districts, where permitted with limitations, Vehicle Storage, Commercial shall be limited to the assembling or standing of operable vehicles having a capacity of not more than one and one-half tons.

SECTION 11.5.25 WHOLESALE TRADE OR STORAGE, GENERAL

11.5.25.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, all Wholesale Trade or Storage, General uses shall be located a minimum of 500 feet from a Residential Zone District.

SECTION 11.5.26 WHOLESALE TRADE OR STORAGE, LIGHT

11.5.26.1 All CC, MX, MS, CMP, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

In all CC, MX, MS, CMP, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts, where permitted with limitations:

A. A Wholesale Trade or Storage, Light use proposed on a zone lot greater than 25,000 square feet or is proposed to operate between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

B. A Wholesale Trade or Storage, Light use proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard, or within 300 feet of any boundary with any portion of Adams County other than the Rocky Mountain Arsenal, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, in order to permit review and comment by adjacent jurisdictions.

C. In CMP-NWC-F, all Wholesale Trade or Storage, Light uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

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DIVISION 11.6 AGRICULTURAL PRIMARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations and standards applicable to permitted primary, accessory, or temporary uses. This Division contains limitations and standards applicable to specific uses within the Agricultural Primary Use Classification across multiple zone districts and neighborhood contexts.

SECTION 11.6.1 AQUACULTURE

In all zone districts, where permitted with limitations, the outdoor storage of waste material from fish processing is prohibited.

SECTION 11.6.2 GARDEN, URBAN

11.6.2.1 All Zone Districts

In all zone districts, where permitted with limitations, bee keeping is permitted as accessory to the Urban Garden use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.

SECTION 11.6.3 HUSBANDRY, ANIMAL

11.6.3.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, a Husbandry, Animal use shall be located at least 500 feet from a Residential Zone District.

11.6.3.2 OS-B Zone Districts

In the OS-B zone district, where permitted with limitations, a Husbandry, Animal use is limited to the raising and/or grazing of livestock animals and any confinements for such animals, provided such use is located at least 500 feet from a Residential Zone District.

SECTION 11.6.4 HUSBANDRY, PLANT

11.6.4.1 All Zone Districts

In all zone districts, where permitted with limitations, growing of marijuana is permitted only as a "husbandry, plant" use, and shall occur only within a Completely Enclosed Structure.

11.6.4.2 I-A Zone District

In the I-A zone district, where permitted with limitations, when not operated inside a Completely Enclosed Structure, the Plant Husbandry use shall be located at least 500 feet from a Residential Zone District.

SECTION 11.6.5 PLANT NURSERY

11.6.5.1 In All Zone Districts

In all zone districts, where permitted with limitations:

A. The outdoor storage of waste material from accessory fish processing (Aquaculture) is prohibited.

B. Bee keeping is permitted as accessory to a Plant Nursery use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area. When not operated inside a Completely Enclosed Structure, the Plant Nursery use shall be located at least 500 feet from a Residential Zone District.

11.6.5.2 I-MX Zone Districts

In the I-MX zone district, where permitted with limitations, a Plant Nursery use shall be operated within a Completely Enclosed Structure.

11.6.5.3 I-A, I-B, OS-B, O-1, M-IMX, M-GMX and DIA Zone Districts

In the I-A, I-B, OS-B, O-1, M-IMX, M-GMX and DIA zone districts, where permitted with limitations, an unenclosed Plant Nursery use shall be located at least 500 feet from a Residential Zone District.

DIVISION 11.7 ACCESSORY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains general standards applicable to all accessory uses across multiple zone districts and neighborhood contexts.

SECTION 11.7.1 GENERAL PROVISIONS APPLICABLE TO ALL ACCESSORY USES

11.7.1.1 General Allowance for Accessory Uses

A. Accessory Uses are Incidental, Subordinate, and Customary to the Primary Use
Accessory uses shall be clearly incidental, subordinate, customary to, and commonly associated with operation of a primary use. Accessory uses may be incidental to a primary use permitted without limitations, or to a permitted primary use with limitations. The Use Tables in Articles 3 through 9 list specific accessory uses permitted in each zone district; applicable limitations may further restrict the type or operations of an accessory use.

B. Clarification When Primary Use is Unenclosed
For an unenclosed primary use, such as a recreational playing field, urban garden, or other similar open space, the primary use is the unenclosed use of the land. Any structures and uses common and customary to the unenclosed primary use (such as structures containing restrooms, equipment storage, concession stands, etc.) shall be deemed "accessory uses" and/or "accessory structures" and shall comply with the applicable accessory building form standards and accessory use limitations.

11.7.1.2 Limitations Applicable to All Accessory Uses

A. General Limitations
All accessory uses, except Accessory Dwelling Unit uses and Short-term Rental accessory uses, shall comply with all of the following general limitations. Accessory Dwelling Units uses, where permitted, shall comply with the specific limitations stated in Section 11.8.2, Accessory Dwelling Units, instead of these general limitations in Section 11.7.1.2.A. Short-term Rental accessory uses, where permitted, shall comply with the specific limitations stated in 11.8.10, Short-term Rental, instead of these general limitations in Section 11.7.1.2.A.

1. Incidental, Subordinate, and Customary to the Primary Use
Such use shall be clearly incidental, subordinate, and customary to and commonly associated with the operation of the primary use.

2. Exception to Area/Size Limits - Outdoor Accessory Uses
Subject to the general requirements in this Section that they remain incidental and subordinate to their associated primary use, the following outdoor (unenclosed) accessory uses are allowed without limit on the area (size) of such accessory outdoor use:

a. Drive-Thru Facility;

b. Outdoor Gathering Area;

c. Outdoor Entertainment Area; and

d. Garden.

3. Maintained Under Same Ownership - Exceptions
Such accessory use shall be operated and maintained under the same ownership and on the same zone lot as the primary use; provided, however, that in all Mixed Use Commercial Zone Districts, lessees or concessionaires may operate the accessory use; and provided further that in nonresidential structures owned and operated by a Place for Religious Assembly use in a Residential Zone District, non-profit lessees or concessionaires may operate the accessory use.

4. Residential Occupancy Prohibited - Exceptions

a. An accessory use shall not include residential occupancy in a detached accessory structure offered for rent or for other commercial gain.

b. Residential occupancy in a detached accessory structure is permitted by members of a household occupying the primary structure, or domestic employees and the immediate families of such employees.

5. Rules of Measurement - Area of Certain Accessory Uses

The area of specific accessory uses shall be calculated as follows:

a. **Pool tables.** The area occupied shall be calculated by adding 3 feet to each dimension of such pool table to include the area of play.

b. **Pinball, video games and other similar Amusement Devices.** The area occupied shall be calculated by adding 3 feet to the area directly in front of the device.

c. **Dance floors - Performance Stages. T**he area shall be the sum total of all of the areas of the dance floor and any stage or area used for the playing or performance of recorded or live music.

B. Limitations on Accessory Uses Operated Inside the Primary Structure

1. Applicability

a. This Section 11.7.1.2.B's limitations on accessory uses shall apply to all accessory uses operated inside the associated Primary Structure.

b. A limitation in this Section 11.7.1.2.B shall not apply when it conflicts with a limitation specific to an accessory use found in Divisions 11.8, Uses Accessory To Primary Residential Uses - Limitations, 11.9, Home Occupations Accessory to a Primary Residential Use - All zone districts, or 11.10, Uses Accessory to Primary Nonresidential Uses - Limitations.

2. Limitations on Gross Floor Area of Accessory Uses in the Primary Structure

If an accessory use is operated partially or entirely within the structure containing the Primary Use, the following limits on the gross floor area (GFA) within such structure utilized by the subject accessory use shall apply:

Applicability		Maximum Gross Floor Area (GFA) of Accessory Use Inside the Primary Structure as % of Primary Use GFA (per Dwelling Unit for Two-Unit or Multi-Unit Dwelling Primary Uses)
Accessory Use Inside the Primary Structure	Primary Use and Applicable Zone District	
Accessory Dwelling Unit	Single Unit, Two Unit and Multi-Unit Dwelling Uses - All Zone Districts	The use-specific standards for Accessory Dwelling Units in Section 11.8.2.1.B.2 shall apply instead of this Section 11.7.1.2.B.
Short Term Rental	All Primary Residential Uses - All Zone Districts	No Maximum
Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers, and Recreational Vehicles	All Primary Residential Uses - All Residential Zone Districts	30%, or 1,000 SF, whichever is greater
	All Primary Residential Uses - All Zone Districts except Residential Zone Districts	No Maximum
All Accessory Uses Excluding Accessory Dwelling Unit, Short Term Rental, and/or Keeping and Off-Street Parking of Vehicles, Trailers, and Recreational Vehicles	All Primary Uses - All Residential Zone Districts	Cumulative total GFA of all Accessory Uses (except excluded uses): Maximum 20%, or 300 SF, whichever is greater
Loading Docks	All Primary Uses - All Zone Districts except Residential Zone Districts	No Maximum
Dining or Break Rooms for the Exclusive Use of Occupants or Persons employed in Primary Structure	All Primary Uses - All Zone Districts except Residential Zone Districts	No Maximum
All Accessory Uses, except as otherwise allowed in this Table 11.7-1.	All Primary Uses - All Zone Districts except Residential Zone Districts	Cumulative Total GFA of All Accessory Uses: 20%
All Accessory Uses, except as otherwise allowed in this Table 11.7-1.	All Primary Uses - All Zone Districts except Residential Zone Districts	Cumulative Total GFA of All Accessory Uses: 20%

11.7.1.3 Prohibited Accessory Uses in Residential Zone Districts

A. In a Residential Zone District, the sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer is prohibited.

B. The accessory parking/storage of vehicles, trailers, commercial vehicles, and RVs are governed by Division 10.9, Parking, Keeping and Storage of Vehicles.

C. The growing of marijuana is prohibited as accessory to a primary nonresidential use established in a Residential Zone District.

DIVISION 11.8 USES ACCESSORY TO PRIMARY RESIDENTIAL USES - LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses accessory to primary residential uses across multiple zone districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.7 above, the following specific accessory uses shall comply with this Division's use-specific standards.

SECTION 11.8.1 [RESERVED]

SECTION 11.8.2 ACCESSORY DWELLING UNIT ("ADUS")

11.8.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. General Requirements

1. One Accessory Dwelling Unit use is permitted as accessory to each Primary Dwelling Unit containing a primary Single Unit Dwelling, Two Unit Dwelling, or Multi-Unit Dwelling use on a Zone Lot according to the requirements in this Section 11.8.2.

2. Accessory Dwelling Unit uses that are accessory to Two Unit and Multi-Unit Dwelling Primary Uses shall be established in a detached accessory structure and are not allowed within a Primary Structure. The detached accessory structure containing the Accessory Dwelling Unit use must be accessory to a Two Unit or Multi-Unit Dwelling use in one or more of the following building forms:
   a. Duplex;
   b. Row House; or
   c. Town House.

3. In case of conflict between the requirements for Accessory Dwelling Units stated in this Section 11.8.2.1 and the general conditions stated in Division 11.7, Accessory Use Limitations, the requirements in this subsection shall apply.

B. General Building Requirements

1. Mobile Homes, Recreational Vehicles, and Trailers shall not be used as Accessory Dwelling Units.

2. The Gross Floor Area (GFA) of an Accessory Dwelling Unit use shall not exceed the limits as stated in the following table, unless otherwise specifically permitted by this Code.

PRIMARY USE AND APPLICABLE ZONE DISTRICTS	LOCATION OF ACCESSORY DWELLING UNIT USE	ZONE LOT AREA	MAXIMUM GFA OF ADU USE (Per Dwelling Unit for Two-Unit or Multi-Unit Dwelling Primary Uses)
Single Unit Dwelling Use - All SU Zone Districts where ADU use is permitted with limitations	Attached or Detached	7,000 sf or less	864 sf
		Greater than 7,000 sf	1,000 sf
Single Unit Dwelling Use - All Zone Districts Except SU Zone Districts where ADU use is permitted with limitations	Attached	Not applicable	75% of Primary Use GFA or 864 sf, whichever is greater
Single Unit, Two Unit and Multi Unit Dwelling Uses - All Zone Districts Except SU Zone Districts where ADU use is permitted with limitations	Detached	Not applicable	Not applicable

C. Structural and Location Requirements

All Accessory Dwelling Unit uses shall meet the following requirements:

1. The structure housing an Accessory Dwelling Unit shall not be served by a driveway separate from that serving the Primary Residential Use except to utilize a new access from an Alley.

2. The Accessory Dwelling Unit may be accessed by a separate outside stairway located in conformance with all building and zoning requirements, except outside access stairways shall not be located on a Street-facing façade of the building housing the Primary Residential Use.

3. A Dwelling Unit containing an Accessory Dwelling Unit use may be established with either a Partial Kitchen or Full Kitchen, but only 1 kitchen per Accessory Dwelling Unit is allowed. A Partial Kitchen in an Accessory Dwelling Unit may be permitted to change to a Full Kitchen.

D. Special Allowance for ADUs on Existing Carriage Lots

Accessory Dwelling Unit uses may be established on a Carriage Lot, even in the absence of a primary use on such Carriage Lot, provided the Accessory Dwelling Unit use complies with the standards in this Section 11.8.2 and with all applicable standards in Section 12.10.4, Development on Carriage Lots. In case of conflict between the standards in this Section 11.8.2 and in Section 12.10.4, the standards in Section 12.10.4 shall apply.

11.8.2.2 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

A. Ownership of Primary and Accessory Dwelling Units

The Accessory Dwelling Unit use shall be operated and maintained under the same ownership as the Primary Dwelling Unit use to which it is accessory.

B. Owner Occupancy at Time of Accessory Dwelling Unit Permit Application

1. Applicability

The owner occupancy requirement in this subsection 11.8.2.2.B. shall apply to the establishment of all Accessory Dwelling Unit uses in a SU zone district with the exception of Accessory Dwelling Unit uses accessory to Primary Dwelling Units owned by the Housing Authority of the City and County of Denver (DHA) or an entity whose assets, operations, and management are controlled by DHA to carry out public housing authority functions or policies.

2. Owner Occupancy Use Limitations

a. At the time a permit application is submitted for an Accessory Dwelling Unit use accessory to an existing Primary Dwelling Unit, at least one owner of the existing Primary Dwelling Unit shall occupy the existing Primary Dwelling Unit as the owner's primary residence, except as provided in Section 11.8.2.2.B.2.b below.

b. The owner is not required to occupy a dwelling unit on the property at the time a permit application is submitted when a structure containing an Accessory Dwelling Unit use is being constructed simultaneously with a new Primary Dwelling Unit structure.

c. For purposes of this Section 11.8.2.2.B.2, the term "primary residence" shall mean a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can have only one primary residence.

11.8.2.3 All PUD Zone Districts

A. No ADU Prohibition

1. A PUD District Plan that establishes single-unit dwellings as a permitted primary use shall be deemed to allow an Accessory Dwelling Unit use as a permitted accessory use.

2. The Zoning Administrator shall not apply a prohibition on Accessory Dwelling Units in a PUD District Plan when a primary single-unit dwelling use is explicitly allowed.

B. ADU Standards

Where a PUD District Plan has been deemed to allow an Accessory Dwelling Unit use as a permitted accessory use per Section 11.8.2.3.A No ADU Prohibition, Accessory Dwelling Units shall be subject to building form standards and use limitations for which the PUD district/district subarea is based on. If the PUD is not based on a zone district, Accessory Dwelling Units shall be subject to Accessory Dwelling Unit form standards and use limitations applicable to a single-unit zone district within the same Blueprint Denver future neighborhood context in which the property is located.

SECTION 11.8.3 DOMESTIC EMPLOYEES

In all zone districts, where permitted with limitations, housing of one or more domestic employee(s) is permitted as accessory to all primary residential household living uses.

SECTION 11.8.4 GARDEN

11.8.4.1 All Zone Districts

In all zone districts, where permitted with limitations, the growing of marijuana shall comply with the following:

A. No more than 6 plants may be grown for each registry identification card holder or for each adult 21 years or older residing in a dwelling unit, not to exceed 12 plants per dwelling unit.

B. Growing and/or storage of marijuana shall occur within a Completely Enclosed Structure.

C. Growing and/or storage of marijuana shall not occur in a common area associated with the dwelling unit.

D. Growing shall be for personal use only by persons residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of marijuana and any off-site distribution of such plants or derived products are prohibited.

11.8.4.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, retail or wholesale sales of goods or products derived from a Garden accessory to a primary residential use are prohibited in a Residential Zone District unless permitted as a Fresh Produce and Cottage Foods Sales Home Occupation.

SECTION 11.8.5 KEEPING OF HOUSEHOLD ANIMALS

11.8.5.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Animals Permitted Without a Zoning Permit

The keeping of domestic or household animals is permitted as accessory to a primary dwelling unit use, subject to compliance with the following standards regarding number and kinds of animals:

KIND OF ANIMAL PERMITTED	PERMITTED NUMBER OF ANIMALS ALLOWED / STANDARDS
Dogs	3 maximum
Cats	5 maximum
Combination of dogs and cats	No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total.
Rabbits	2 maximum
Pigeons or doves	25 maximum
Horses	No more than 1 horse for each 1/2 acre of zone lot area
Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Fish	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Small reptiles and amphibians. The types of these animals is regulated by chapter 8 of the Revised Municipal Code	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Domestic Honey Bees	• 2 hives per zone lot; • Hives must be in rear 1/3 of zone lot with a 5 foot setback from side and rear zone lot lines; • Hives must be screened so that the bees must surmount a 6 foot barrier, which may be vegetative, before leaving the property; • No outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive.
Chickens and Ducks	• No more than 8 chickens and ducks combined per zone lot. • No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot. • On any residential zone lot, the animals shall be maintained in the rear 50% of the Zone Lot Depth. • Slaughtering of the animals as part of keeping such animals is prohibited.
Dwarf Goats	• No more than 2 Dwarf Goats, except any number of their offspring younger than 6 months , may be kept per zone lot. • No structure used to house the animals may be closer than 15' to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot. • On any residential Zone Lot, the goats shall be maintained in the rear 50% of the Zone Lot Depth. • Slaughtering of the animals as part of keeping such animals is prohibited.

B. Animals Permitted With a Zoning Permit

The Zoning Administrator may allow the accessory keeping of animals of a type or number other than permitted in Section 11.8.5.1.A above, upon finding that the use complies with Section 11.7.1, General Provisions Applicable to All Accessory Uses, and subject to the following limitations:

1. Section 12.4.2, Zoning Permit Review with Informational Notice, is required.
2. The Zoning Administrator may not approve the keeping of animals otherwise prohibited by federal, state, or other city law.
3. The animal shall be kept solely as a pet; a hobby; for educational, research, rehabilitation or propagation purposes; or for the production of food products for personal consumption by the resident.
4. Slaughtering of the animals as part of keeping such animals is prohibited.
5. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.

11.8.5.2 Related Animal-Keeping Provisions

Related provisions governing the keeping of animals are found in D.R.M.C., Chapter 8 (Animals).

SECTION 11.8.6 KENNEL OR EXERCISE RUN

11.8.6.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor kennels and exercise runs shall not exceed 200 square feet in area;

B. The use shall be located not less than 20 feet from any habitable building on an adjacent zone lot;

C. The use shall be located in the rear one-half of the zone lot;

D. The use shall be visually screened from adjacent residential property by a solid fence or wall; and

E. The number of animals permitted on-site shall comply with the limit on the number and kinds of animals stated in Section 11.8.5, Keeping of Household Animals, of this Code.

SECTION 11.8.7 LIMITED COMMERCIAL SALES, SERVICE ACCESSORY TO MULTI-UNIT DWELLING USE

11.8.7.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Specific Accessory Uses Permitted

One or more of the following Commercial Sales or Service uses may be operated as accessory to a primary Multi-Unit Dwelling use in a single structure containing 50,000 square feet or more gross floor area, provided a zoning permit is obtained according to Section 12.4.1, Zoning Permit Review, before the establishment of such accessory use or activity:

1. Banking and Financial Services.
2. Retail Sales, Repair, Service uses, provided such use contains no greater than 10,000 square feet of gross floor area.

3. Eating and Drinking Establishments, completely enclosed, provided no live entertainment or accessory Amusement Devices are permitted; and

4. Office, but not including Dental/Medical Office and/or Clinic.

B. Applicable Limitations

The specific accessory uses listed above may be permitted, provided such uses:

1. Are provided principally for the convenience of the owner or owners of the zone lot and the tenants thereof;

2. Do not have outdoor signs of any type;

3. Do not have separate outside entrances to the accessory use facing any street;

4. Are not evident from any street; and

5. Are incidental to the primary use.

SECTION 11.8.8 OUTDOOR STORAGE, RESIDENTIAL

11.8.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances) shall not be allowed.

B. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.

C. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.

D. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

SECTION 11.8.9 SECOND FULL KITCHEN ACCESSORY TO SINGLE UNIT DWELLING USE

11.8.9.1 Intent

The allowance for a second Full Kitchen accessory to a single-unit dwelling use is intended to accommodate additional indoor cooking and food preparation areas to supplement a home's primary kitchen.

11.8.9.2 All Zone Districts

In all zone districts, where permitted with limitations:

A. A second Full Kitchen in a primary single unit dwelling, not otherwise permitted as part of a permitted attached Accessory Dwelling Unit use, is permitted as an accessory use provided a zoning permit is procured according to Section 12.4.1, Zoning Permit Review, prior to establishment of the accessory kitchen and subject to compliance with the following limitations:

1. The applicant is the owner of the subject structure and uses the structure as their primary residence. For purposes of this Section 11.8.9.2, the term "primary residence" shall have the meaning prescribed thereto in D.R.M.C. Chapter 33;

2. The second Full Kitchen shall be used only by the residents or domestic service workers.

B. An approved zoning permit for a second Full Kitchen shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the Zoning Administrator and the conditions set forth above. Such agreement shall be recorded with the Denver City Clerk and Recorder.

SECTION 11.8.10 SHORT-TERM RENTAL

11.8.10.1 All Zone Districts

In all zone districts, where permitted with limitations, an accessory Short-term Rental use:

A. Shall be clearly incidental and customary to and commonly associated with the operation of a primary residential household living use.

B. Shall be operated only in a Dwelling Unit, as "Dwelling Unit" is defined in Division 11.12 of this Code, except for purposes of compliance with this use limitation, such Dwelling Unit may be established with a Partial Kitchen rather than a Full Kitchen.

C. Shall be operated by the person or persons maintaining the Primary Dwelling Unit as their primary residence, or in an Accessory Dwelling Unit on the same Zone Lot as their primary residence.

1. For purposes of this provision, "person or persons" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

2. For purposes of this section 11.8.10, the term "primary residence" shall have the meaning prescribed thereto in D.R.M.C. Chapter 33.

3. A Short-Term Rental accessory use cannot be operated by a person or persons maintaining their primary residence in an Accessory Dwelling Unit.

D. Shall not include rentals where the length of stay per guest visit is 30 or more days.

E. Shall not be located in recreational vehicles or travel trailers.

F. May be operated in an Accessory Dwelling Unit use permitted as accessory to a primary Single-Unit Dwelling use.

G. Shall not display or create any external evidence of the Short-term Rental, except one non-animated, non-illuminated flat wall or window sign having an area of not more than 100 square inches.

H. The Primary Residence of employees or regular assistants shall be on the subject Zone Lot. .

I. Shall not include simultaneous rental to more than one party under separate contracts. This limitation is intended to prevent more than one Short-term Rental contract operating within the same Dwelling Unit at the same time, or within an Accessory Dwelling Unit and its associated primary Single-Unit Dwelling use on the same Zone Lot at the same time. This limitation applies even where there are multiple Short-term Rental license holders who maintain the same primary Dwelling Unit as their primary residence.

J. Shall not be subject to a maximum number of guests per night.

11.8.10.2 Related Provisions

Related provisions governing licensing requirements for a Short-term Rental are found in D.R.M.C. Chapter 33.

SECTION 11.8.11 YARD AND/OR GARAGE SALES

11.8.11.1 All Zone Districts

In all zone districts, where permitted with limitations, yard and/or garage sales:

A. Shall not exceed 72 hours of total duration;

B. Shall not have more than one such sale in the period from January 1st to June 30th and no more than one such sale in the period from July 1st to December 31st;

C. Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale; and

D. All external evidence of the sale shall be removed immediately upon the conclusion of the sale.

DIVISION 11.9 HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES - ALL ZONE DISTRICTS

SECTION 11.9.1 INTENT

11.9.1.1 Home Occupations are a type of accessory use that accommodates limited business activities conducted incidental to a primary residential use. This Division's allowance for Home Occupations is intended to achieve multiple city goals and objectives, including reducing the number of home-to-work vehicle trips with related improvements in air quality; facilitating small business ventures that contribute to the city's overall economic health; and accommodating demand for certain business services convenient to where prospective clients or customers live. The standards and review procedures applicable to Home Occupations are generally intended to minimize the impact such uses may have on the character and enjoyment of the surrounding residential neighborhood, while furthering the goals and objectives stated herein.

11.9.1.2 The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to Home Occupation uses accessory to primary residential uses across multiple zone districts and neighborhood contexts.

SECTION 11.9.2 LIMITATIONS APPLICABLE TO ALL HOME OCCUPATIONS - ALL ZONE DISTRICTS

In addition to any use-specific limitations in this Division 11.9, all Home Occupations in all zone districts shall comply with the following general limitations. In case of any conflict between the general limitations in this Section and a more specific use limitation, the more specific use limitation shall apply to the Home Occupation.

11.9.2.1 Residential Use

A Home Occupation legally operated in a dwelling unit according to this Section shall be considered, in combination with the primary dwelling unit use, a residential use for all purposes of this Code.

11.9.2.2 Location

A. All Home Occupations shall operate in a Completely Enclosed Structure, except that:

   1. A child care home (small or large) may include outdoor play and/or seating areas.

   2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed.

B. Home Occupations may operate in the primary dwelling unit structure, or in a detached accessory structure, allowed under this Code.

11.9.2.3 Personal to Applicant

A. Only the person or persons maintaining the dwelling unit as their primary place of residence shall operate the Home Occupation. For purposes of this provision only, "person" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

B. A zoning permit for an approved Home Occupation shall automatically expire at such time as the applicant no longer resides at the subject property.

11.9.2.4 External Evidence and Signage

A. If operated inside the primary dwelling unit structure, the Home Occupation shall not have a separate external entrance serving the Home Occupation.

B. The Home Occupation shall not display or create outside the building any external evidence of the operation of the Home Occupation, except for the following:

1. A child care home (small or large) may include outdoor play and/or seating areas.

2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed and utilize temporary, portable furniture such as tables, chairs, and umbrellas during permitted operating hours only.

3. One non-animated, non-illuminated flat wall or window sign having an area of not more than 1 square foot is permitted for each street frontage of the subject zone lot.

11.9.2.5 Size

One or more Home Occupation(s), whether located within a primary dwelling unit or a detached accessory structure, shall not in the aggregate utilize more than 20 percent of the gross floor area of the dwelling unit primary use, but in no case shall exceed 300 square feet. However, this limitation shall not apply to Adult Care Home, Child Care Home, Small or Large, Craft Work, or Artist Studio, or to portions of a Home Occupation permitted to operate unenclosed.

11.9.2.6 Other Limitations

A. The Home Occupation shall not have any employees or regular assistants not residing in the primary or accessory dwelling unit located on the subject zone lot, unless specifically permitted or required by the terms of a state or city license necessary to operate the permitted Home Occupation.

B. The use of hand tools is permitted without limitation.

C. The use of mechanical equipment is limited to the use of electric motors for power, with a total limitation of not greater than 3 horsepower.

D. Other than as part of a permitted Fresh Produce Cottage Foods Sales use or permitted Online Retail Sales use, no Home Occupation may include on-premise Retail or Wholesale Sales.

SECTION 11.9.3 CHILD CARE HOME – LARGE

Large Child Care Home, where permitted with limitations, is permitted as a Home Occupation subject to compliance with the following limitations:

11.9.3.1 The applicant shall be the owner or the applicant has written permission of the owner of the subject property.

11.9.3.2 The proposed Large Child Care Home is the applicant's primary place of residence.

11.9.3.3 The Zoning Administrator may approve a proposed Large Child Care Home that will be located adjacent to a previously permitted and operating Large Child Care Home only upon finding the following:

A. The applicant has submitted and as a condition of approval shall implement and maintain an ongoing traffic management program that ensures that the operation of the proposed Large Child Care Home, taking into consideration the adjacent existing Large Child Care Home, will not create traffic or parking problems in the neighborhood as a result of either the additional traffic introduced or the drop-off and pick-up of children; and

B. The Zoning Administrator may fix such reasonable terms and conditions to the granting of a zoning permit found necessary to mitigate adverse impacts on adjacent properties.

11.9.3.4 In addition, each zoning permit approved for a Large Child Care Home shall include the following conditions and requirements:

A. The proposed home shall provide full-time supervision of the children in the home during hours of operation; and

B. The proposed home shall comply with the limitations on external effects as established for primary uses in the district in which it is located.

SECTION 11.9.4 ALL OTHER TYPES

In all zone districts, where permitted with limitations, the following types of Home Occupations are permitted subject to compliance with the use-specific limitations listed below.

11.9.4.1 Animal Care Services

A. Animal Care Services, including grooming, care, or boarding of domestic or household animals (but not including retail sales), are permitted as a Home Occupation provided the total number of animals in the dwelling unit, including those animals kept by the resident(s) of the primary Dwelling Unit, is no greater than the maximum number of animals permitted as accessory uses in Section 11.8.5, Keeping of Household Animals, above.

B. Operating hours of an Animal Care Service home occupation shall be limited to 6:00 a.m. until 8 p.m. only. Overnight boarding of animals, not including those kept by residents of the primary Dwelling unit, is prohibited as part of the home occupation.

11.9.4.2 Artist Studio

A. An Artist Studio is permitted as a Home Occupation only to create individual works of art and display them for viewing purposes only; Art Galleries are not permitted.

B. In all Mixed Use Commercial Zone Districts and in all Multi-Unit (-MU) zone districts, the restoration of individual works of art is permitted as part of the Artist Studio Home Occupation, provided the use of hazardous or toxic materials within the dwelling unit shall be subject to review and approval by the Fire Department for compliance with the Denver Fire Code.

11.9.4.3 Child Care Home, Small

11.9.4.4 Food Preparation

11.9.4.5 Fresh Produce and Cottage Foods Sales

Fresh Produce and Cottage Foods Sales is permitted as a Home Occupation subject to compliance with the following standards:

A. Items for sale are limited to the products defined in Subsection 11.12.8.2.8 Fresh Produce and Cottage Food Sales;

B. Sales are permitted only from 8:00 a.m. until dusk daily; and

C. The home occupation permittee must have grown, cultivated, and/or prepared all items for sale.

D. Wholesale activities are prohibited.

11.9.4.6 Limited Retail Services and Repair

Limited Retail Services and Repair is permitted as a Home Occupation subject to compliance with the following standards:

A. All services provided shall be by appointment only. Walk-in appointments are prohibited.

B. In-person Retail or Wholesale sales direct to consumers are prohibited. See, instead, the allowance for Online Retail Sales in Section 11.9.4.8 as a permitted home occupation.

C. Learning center or tutoring services shall have be provided to no more than 6 students simultaneously.

D. Any requisite business license must be obtained and sales taxes must be remitted as required by law, as applicable.

11.9.4.7 Office, Non-Medical, Non-Dental

Office, not including Dental/Medical Office and/or Clinic, is permitted as a Home Occupation subject to compliance with the following standards:

A. No goods, wares or merchandise shall be commercially created, displayed, exchanged, stored or sold as part of the permitted Home Occupation use.

B. Professional and personal services provided shall be by appointment only. Walk-in appointments are prohibited.

11.9.4.8 Online Retail Sales

Online Retail Sales are permitted as a Home Occupation use subject to the following limitations:

A. On-premise Retail or Wholesale sales direct to consumers are prohibited

B. No goods may be sold that are otherwise illegal for retail sale or exchange in Colorado, or prohibited for retail sale or exchange under any other city, state or federal law.

C. Any requisite business license must be obtained and sales taxes must be paid as required by law, as applicable.

11.9.4.9 Professional Studio

A. Instructional or other services provided shall be by appointment only. Walk-in appointments are prohibited.

11.9.4.10 Adult Care Home

SECTION 11.9.5 UNLISTED HOME OCCUPATIONS

Generally, an accessory home occupation use not listed as specifically permitted in this Division 11.9 is prohibited. However, the Zoning Administrator may approve Home Occupation uses not specifically listed in this Division 11.9 according to the general provisions stated in Section 11.10.1, Unlisted Accessory Uses, except that all determinations shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. The Zoning Administrator shall not allow any of the following uses as Home Occupations:

11.9.5.1 Adult business uses.

11.9.5.2 Animal services and sales, except as specifically permitted in Section 11.9.4, Home Occupations - All Other Types.

11.9.5.3 Commercial parking.

11.9.5.4 Commercial warehousing or storage uses.

11.9.5.5 Industrial, manufacturing and wholesale uses, except as specifically permitted in Section 11.9.4, Home Occupations - All Other Types.

11.9.5.6 Retail or wholesale sales except for Fresh Produce and Cottage Foods Sales and Online Retail Sales home occupations as limited by Section 11.9.4.5.

11.9.5.7 Vehicle or equipment sales, rentals, and services, including repairs.

DIVISION 11.10 USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES - LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses accessory to primary nonresidential uses across multiple zone districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.7 above, the following specific accessory uses shall comply with this Division's general and specific standards.

SECTION 11.10.1 UNLISTED ACCESSORY USES

11.10.1.1 All Zone Districts

A. The Zoning Administrator shall determine and impose limitations on accessory uses not otherwise listed as permitted in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Article 11.

B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory use is common and customary to a specific use by right, and if the use or structure is incidental to the specific use by right.

C. The Zoning Administrator may impose limitations on the proposed accessory use, which shall be uniform throughout the zone district, and taking into consideration the intensity of the accessory use, the numbers of accessory uses, the space required by the accessory use, and the effect on adjacent property.

D. Matters that may be regulated according to this Section 11.10.1 shall include, but shall not be limited to the types and intensity of repairs accessory to a use by right.

SECTION 11.10.2 AMUSEMENT DEVICES ACCESSORY TO EATING/DRINKING ESTABLISHMENTS, COLLEGE/UNIVERSITY AND THEATER USES

11.10.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Notwithstanding more restrictive provisions of this Code, any establishment holding a beer and wine license, a hotel and restaurant license, or a club or tavern license, as issued by the State Department of Revenue, may maintain as an accessory use a number of Amusement Devices as follows:

1. 10 devices or that number which occupies no more than 10 percent of the gross floor area of the Eating and Drinking Establishment, whichever is more restrictive. This allowance excludes adult amusement or entertainment.

B. No Amusement Device serving as an accessory use to a primary use located within 1,000 feet of a school meeting the compulsory education laws of the state shall be operated by children under the age of 18 years old during the following described periods: between 8:00 a.m. and 4:00 p.m., Monday through Friday, from September 1 to June 15, excluding holiday vacations observed by such schools.

C. Amusement devices may be operated and maintained as a part of a primary Theater and/or Performance Space use under the following limitations:

1. Shall be operated within the same structure and under the same management as the theater;

2. Shall occupy a floor area not exceeding ten percent of the lobby area or shall contain no more than ten Amusement Devices, whichever is more restrictive;

3. Shall be used by theater customers who have purchased a ticket and shall not be made available to the general public; and

4. Shall be operated in compliance with all other applicable ordinances of the city.

D. Amusement devices may be maintained and operated as a part of a permitted College or University use, provided such devices are located in the student center, lounge or residential dormitories and do not occupy an area more than 10 percent of the ground level floor area of the structure.

SECTION 11.10.3 AUTOMOBILE RENTAL SERVICES ACCESSORY TO CERTAIN RETAIL USES

11.10.3.1 S-CC-3x, -5x; E-CC-3x Zone Districts

In S-CC-3x, -5x; E-CC-3x zone districts, where permitted with limitations:

A. The automobile rental services shall be accessory to a primary Retail Sales, Service, & Repair, All Other use containing 20,000 or more square feet of Gross Floor Area, or to a primary Automobile/Motorcycle/Light Truck Sales, Rentals, Leasing use;

B. Storage of all rental automobiles shall be located on the same zone lot as the office for the automobile rental service;

C. Not more than 15 rental automobiles shall be stored at any one location;

D. Servicing and maintenance work on automobiles is permitted only as limited to Automobile Services, Light, uses permitted in the zone district;

E. The land area assigned for storage of rental automobiles shall not be included for computation of any maximum off-street parking standard; and

F. Truck rental is not permitted.

SECTION 11.10.4 BOOK OR GIFT STORE; MEDIA RECORDING AND PRODUCTION FACILITIES ACCESSORY TO LIBRARY, MUSEUM, ASSEMBLY, AND COLLEGE/UNIVERSITY USE

11.10.4.1 All Residential Zone Districts

A. In a Residential zone district, where permitted with limitations, the following are permitted as accessory to a primary public Library, Museum, Place of Religious Assembly, or University or College use:

1. Book or gift store; and

2. Media recording and production facilities.

B. All such accessory uses shall not occupy more than 10 percent of the gross floor area occupied by the primary use or uses.

SECTION 11.10.5 CAR WASH BAY ACCESSORY TO AUTOMOBILE SERVICES OR HOTEL USES

11.10.5.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. A car wash bay is permitted as accessory to an Automobile Services, Light or Heavy, use only. The car wash bay shall be limited in capacity to one vehicle and may be operated with either manual or automatic equipment;

B. An accessory car wash bay shall be sited on a zone lot and constructed, operated, and maintained in compliance with the standards stated in this subsection, and shall comply with the building form standards in the applicable zone district;

C. The car wash bay shall be set back a minimum 8 feet from any abutting residential use or Residential Zone District;

D. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District;

E. If the zone lot containing the car wash bay abuts a residential use or Residential Zone District, the hours of operation of the car wash bay shall be limited to the time period between 7:00 a.m. and 10:00 p.m.; and

F. Sufficient space on the same zone lot shall be provided to accommodate 3 vehicles waiting for the car wash bay.

11.10.5.2 CMP-NWC-F Zone District

In the CMP-NWC-F zone district, where permitted with limitations, a Car Wash Bay Accessory to Automobile Services or Hotel must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line:

SECTION 11.10.6 COLLEGE ACCESSORY TO A PLACE FOR RELIGIOUS ASSEMBLY

11.10.6.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. A College is permitted as accessory to a primary Religious Assembly use only;

B. The accessory College use shall not have an enrollment greater than 75 students;

C. The accessory College use shall provide no student or faculty housing; and

D. The accessory College use shall not operate any activities before 8:00 a.m. or after 6:00 p.m.

SECTION 11.10.7 CONFERENCE FACILITIES ACCESSORY TO HOTEL USE

11.10.7.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Conference facilities are permitted as accessory to a primary hotel use.

B. Notwithstanding the gross floor limitations for accessory uses, conference facilities not exceeding 20 percent of the gross floor area of the hotel are permitted in addition to the floor area occupied by all other accessory uses.

C. For purposes of this allowance for accessory conference facilities, “gross floor area” shall include net meeting space plus related service and pre-function space.

SECTION 11.10.8 DRIVE-THROUGH FACILITY ACCESSORY TO EATING/ DRINKING ESTABLISHMENTS AND TO RETAIL SALES, SERVICE, AND REPAIR USES

11.10.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. General Limitations

1. Drive-Through Facilities shall be permitted as accessory to a primary Eating and Drinking Establishment or to a primary Retail Sales, Service, or Repair use only.

2. Drive-Through Facilities accessory to a primary Eating and Drinking Establishment shall comply with all applicable use limitations for Eating and Drinking Establishments found in this Article 11. In case of conflict with the use standards stated in this Section specific to Drive-Through Facilities, the standards in this Section shall apply.

3. Accessory Drive-Through Facilities shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards allowed in the applicable zone district, and with these use-specific standards.

B. Site Design Standards

1. Any Drive-Through Facility visible from a public street or from a Residential Zone District shall provide an opaque screen along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in Section 10.5.4.4, Perimeter Surface Parking Lot Landscaping Standards.

2. All parts of any Drive-Through Facility shall be separate from parking circulation aisles.

3. Vehicle access to the site shall not unreasonably interfere with automobile or pedestrian traffic. Queuing lanes shall be adequate to prevent backups onto public streets.

4. This subsection's Drive-Through Facility standards apply only to drive through facilities that commence operations after June 1, 2006.

C. Drive-Through Facilities Adjacent to a Residential Zone District

Accessory Drive-Through Facilities on a zone lot adjacent to a Residential Zone District shall comply with the following additional standards:

1. There shall be no glare from permanent lighting or vehicle headlights projected onto an abutting Residential Zone District. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto adjacent residential uses shall not exceed 0.3 footcandles.

2. No device that amplifies sound shall be so designed or operated that the amplified sound exceeds the City's noise ordinance standards on any private property zone lot located within a Residential Zone District beyond the boundaries of the zone lot on which the Drive-Through Facility is operated.

3. Any Drive-Through Facility located on a zone lot that is adjacent to a Residential Zone District and which has any portion of the facility located 85 feet or less from the Residential Zone District may only be open during the hours of 5:30 a.m. to 11:00 p.m., Sunday through Thursday, and 5:30 a.m. to midnight Friday and Saturday.

4. This subsection's Drive-Through Facility standards apply only to drive through facilities that commence operations after June 1, 2006.

D. Drive-Through Facilities in Close Proximity to Rail Transit

1. In all Zone Districts except the Suburban (S-) context Zone Districts, where permitted with limitations, when a Zone Lot is within 1/4 mile of a Rail Transit Station Platform, accessory Drive-Through Facilities are prohibited.

2. In all Suburban (S-) context Zone Districts, where permitted with limitations, when a Zone Lot is within 1/4 mile of a Rail Transit Station Platform, an accessory Drive-Through Facility shall only be established when the primary structure containing the primary use complies with the General or Shopfront building form standards..

SECTION 11.10.9 EMERGENCY VEHICLE ACCESS POINT

11.10.9.1 CMP-H and CMP-H2, D-GT Zone Districts

In CMP-H and CMP-H2 zone districts and in the D-GT zone district located south of 8th Avenue, where permitted with limitations:

A. An Emergency Vehicle Access Point is subject to Zoning Permit with Special Exception Review

SECTION 11.10.10 GARDEN

11.10.10.1 All Zone Districts

In all zone districts, where accessory garden uses are permitted with limitations:

A. The growing of marijuana in an accessory garden is prohibited when the marijuana is made available for use in a marijuana establishment requiring a license by the City or made available for sale. Any growing of marijuana in an accessory garden shall occur inside a Completely Enclosed Structure and shall not exceed the number of plants allowed under the laws and rules and regulations of the City.

B. Bee keeping is permitted as incidental to the accessory Garden use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.

C. In a Residential Zone District, retail or wholesale sales of goods or products derived from a Garden are permitted when such use is accessory to a primary nonresidential use, including but not limited to a permitted Public, Institutional and Civic Use. In all other zone districts, retail or wholesale sales of goods or products derived from a Garden are permitted when such use is accessory to a primary nonresidential use.

SECTION 11.10.11 KEEPING OF ANIMALS

11.10.11.1 All Zone Districts

In all zone districts, where accessory keeping of animals is permitted with limitations:

A. Animals Permitted Without a Zoning Permit

Keeping of no more than 8 chickens and ducks combined per zone lot, and no more than 2 Dwarf Goats, except any number of their offspring younger than 6 months, per zone lot may be kept, provided:

1. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot; and

2. Slaughtering of the animals as part of keeping such animals is prohibited.

B. Animals Permitted With a Zoning Permit

The Zoning Administrator may allow the accessory keeping of animals of a type or number other than permitted in Section 11.10.11.1.A above, upon finding that the use complies with Section 11.7.1, General Provisions Applicable to All Accessory Uses, and subject to the following additional limitations:

1. Section 12.4.2, Zoning Permit Review with Informational Notice, is required when the subject property is in a:
   a. Residential Zone District;
   b. MS-2x and MX-2x zone district; or
   c. Mixed Use Commercial Zone District where the subject property is adjacent to a Residential Zone District.
2. For all other requests, Section 12.4.1, Zoning Permit Review, is required.
3. The Zoning Administrator may not approve the keeping of animals otherwise prohibited by federal, state, or other city law;
4. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot; and
5. Slaughtering of the animals as part of keeping such animals is prohibited.

11.10.11.2 Related Animal-Keeping Provisions

Related provisions governing the keeping of animals are found in D.R.M.C., Chapter 8 (Animals).

SECTION 11.10.12 LIMITED COMMERCIAL SALES AND SERVICES

11.10.12.1 All Zone Districts

In all zone districts, where accessory Limited Commercial Sales and Services are allowed with limitations:

A. Limits on Associated Primary Nonresidential Use

Limited Commercial Sales and Services uses shall be accessory to one of the following nonresidential Primary Uses, as defined in the Denver Zoning Code, Division 11.12:

1. Hospital;
2. Lodging Accommodations;
3. Office;
4. Terminal, Station or Service Facility for Passenger Transit System;
5. University or College;
6. Library; or
7. Museum.

B. Specific Accessory Commercial Use Types Allowed

A Limited Commercial Sales and Service Accessory Use shall be one of the following specific use types, as defined in Denver Zoning Code, Section 11.12.4, Primary Commercial Sales, Services & Repair Uses:

1. Banking and Financial Services;
2. Retail Sales, Repair, Service;

3. Eating and Drinking Establishments, provided no live entertainment or accessory Amusement Devices are permitted; or

4. Office, but not including Dental/Medical Office and/or Clinic

C. Limitations

Limited Commercial Sales and Services Accessory Use shall comply with the following limitations:

1. The specific type of Limited Commercial Sales and Service Accessory Use is also permitted as a Primary Use in the subject zone district;

2. It occurs inside a Completely Enclosed Structure also containing the associated nonresidential Primary Use;

3. Does not have outdoor signs of any type;

4. Does not have a separate outside entrance(s) facing any street, except for an emergency entrance(s);

5. Is not visually evident from any street;

6. Is limited to a maximum 1,000 square feet of gross floor area; and

7. The gross floor area of the Limited Commercial Sales and Services Accessory Use(s) shall be less than 20 percent of the gross floor area of the associated nonresidential Primary Use. When more than one accessory use is associated with a single Primary Use, this limitation shall apply to the cumulative total gross floor area of all the accessory uses in the same Primary Structure.

D. Allowance as a Separate Primary Use

Limited Commercial Sales and Services uses that do not comply with the conditions and limitations stated in this Section may instead be separately permitted as a Primary Use, subject to all applicable zone district and primary use standards and limitations.

SECTION 11.10.13 OCCASIONAL SALES, SERVICES ACCESSORY TO PRIMARY PLACES OF RELIGIOUS ASSEMBLY OR PRIMARY USES OPERATED BY NONPROFIT ORGANIZATIONS

11.10.13.1 All Zone Districts

In all zone districts, where permitted with limitations, occasional sales of goods and services, including unenclosed occasional sales of goods and services, are permitted as accessory to the following primary uses:

A. A primary Religious Assembly use; or

B. A primary use operated by a non-profit organization.

SECTION 11.10.14 OUTDOOR GATHERING AREA

11.10.14.1 Intent

The Use Limitations in this Section 11.10.14 are intended to:

A. Encourage Outdoor Gathering Areas that facilitate social gathering opportunities.

B. Encourage Outdoor Gathering Areas that enhance public streets, public ways and publicly accessible components of private property by adding activation and visual interest.

C. Integrate Outdoor Gathering Areas thoughtfully with their surroundings.

D. Ensure an Outdoor Gathering Area remains accessory to the Primary Use permitted on the Zone Lot.

E. Ensure Outdoor Gathering Areas are designed to be visually subordinate to the Primary Structures with which they are associated.

F. Promote accessibility for all.

G. Mitigate potential conflicts between vehicular activity and users of an Outdoor Gathering Area.

H. Mitigate potential conflicts between an Outdoor Gathering Area and pedestrians.

I. Ensure vertical elements used to delineate an Outdoor Gathering Area allow visibility into and out of an Outdoor Gathering Area when the Outdoor Gathering Area is visible from public areas or public elements of a private site, such as internal shared paths or common open space areas.

J. Allow additional design flexibility for an Outdoor Gathering Area that is not visible from public areas or public elements of a site, such as internal shared paths or common open space areas.

K. Enable flexibility related to the Use Limitations for an Outdoor Gathering Area where the proposed design meets the zoning intent and meets or exceeds design guidelines for Outdoor Gathering Areas adopted as rules and regulations.

11.10.14.2 Zoning Permit Requirements for Outdoor Gathering Areas

In all zone districts, where permitted with limitations, a zoning permit shall be required for an Outdoor Gathering Area according to the table below:

OUTDOOR GATHERING AREA	RESIDENTIAL ZONE DISTRICTS	MIXED USE COMMERCIAL ZONE DISTRICTS
	Zoning Permit Required (Yes/No)	Zoning Permit Required (Yes/No)
Outdoor Gathering Area is subject to Section 11.10.14.3.D, Limitations When Located Less than 50 feet from a Protected District	Yes	Yes
Outdoor Gathering Area is subject to Section in 11.10.14.3.E, Limitations When Located Between 50 feet and 100 feet from a Protected District	Yes	Yes
Outdoor Gathering Area is accessory to a Primary Eating/Drinking Establishment Use	Yes	Yes
Outdoor Gathering Area contains Permanent Structures, such as a Delineating Element or General Detached Structure	Yes	Yes
Outdoor Gathering Area requires regulatory relief per Section 11.10.14.3.C, Design Flexibility for Outdoor Gathering Areas	Yes	Yes
Outdoor Gathering Area is accessory to a Primary Use other than Eating/Drinking Establishment and only includes movable furnishings, such as umbrellas, picnic tables, benches, tables and chairs	No*	No
* In all Residential Zone Districts, an Outdoor Gathering Area subject to Section 11.4.6, Nonresidential Uses in Existing Business Structures in Residential Zone Districts shall require a zoning permit.		

11.10.14.3 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Outdoor Gathering Areas are permitted as accessory to a nonresidential use, and shall comply with all applicable limitations stated for the primary use to which the Outdoor Gathering Area is accessory. In case of conflict with the use limitations stated in this section specific to Outdoor Gathering Areas, the more restrictive limitation shall apply.

B. Except where regulatory relief has been granted by the Zoning Administrator according to Section 11.10.14.3.C, Design Flexibility for Outdoor Gathering Areas, all Outdoor Gathering Areas shall comply with the following limitations:

1. Detached Accessory Structures Covering an Outdoor Gathering Area

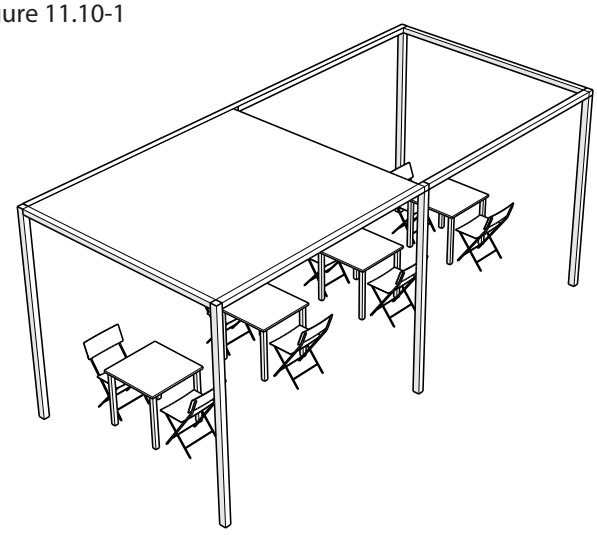
A General or Minor Detached Structure, such as a pergola, trellis or similar element, may be used to permanently cover an Outdoor Gathering Area. Except as permitted according to Section 11.10.14.3.B.1.d, such covering shall comply with the following limitations. See Figure 11.10-1.

a. The entire area of the surface of such covering shall be at least 50% permanently open to the sky and openings shall be evenly dispersed across the surface of the covering; and

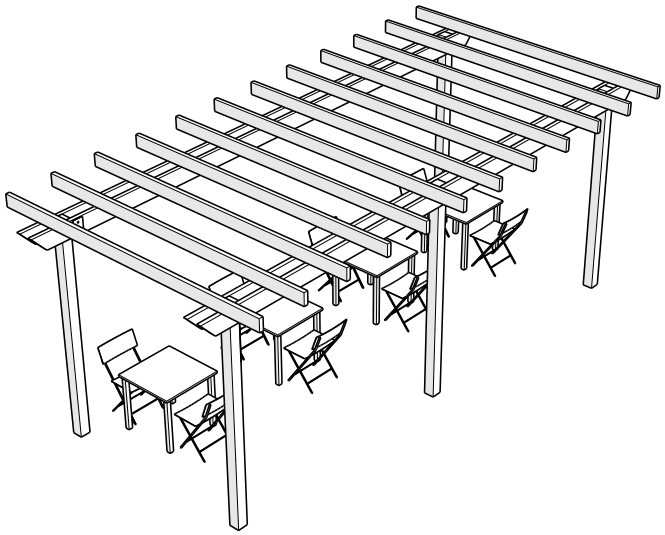
b. A detached permanent structure shall comply with the applicable General or Minor Detached Structure building form standards except the Detached Accessory Structure building form's setback standards shall not apply; and

c. If walls, fences or other Delineating Elements are integrated into a Detached Accessory Structure, such elements shall comply with Section 11.10.14.3.B.2.

Figure 11.10-1



A Detached Accessory Structure that is 50% permanently open to the sky but does not have evenly distributed openings.



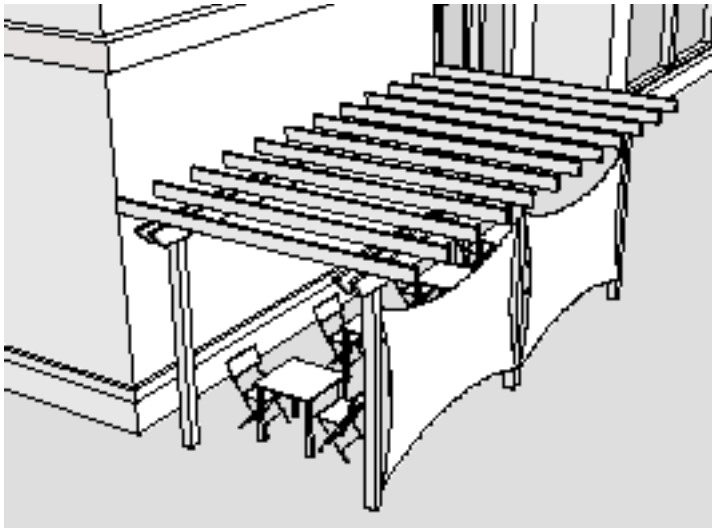
A Detached Accessory Structure that is 50% permanently open to the sky with evenly distributed openings.

d. Exceptions include:

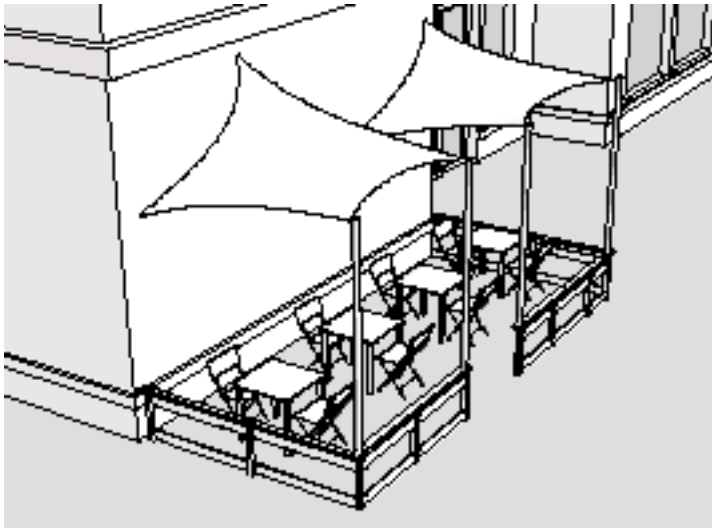
i. Canvas awnings, umbrellas or other movable or detachable elements may be utilized as shade devices, but shall not enclose any side of a permitted General or Minor Detached Structure. See Figure 11.10-2.

ii. Poles or other similar vertical elements may be used within an Outdoor Gathering Area to support a movable shade element such as a shade sail or canvas awning. Such vertical element shall not exceed 8 inches in width as measured in any direction and such elements shall have a minimum separation of 5 feet from any other such vertical element. See Figure 11.10-3.

Figure 11.10-2

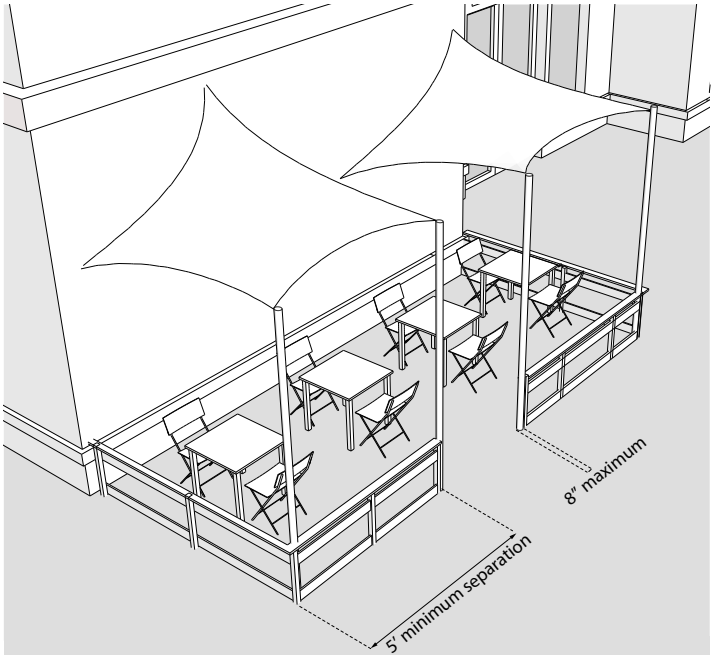


A detachable shade element shall not enclose any side of a permitted General or Minor Detached Structure.



Canvas awnings, umbrellas, or other moveable shade elements may be utilized as shade devices

Figure 11.10-3



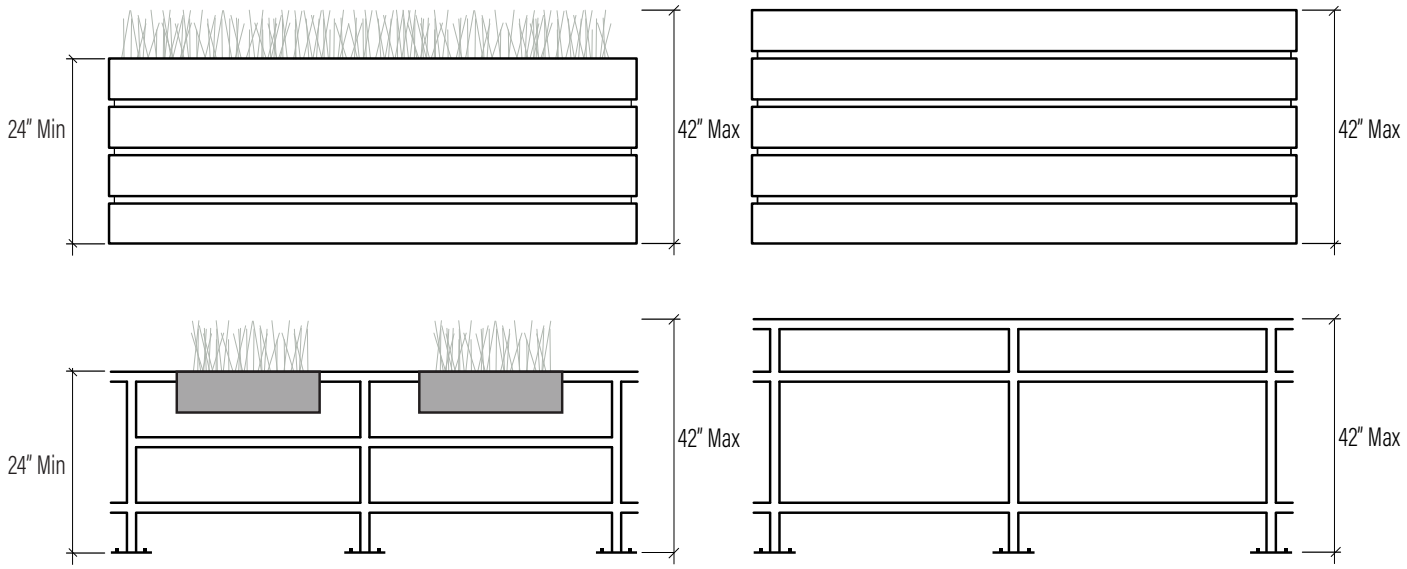
2. Delineating Elements

If the perimeter of an Outdoor Gathering Area is delineated by fences, walls, railings, or raised planters, such Delineating Element shall comply with the following limitations. See Figure 11.10-4.

a. Shall not exceed 42 inches in height, inclusive of integrated plantings, as measured from the base of the Delineating Element.

b. Shall be a minimum of 24 inches in height, exclusive of integrated plantings, as measured from the base of the Delineating Element.

Figure 11.10-4



3. Other Structures

No structure shall exceed 42 inches in height as measured from the base of the structure unless expressly permitted by the Use Limitations in this Section 11.10.14.3.B.

4. Vehicle Conflicts

All vertical elements within an Outdoor Gathering Area adjacent to a vehicle Drive Aisle, Parking Aisle or off-street parking space intended for use by vehicles shall comply with the following limitations (See Figures 11.10-5 and 11.10-6):

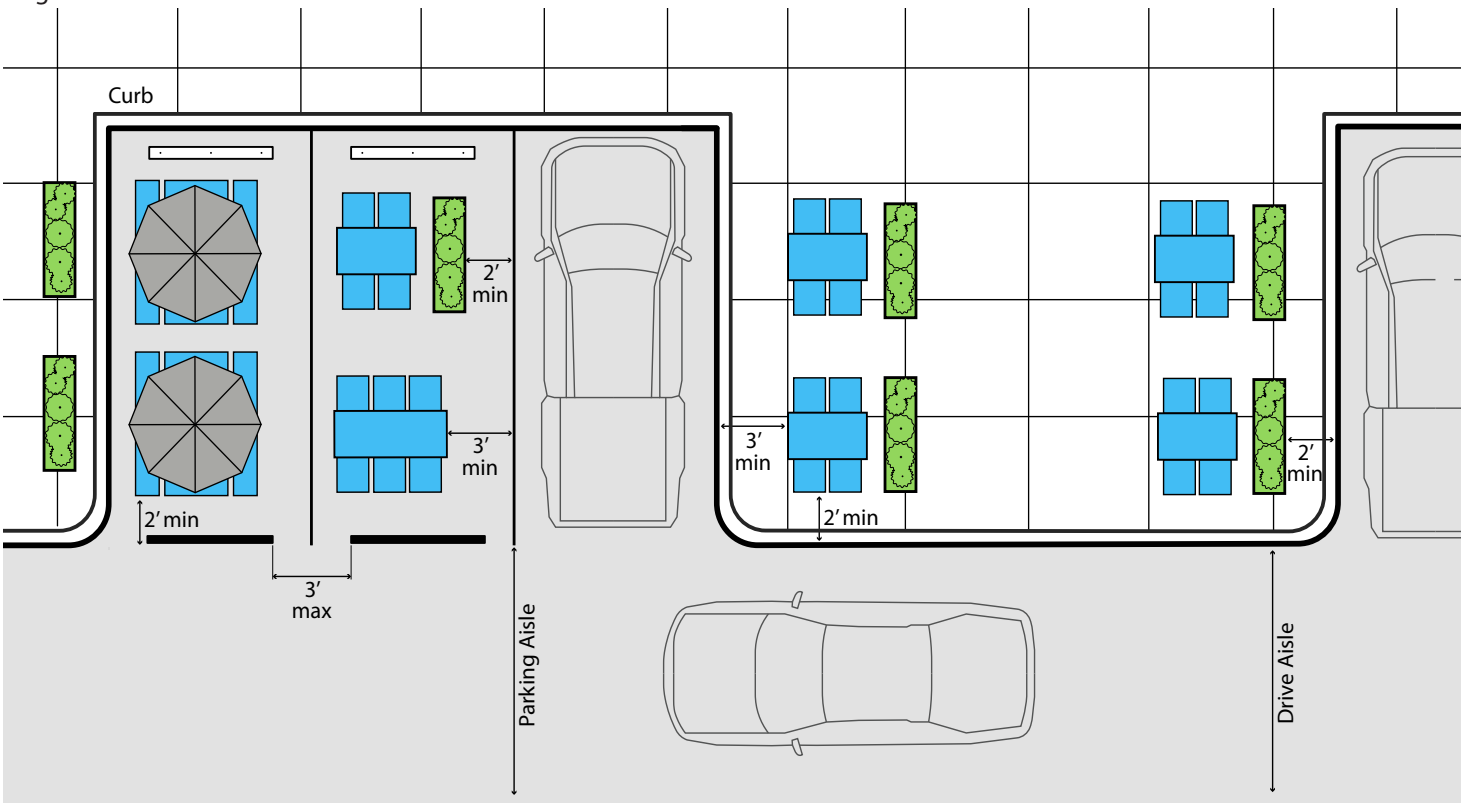
a. Shall be set back a minimum of 2 feet from a Drive Aisle or Parking Aisle.

b. Shall include a vertical Delineating Element a minimum of 24 inches in height between a Parking Aisle and any other element within an Outdoor Gathering Area.

c. A Delineating Element separating an Outdoor Gathering Area from a Parking Aisle may include intermediate space for access, but such access shall not exceed 3 feet in width.

d. Shall be set back a minimum of 2 feet from a Parking Space intended for use by vehicles. If a Delineating Element does not separate the Outdoor Gathering Area from an adjacent Parking Space, the minimum setback shall be increased to 3 feet.

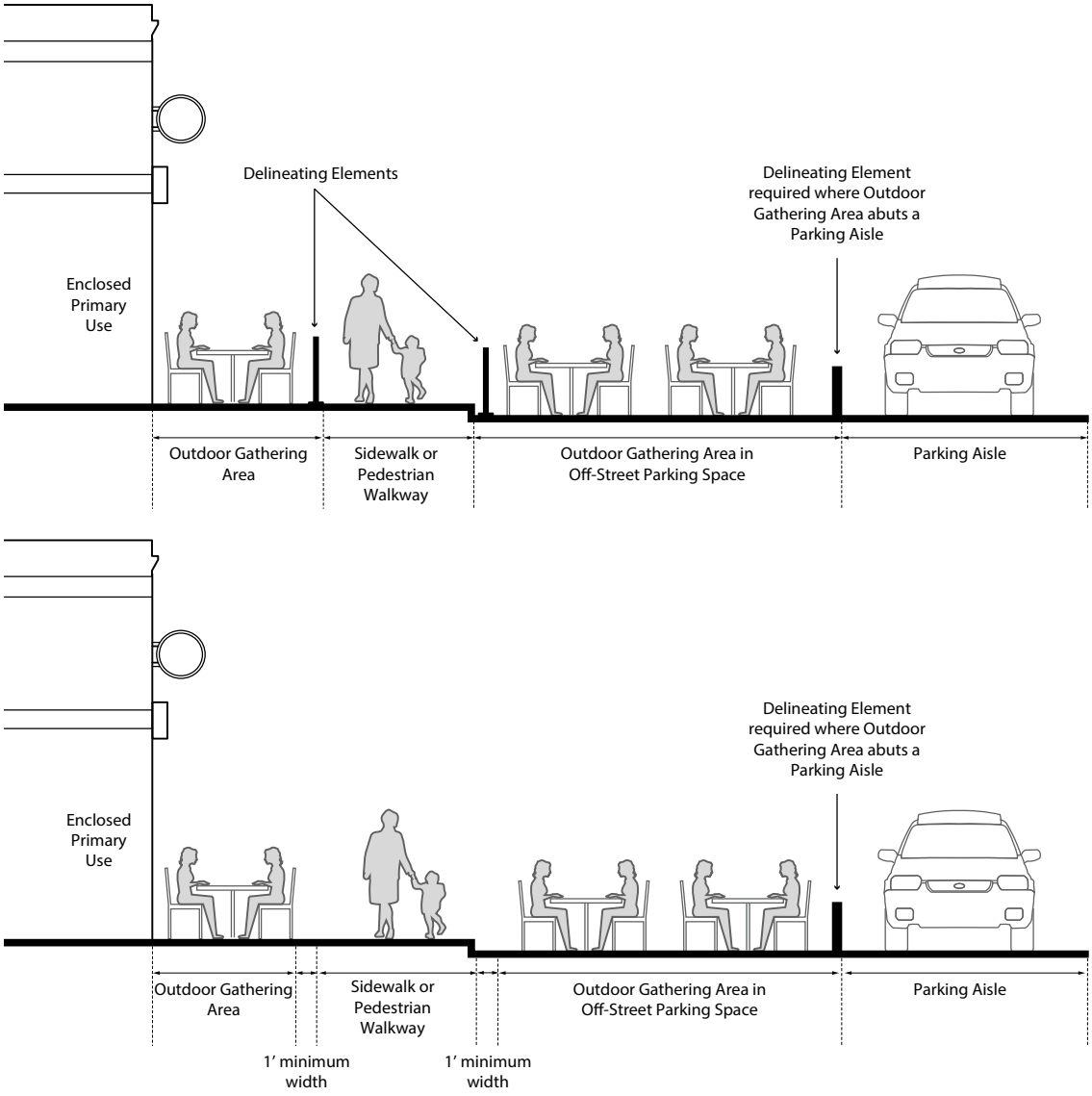
Figure 11.10-5



5. Pedestrian Conflicts

All vertical elements within an Outdoor Gathering Area adjacent to a pedestrian path or sidewalk shall be separated from the pedestrian path or sidewalk by a Delineating Element or be set back a minimum of 1 foot from the pedestrian path or sidewalk, except where the Outdoor Gathering Area extends beyond the zone lot into the right-of-way as permitted by the Department of Transportation and Infrastructure. All elements of Outdoor Gathering Areas must be placed in such a manner to allow a minimum total of 5 feet of clear sidewalk or pedestrian path space. See Figure 11.10-6.

Figure 11.10-6



6. Allowance for Extension Beyond Zone Lot

An Outdoor Gathering Area may extend beyond the zone lot containing the Primary Use and into the right-of-way subject to approval and permit by the Department of Transportation and Infrastructure (DOTI).

C. Design Flexibility for Outdoor Gathering Areas

1. Purpose

This section authorizes regulatory relief from compliance with specified zoning standards when an Outdoor Gathering Area furthers the intent of these Use Limitations through creative design and siting alternatives that exceed the design outcomes of this Section's minimum standards and meet or exceed the design guidelines authorized by Section 11.10.14.3.C.2.

2. Design Guidelines

The Manager has the authority to adopt rules and regulations establishing criteria and guidelines for Outdoor Gathering Areas on private property. Any regulatory flexibility identified in this Section 11.10.14.3.C is only available upon adoption of such rules and regulations.

3. Types of Relief Available

The Zoning Administrator may provide the following types of regulatory relief if an application for an Outdoor Gathering Area is found to meet the intent of Section 11.10.14.1 and meets or exceeds the design guidelines authorized by Section 11.10.14.3.C.2:

a. Outdoor Gathering Areas with Limited Public Visibility

For Outdoor Gathering Areas not visible from the street or other public areas (excluding alleys), or from a highly publicly accessible element of a private multi-tenant site, such as a shared internal pedestrian path, Off-Street Parking Area or internal common outdoor amenity or open space, the Zoning Administrator may waive or modify the following requirements:

i. Section 11.10.14.3.B.1, Detached Accessory Structures Covering an Outdoor Gathering Area;

ii. Section 11.10.14.3.B.2, Delineating Elements; and

iii. Section 11.10.14.3.B.3, Other Structures.

b. Outdoor Gathering Areas with Enhanced Design

For Outdoor Gathering Areas found to exceed design standards and guidelines, the Zoning Administrator may waive or modify the requirements of sections 11.10.14.3.B.1 through 11.10.14.3.B.7 for Outdoor Gathering Areas.

c. Enclosure

Be fully enclosed provided that the number of seats in the enclosed General or Minor Detached Structure shall be no greater than 20 percent of the total permitted occupancy for the permitted Primary Use to which the Outdoor Gathering Area is accessory, and any fully enclosed General or Minor Detached Structure shall comply with all detached accessory building form standards.

4. Process

The Zoning Administrator may approve an alternative Outdoor Gathering Area design utilizing the types of flexibility designated in Section 11.10.14.3.C.3. Any request for flexibility will be evaluated in the Zoning Permit review process by staff, subject to the Review Criteria below.

5. Review Criteria

An application for an Outdoor Gathering Area seeking flexibility and incentives according to this Section 11.10.14.3.C shall show compliance with the following criteria:

a. If the proposed relief is located on a Zone Lot containing multiple uses or tenants, the applicant has obtained written approval from the property owner or landlord, as applicable.

b. The proposed relief is consistent with the intent of the Denver Zoning Code.

c. The proposed relief meets the intent for an Outdoor Gathering Area as stated in Section 11.10.14.1.

d. The proposed relief meets or exceeds the design guidelines and standards for an Outdoor Gathering Area established as rules and regulations according to Section 11.10.14.3.C.2.

D. Limitations When Located Less than 50 feet from a Protected District

1. Applicability

This Section 11.10.14.3.D's use limitations shall apply to all accessory Outdoor Gathering Areas, where permitted with limitations, in the following zone districts:

a. All RX zone districts

b. All CC-3x, -5x zone districts

c. All CC-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

d. All MX-2x, -2A, -2 zone districts

e. All MX-3A, -3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

f. All MS-2x, -2 zone districts

g. All MS-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

h. All C-CCN zone districts

i. All I-MX, I-A, I-B zone districts

j. All M-RX, -IMX, -GMX zone districts

2. Use Limitations

a. In all C-CCN zone districts, Outdoor Gathering Areas are not permitted when located above the Street Level and less than 50 feet from the nearest boundary of a Protected District.

b. In all other zone districts, and in all C-CCN zone districts when not located above the Street Level, Outdoor Gathering Areas located less than 50 feet from the nearest boundary of a Protected District shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

c. Amplified sound shall not be used within the Outdoor Gathering Area.

d. The Zoning Administrator, in addition to compliance with the general limitations for Outdoor Gathering Areas stated in this Section 11.10.14, shall allow the operation of the Outdoor Gathering Area beyond 6 p.m. only upon consideration of the following factors:

   i. Neighboring uses;

   ii. Seating capacity of the Outdoor Gathering Area;

   iii. The specific Primary Use and the specific activities proposed for the Outdoor Gathering Area;

   iv. The ambient noise generated by activity on the Outdoor Gathering Area.

e. In all cases, the use of the Outdoor Gathering Area shall cease by 10:00 p.m.

f. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

E. Limitations When Located Between 50 feet and Less than 100 feet from Protected District

1. Applicability

This Section 11.10.14.3.E's limitations shall apply to all accessory Outdoor Gathering Areas, where permitted with limitations, in the following zone districts:

a. All RX zone districts,

b. All CC-3x, -3, 5x zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,

c. All MX-2x, -2A, -2 zone districts,

d. All MX-3A, -3 zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,

e. All MS-2x, -2 zone districts,

f. All MS-3 zone districts except when zone district abuts an Arterial Street as designated in Blueprint Denver,

g. All I-MX, I-A, I-B zone districts,

h. All M-RX, -IMX, -GMX zone districts.

2. Use Limitations

a. When the Outdoor Gathering Area is between 50 feet and less than 100 feet from the boundary of a Protected District, the use of the Outdoor Gathering Area shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the Outdoor Gathering Area shall cease by 11:00 p.m.

b. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

SECTION 11.10.15 OUTDOOR ENTERTAINMENT ACCESSORY TO AN EATING/ DRINKING ESTABLISHMENT USE

11.10.15.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor Entertainment uses are permitted accessory to a primary eating and drinking establishment use only.

B. Outdoor Entertainment uses are subject to compliance with all applicable standards stated for primary Eating and Drinking Establishments in Section 11.4.9, Eating and Drinking Establishments, All Types. In case of conflict with the use standards stated in this Section specific to Outdoor Entertainment, the standards in this Section shall apply.

C. All Outdoor Entertainment areas shall comply with the following standards:

1. The Outdoor Entertainment area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.

2. The Outdoor Entertainment area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 6 feet tall, except that temporary canvas awnings or umbrellas may serve as sun shades.

3. Any part of the Outdoor Entertainment area located outside of the Completely Enclosed Structure shall have a hard, all weather surface.

D. If the Outdoor Entertainment area is less than 100 feet from the boundary of a Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), the use of the Outdoor Entertainment area and all activities therein shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the Outdoor Entertainment Area and all activities therein shall cease by 11:00 p.m.

E. If the Outdoor Entertainment area is less than 50 feet from the nearest boundary of any Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

SECTION 11.10.16 OUTDOOR RETAIL SALE AND DISPLAY

11.10.16.1 All Zone Districts

In all zone districts, where permitted with limitations, Outdoor Retail Sales and Display shall comply with the following limitations:

A. Intent

To ensure accessory Outdoor Retail Sale and Display areas are located, contained, and designed to be consistent with the general purpose of the applicable zone district.

B. Exemption

Vehicles for sale, lease, or rent as part of a permitted use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the requirements of this Section 11.10.16.1.

C. Location and Placement Standards

1. Outdoor retail sales and display areas shall not exceed 20 feet in height.
2. Outdoor retail sales and display areas shall not obstruct the ingress/egress paths to the public way or any required fire access lane or drive aisle abutting such facade. Display of highly combustible goods shall be located at least 5 feet from ingress/egress paths.
3. Outdoor retail sales and display areas shall not obscure visibility of exits or address numbers (premises identification) from the primary street frontage.
4. If located beneath building projections, the outdoor retail sales and display areas area shall be protected by sprinklers if the primary building is protected by sprinklers.
5. Outdoor retail sales and display areas shall be located such that ADA standards are met.
6. Outdoor retail sales and display areas shall be limited in area to no more than 10% of the Gross Floor Area of the Primary Structure(s) on the Zone Lot.
7. Outdoor retail sales and display areas located less than 50 feet from the nearest boundary of a Protected District shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
8. Outdoor retail sales and display areas shall not occupy any areas required to meet any standards in Division 10.5, Landscaping, Fences, Walls, and Screening.
9. If outdoor retail sales and display areas are located in one or more off street parking spaces, vehicular access and circulation shall be maintained according to the requirements in Section 10.4.6.3, Vehicular Access and Circulation.

11.10.16.2 All C-CCN Zone Districts

A. Intent

To ensure that outdoor retail and display areas are located, contained, and designed to be consistent with the intent of the C-CCN zone districts, to promote pedestrian and retail shopping activity at the Street Level, to ensure continuity of storefronts located at the setback line, and to use outdoor spaces to provide settings for activities that contribute to a high-quality pedestrian experience.

B. Limitations

In all C-CCN zone districts, where permitted with limitations, Outdoor Retail Sale and Display accessory to a primary nonresidential use shall comply with the limitations in Subsection 11.10.16.1 All zone districts, in addition to the following limitations:

1. Location on Zone Lot
Outdoor retail sale and display shall be located within the boundaries of the subject zone lot. Structures for the outdoor retail sale and display use shall not encroach into the minimum street setback(s) applicable to the primary building. Encroachment of outdoor retail sale and display into the public right-of-way is also prohibited.

2. Relation to Temporary Outdoor Retail Sales
This section's limitations on accessory outdoor retail sale and display do not apply to *temporary* outdoor retail sales permitted in the C-CCN zone districts and subject to Section 11.11.11, Outdoor Retail Sales.

SECTION 11.10.17 OUTDOOR STORAGE, GENERAL

11.10.17.1 All Zone Districts

In all zone districts, where permitted with limitations, General Outdoor Storage uses shall comply with the following limitations:

A. General outdoor storage shall only be permitted following review of a site development plan illustrating the extent of the permitted area for general outdoor storage and compliance with these limitations.

B. Shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District.

C. Shall not be permitted in a primary or side street setback or otherwise forward of the Primary Street-facing façade of a Primary Structure on the Zone Lot.

D. May be located in a side interior or rear setback.

E. Shall be screened by a 100 percent opaque fence or wall that complies with all of the following standards:

1. The screening fence or wall shall be high enough to completely conceal all general outdoor storage from view from adjacent rights-of-way and from any adjacent Residential Zone District or Mixed Use Commercial Zone District.

2. When a general outdoor storage area is located within 200 feet of a Residential or Mixed Use Commercial Zone District, the screening wall or fence shall have a minimum height of 7 feet and maximum height of 10 feet.

3. When a general outdoor storage area is located within 100 feet of a Residential Zone District or Mixed Use Commercial Zone District, stored materials and products shall not be stacked to a height above that of the screening wall or fence.

F. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.

G. All materials or wastes that may cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

H. The following limitation shall apply to the above-ground storage of certain materials:

1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:

a. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks, provided they are located a minimum of 1,000 feet from a Protected District protected use.

b. Vaulted tanks as approved by the Fire Department may be located above ground.

c. The parking of railroad tank cars containing explosive or flammable materials shall be located at least 1,000 feet from a protected use.

d. For purposes of this provision only, a "protected use" is any residential use, a hospital, or an auditorium or other building used for public assembly.

2. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that permitted by the Denver Fire Code.

3. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that permitted by the Denver Fire Code.

SECTION 11.10.18 OUTDOOR STORAGE, LIMITED

11.10.18.1 All Zone Districts

In all zone districts, where permitted with limitations, Limited Outdoor Storage uses shall comply with the following limitations:

A. Shall only be permitted following approval of a site development plan illustrating the extent of the permitted area for limited outdoor storage and compliance with these limitations.

B. Shall be limited in area to no more than 10% of the gross floor area of the Primary Structure on the Zone Lot.

C. Stored materials and products shall not be more than 12 feet in height. This height limitation shall not apply to stored materials and products in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

D. Shall be fully screened from view from the public right-of-way, public Off-Street Parking Areas, or adjacent Residential Zone Districts by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the street from a Residential Zone District. See also Section 10.5.5, Fences and Walls.

E. Location on Zone Lot

The location of limited outdoor storage on a zone lot is subject to the following conditions:

1. Shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District;

2. Shall be located behind the Primary Street-facing façade of a Primary Structure on the same zone lot;

3. May be located to the side of a building, provided it is not located within the required side interior or side street setback.

F. Vehicles awaiting repair may be stored up to 14 days within the required screened limited outdoor storage area.

G. Shopping cart storage areas located within a surface parking lot for the convenience of the primary land use's customers are exempt from the location and screening standards in Sections 11.10.18.1.B, D, and E above.

H. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.

I. All materials or wastes that may cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

J. The following limitation shall apply to the above-ground storage of certain materials:

1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:
   a. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks, provided they are located a minimum of 1,000 feet from a Protected District protected use.
   b. Vaulted tanks as approved by the Fire Department may be located above ground.
   c. The parking of railroad tank cars containing explosive or flammable materials shall be located at least 1,000 feet from a protected use.
   d. For purposes of this provision only, a "protected use" is any residential use, a hospital, or an auditorium or other building used for public assembly.
2. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that permitted by the Denver Fire Code.
3. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that permitted by the Denver Fire Code.

SECTION 11.10.19 RETAIL FOOD ESTABLISHMENT, MOBILE (FOOD TRUCKS)

11.10.19.1 All Zone Districts

In all zone districts, where permitted with limitations, Retail Food Establishment, Mobile (Food Trucks) accessory uses shall comply with the following limitations:

A. General Allowance as Accessory to Certain Primary Nonresidential Uses

Mobile Retail Food Establishments (Food Trucks) are allowed as accessory only to the following nonresidential Primary Uses:

1. All specific use types under the primary "Education" use category.
2. The following specific use types included in the more general "Arts, Recreation and Entertainment Services, Indoor" Primary Use, as defined in Section 11.12.4.2.B of this Code:
   a. Art Gallery
   b. Artist Studio
   c. Theater and/or Live Performance Space
   d. Conference Center, Event Center.
3. Arts, Recreation and Entertainment Services, Outdoor.
4. Sports and/or Entertainment Arena or Stadium.
5. Retail Sales, Service & Repair – Outdoor.
6. Custom Manufacturing, Fabrication & Assembly Primary Uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors.
7. Within a Campus (CMP) zone district, all permitted Nonresidential Primary Uses except for use types within the "Parking of Vehicles" Primary Use category.

B. Allowed With a Zoning Permit

Mobile Retail Food Establishments (Food Trucks) authorized by this Section 11.10.19 require a zoning use permit prior to establishment.

C. Siting and Operational Limitations

1. Number of Food Trucks per Zone Lot

No more than 1 Mobile Retail Food Establishment (Food Truck) shall be permitted to operate per day at each Zone Lot, with the exception that there is no limit when accessory to either of the following Primary Uses:

a. Outdoor Arts, Recreation and Entertainment,

b. Sports and/or Entertainment Arena or Stadium, or

c. Within a Campus (CMP) zone district, all permitted Nonresidential Primary Uses except for use types within the "Parking of Vehicles" primary use category.

2. Minimum Distance Required from Residential Zone Districts

An accessory Mobile Retail Food Establishment (Food Truck) shall be parked and shall conduct all parts of its operations a minimum distance of 50 feet from the closest boundary line of a Residential Zone District.

3. Siting and Location

a. Operations shall occur on the same Zone Lot as the Primary Use.

b. The location of the use shall be on a paved or other similar weatherproof and durable surface to support the weight of the food truck and prevent wear and tear of the surface.

c. The location of the use shall not obstruct the visibility of motorists, nor obstruct parking lot circulation, or block access to a Public Street, Alley, or sidewalk.

4. Hours of Operation and Other Operational Limits

a. Except as further limited in this Section 11.10.19.1.C, the accessory Mobile Retail Food Establishment (Food Truck) shall operate only during the time that the Primary Use is open to the public for business.

b. In addition to the hours above, when accessory to an Arts, Recreation and Entertainment Services Primary Use or to a Sports and/or Entertainment Arena or Stadium Primary Use, the Mobile Retail Food Establishment (Food Truck) shall operate only during the time an event, performance, or activity is occurring that is open to the public (regardless of an admission fee charge).

> **For example,** a Food Truck may operate during the hours of a "First Friday" open house that is open to the public at a permitted Art Gallery use; or during the hours that a stadium or arena is hosting a sporting event or concert.

c. Operators of the Mobile Retail Food Establishment (Food Truck) shall be responsible for the storage and daily disposal of all trash, refuse, and litter.

d. Outdoor Storage associated with a Mobile Retail Food Establishment (Food Truck) is prohibited.

5. Signage

a. Signs must be permanently affixed to or painted on the Mobile Retail Food Establishment (Food Truck).

b. Signs shall not project from the Mobile Retail Food Establishment (Food Truck) and shall not be illuminated or animated.

SECTION 11.10.20 RENTAL OR SALES OF ADULT MATERIAL ACCESSORY TO RETAIL SALES OF BOOKS

11.10.20.1 All Zone Districts

In all zone districts, where permitted with limitations, if a bookstore rents or sells adult materials, as described in the definition of "Adult Bookstore" (see Section 11.12.4.1.B.2, Adult Bookstore), as an accessory use, such accessory use shall comply with the following limitations:

A. The quantity of adult materials displayed or sold shall not exceed the numerical limitations specified in the definition for "Adult Bookstore";

B. All adult materials shall be segregated into a separate section of the bookstore and screened from public view; and

C. Access to the adult materials shall be denied to all persons under the age of 18 years.

DIVISION 11.11 TEMPORARY USE LIMITATIONS

The Use Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific temporary uses across multiple zone districts and neighborhood contexts. Temporary uses are permitted according to Section 12.4.1, Zoning Permit Review, and subject to compliance with this Division's use-specific standards, as applicable. Structures used to house permitted temporary uses are not required to comply with primary or accessory building form standards.

SECTION 11.11.1 UNLISTED TEMPORARY USES

11.11.1.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. The Zoning Administrator may allow and impose limitations on unlisted temporary uses according to this subsection 11.11.1.

B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

SECTION 11.11.2 AMBULANCE SERVICE

11.11.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Not more than 2 ambulances at any one location;

B. Vehicles to be parked in Completely Enclosed Structure when not in use;

C. No mechanical or maintenance work is to be done on premises and no gasoline is to be stored there;

D. No office is to be maintained in connection with the temporary ambulance service use; and

E. Each permit shall be valid for a period of not more than 6 months, but may be renewed; provided, however, that failure to comply with any of these standards shall be cause for revocation of any permit.

SECTION 11.11.3 AMUSEMENT / ENTERTAINMENT USES

11.11.3.1 All Industrial Context Zone Districts; O-1 Zone District; CMP-H Zone Districts; and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

In all Industrial Context zone districts, the O-1 zone district, the CMP-H and CMP-H2 zone districts, and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, and CMP-NWC-R zone districts, where permitted with limitations, a temporary amusement, entertainment or recreational use on the payment of a fee or admission charge shall comply with the following standards:

A. The temporary use shall not be enclosed.

B. The temporary use shall be a minimum of 500 feet from a Residential Zone District.

C. Each permit shall be valid for a period of not more than 6 calendar months, but may be renewed.

SECTION 11.11.4 BAZAAR, CARNIVAL, CIRCUS, OR SPECIAL EVENT

11.11.4.1 Zoning Permit Not Required for Short Durations

In all zone districts, where permitted with limitations, no zoning permit is required for a temporary bazaar, carnival, circus, or special event lasting for a duration of 12 consecutive days or less.

11.11.4.2 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

A. Such temporary use is limited to a place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, not including motorized amusement rides.

B. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.

C. A temporary bazaar, carnival, circus, or special event shall not exceed 12 consecutive days and a period of at least 90 days shall intervene between each temporary bazaar, carnival, circus, or special event and the next occurrence at the same location.

11.11.4.3 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B zone district, where permitted with limitations:

A. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.

B. The temporary use may have motorized rides only if located at least 500 feet from a Residential Zone District.

C. A period of at least 90 days shall intervene between the termination of one permit and the issuance of another permit for the same location. The Zoning Administrator may allow an extension of the original time limit, not to exceed 120 days total, including the length of time originally allowed, if:

1. The extension of the requested temporary use shall have no adverse impacts on abutting property and shall not substantially harm the public health, safety, and general welfare; and,

2. The temporary use is compatible in intensity, characteristics and appearance with existing uses in the immediate vicinity of the location considering its proposed temporary duration, and the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control and hours of operation will all be considered.

SECTION 11.11.5 BUILDING OR YARD FOR CONSTRUCTION MATERIALS

11.11.5.1 All Zone Districts

In all zone districts where permitted with limitations, temporary building or yard for construction materials, which is the storage of equipment and/or excavated materials both incidental and necessary to a construction project, and which may include temporary parking for construction and/or temporary parking to replace parking temporarily displaced by construction, are permitted, subject to compliance with the following limitations:

A. Every such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.

B. Each permit shall specify the location of the building, yard and/or parking and the location of the permitted operation.

C. Construction materials, equipment, excavated materials and/or parking shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting to the proposed site.

D. Such materials, equipment and/or parking shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required that is taller than 8 feet.

E. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.

F. A temporary building shall comply with the most restrictive building setback requirements of the zone district in which it is located.

G. Temporary parking for construction and temporary parking to replace parking temporarily displaced by construction shall not be subject to Article 10 General Design Standards.

SECTION 11.11.6 CONCRETE, ASPHALT, AND ROCK CRUSHING FACILITY

11.11.6.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary concrete, asphalt, and rock crushing facilities, both incidental and necessary to a specific construction or demolition project, shall comply with the following limitations:

A. Equipment and/or excavated materials shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting the proposed site.

B. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required in excess of eight feet in height.

C. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.

D. Any temporary buildings shall comply with the most restrictive building setback requirements of the zone district in which they are located.

E. Each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 10 successive periods at the same location.

F. Site cleanup, shall be completed within 30 days after completion of the project, regardless of the length of the permit.

SECTION 11.11.7 FENCE FOR DEMOLITION OR CONSTRUCTION WORK

11.11.7.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary fences for demolition or construction work are permitted subject to compliance with the following limitations:

A. Notwithstanding other limitations on fence heights in setbacks, a 6 foot high security fence may be installed around the boundary of a zone lot where demolition or construction is to occur.

B. Each permit shall be valid for 6 months and shall not be renewed for more than 2 successive periods.

SECTION 11.11.8 HEALTH CARE CENTER

11.11.8.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, temporary health care centers are permitted subject to compliance with the following standards:

A. Such use shall be operated by a political subdivision of the State of Colorado and shall provide a service but not a commodity; and

B. Each permit shall be valid for a period of 1 calendar year and may be renewed.

SECTION 11.11.9 NONCOMMERCIAL CONCRETE BATCHING PLANT

11.11.9.1 All Zone Districts

In all zone districts where permitted with limitations, temporary noncommercial Concrete Batching Plants, both incidental and necessary to a specific construction project, are permitted subject to compliance with the following standards:

A. Each permit shall specify the location of the plant and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than two miles from the plant.

B. Each such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than six successive periods at the same location.

Outdoor Retail Sales, Temporary - All Types

SECTION 11.11.10 OUTDOOR RETAIL SALES - PEDESTRIAN /TRANSIT MALL

11.11.10.1 All Mixed Use Commercial Zone Districts; All Downtown Neighborhood Context Zone Districts

In all Mixed Use Commercial Zone Districts and in all Downtown Neighborhood Context Zone Districts, where permitted with limitations, temporary outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles, within 125 feet of a pedestrian and/or transit mall, are permitted subject to compliance with the following standards:

A. The use will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, and shall not create congestion on adjoining public sidewalks;

B. The use will not generate an undue amount of noise, fumes, glare or other external effects; and

C. The use will not create a debris or litter problem.

SECTION 11.11.11 OUTDOOR RETAIL SALES

11.11.11.1 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B zone district, where permitted with limitations, temporary outdoor sales involving the sale and display of goods and merchandise as an extension of a primary use operating on the same zone lot, shall comply with the following standards:

A. Each permit for the proposed use shall be valid for a period of not more than 45 days with one renewal for a period of not more than 30 days during any six month period, if all requirements hereof have been complied with during the original permit period.

B. The proposed use must be set back at least 30 feet from the curb of a public street and at least 150 feet from a single unit or two unit dwelling use.

C. No part of the proposed use shall obstruct visibility of motorists if located near a street corner or driveway entrance, nor shall such use obstruct the parking lot circulation system or block access to a public street.

D. No temporary structure erected in conjunction with the proposed use shall be built out of used or unpainted lumber or rusty metal, or similar material as determined by the Zoning Administrator. Tents are permitted, subject to Fire Department regulations.

E. Notwithstanding more restrictive signage regulations found elsewhere, a maximum of 24 square feet of sign area is permitted for each use. Signage shall be limited to the walls or side of a tent, or structure or to a single freestanding sign which is not more than 24 square feet in area per sign face. The maximum sign area provisions of Division 10.10, Signs, shall not apply to this use.

F. The applicant shall be responsible for the storage and daily removal of all trash, refuse and debris occurring on the site. All trash storage areas shall be screened from the view of persons using adjacent rights of way.

G. This provision shall in no way be deemed to authorize the outdoor sale of used furniture, used appliances, used plumbing, used housewares, used building materials or similar items.

SECTION 11.11.12 OUTDOOR SALES, SEASONAL

11.11.12.1 All RX Zone Districts, All Mixed Use Commercial Zone Districts, I-A Zone District, and OS-B Zone District

In all RX zone districts, all Mixed Use Commercial Zone Districts, the OS-B zone district, and the I-A zone district, where permitted with limitations, temporary seasonal outdoor sales, not limited to the sale and display of goods and merchandise as an extension of a permitted use operating on the same zone lot, are permitted subject to compliance with the following limitations.

A. Sale of Christmas Trees and Related Holiday Items

In all zone districts, where temporary seasonal outdoor sales are permitted with limitations, the seasonal outdoor retail sales of Christmas trees, wreaths, and other related holiday goods shall comply with the following limitations:

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice shall apply.

2. In the MX-2x and MS-2x zone district, when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.

3. No permit shall be effective prior to the 1st day of November in each calendar year;

4. No permit shall be valid for a period of more than 60 days; and

5. Site cleanup shall be completed no later than 5 days after Christmas day.

B. Sale of Plants or Plant Sales Facilities

In all zone districts, where temporary seasonal outdoor sales are permitted with limitations, seasonal plant sales facilities shall comply with the following limitations:

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice shall apply.
2. In a MX-2x and MS-2x zone district when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice shall apply.
3. The applicant is the owner of the subject property or has written consent of the owner.
4. The proposed temporary use shall be operated wholly or partially within a temporary structure, which is not a motor vehicle or trailer.
5. The proposed temporary use, not including parking, encompasses an area of no more than one acre.
6. Permits shall be valid from April 1 through October 31 of each calendar year.
7. If the seasonal plant sales facility includes a new temporary off-street parking area, the surface of the off-street parking area shall be either paved or shall consist of a dust-free road base or acceptable gravel base material.
8. Vehicle access to the proposed facility shall provide appropriate ingress and egress areas to preclude traffic congestion on adjacent streets.
9. A security fence shall be installed around the entire area of the proposed facility consisting of an approved fencing material such as wire mesh at a height of not less than 6 feet.
10. Any advertising signage at the proposed facility shall be in place only during the proposed operations of the facility; signage shall be limited to a maximum of 50 square feet per face with no more than two signs for each street frontage of the proposed facility; and all signs shall be non-portable and shall conform to zone district setback requirements.
11. Adequate utilities including water and electricity, as well as restroom facilities for the employees of the applicant, are available at or can be provided to the facility.
12. Lighting shall be provided for evening and night operations.
13. The proposed temporary use shall be operated in a manner that does not emit any obnoxious or dangerous degrees of heat, light, glare, or fumes beyond any boundary line encompassed by the facility.

C. All Other Types of Temporary Outdoor Sales, Seasonal

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.
2. In all MX-2x, -2A, -2 and MS-2x, -2 zone districts, when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.
3. Permits shall be valid for no longer than 6 consecutive months of any one calendar year, unless more specifically restricted in this Section.
4. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily.
5. If the temporary outdoor sales facility includes a new temporary off-street parking area, the surface of the off-street parking area shall either be paved or consist of a dust-free road base or acceptable gravel base material.

6. The temporary use shall comply with the setback requirements for the zone district in which it is located and shall be at least 50 feet from any Residential Zone District.

7. The temporary use shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street.

8. Temporary structures associated with the temporary seasonal outdoor use shall be limited to no more than 200 square feet in gross floor area and shall obtain all required building and safety permits from the Fire Department, Environmental Health Department, and Community Planning and Development.

9. Any electrical work shall be duly permitted by the City prior to operation of the temporary use and related structures.

10. Signs shall be limited to not more than two ground or wall signs as defined in Article 13, Rules of Measurement and Definitions, with a total area not exceeding 24 square feet and located on the same zone lot as the seasonal outdoor sales. Such signs shall meet the most restrictive setback requirements of the zone district in which they are located.

11. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with screening adequate to fully conceal such facilities from adjacent properties.

12. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area.

13. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any types of chemicals or gasoline are stored or sold.

SECTION 11.11.13 PARKING LOT DESIGNATED FOR A SPECIAL EVENT

11.11.13.1 All Residential Zone Districts

In Residential Zone Districts, where permitted with limitations, a temporary Off-Street Parking Area designated for a special event may be permitted by zoning permit on zone lots occupied by a nonresidential use, including but not limited to a Civic, Public and Institutional use, subject to compliance with the following limitations:

A. The Off-Street Parking Area, enclosed or unenclosed, may be used for parking for a special event only if the Off-Street Parking Area was legally established as Accessory Parking.

B. A surface Off-Street Parking Area shall be surfaced with an all-weather surfacing material, but need not include any screening or landscaping as required by Division 10.4, Parking and Loading, or by Division 10.5, Landscaping, Fences, Walls and Screening.

C. A parking lot manager or attendant shall either be present on the zone lot or shall make periodic, regular inspections of the zone lot (e.g., once every 30 - 60 minutes) during the entire period of each special event.

D. The applicant shall be the owner of the property, or the owner's authorized agent.

E. The zone lot shall be maintained in a manner that mitigates any adverse impacts on the surrounding neighborhood, including but not limited to the effect of dust, erosion and litter, and from damage caused by automobiles. The property shall be cleaned up within 24 hours after its use.

F. Violation of any of the requirements of this section shall result in the cancellation of the zoning permit, and no new zoning permit for special event parking shall be issued for the subject zone lot until after a six-month period of time has transpired.

G. Each zoning permit shall be valid only for a calendar year or remaining portion thereof, and shall allow parking only for the designated special events or series of special events as listed in the application for the permit.

11.11.13.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations, a temporary Off-Street Parking Area designated for a special event may be permitted by zoning permit on a zone lot, subject to compliance with the following limitations:

A. Each zoning permit shall be valid only for the duration of the designated special event; provided, however, that if the designated special event is a seasonal activity, the permit may be valid for the entire season but shall be restricted in use to designated dates and times during which the event is occurring.

B. For Developed Zone Lots Containing a Structure:

1. The Off-Street Parking Area, enclosed or unenclosed, may be used for parking for a special event only if the Off-Street Parking Area was legally established as Accessory Parking.

2. A temporary surface Off-Street Parking Area shall be improved according to Section 10.4.7, Use and Maintenance of Parking Areas, and the dimensions for and the arrangement of parking spaces and driving aisles shall comply with the requirements of Section 10.4.6, Vehicle Parking Design.

C. For Vacant Zone Lots:

1. The surface Off-Street Parking Area shall be improved with an all-weather surfacing material comprised, at a minimum, of gravel or road base material with a thickness of at least 4 inches.

2. The dimensions for and the arrangement of parking spaces and driving aisles shall comply with Section 10.4.6, Vehicle Parking Design.

11.11.13.3 All I-A, I-B, OS-B, and O-1 Zone Districts

In all I-A, I-B, OS-B, and O-1 zone districts, where permitted with limitations:

A. Each permit for temporary surface Off-Street Parking Area for a designated special event shall be valid only for the duration of the designated event; provided, however, if the designated special event is a seasonal activity, the permit may be granted for the entire season but restricted in use to designated dates and times in which the event is occurring.

B. Except in the O-1 and OS zone districts, a temporary surface Off-Street Parking Area shall be improved with an all-weather surfacing material comprised, at a minimum, of gravel or road base material with a thickness of at least 4 inches.

11.11.13.4 All Zone Districts - Posted Sign Required

A. At each legal vehicle entry from the public street, no more than one advertising or directional sign may be installed, which shall be limited in size to 12 square feet.

B. All signs related to the temporary surface Off-Street Parking Area shall be installed only during the time of the special event, shall not exceed a height of 6 feet, and need not be set back from any property line.

C. Each parking lot shall have one sign 6 square feet in area which is installed on the front property line and which contains the following information printed in letters 2 inches high:

1. Owner's name

2. The temporary permit number

3. Number of cars permitted in the lot
4. The designated special event for which the parking is permitted

SECTION 11.11.14 RETAIL FOOD ESTABLISHMENT, MOBILE (FOOD TRUCKS)

11.11.14.1 All Mixed Use Commercial Zone Districts; I-A, I-B Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts; I-A, I-B zone districts; and OS-B zone district, where permitted with limitations, Temporary Mobile Retail Food Establishments (Food Trucks) are permitted subject to compliance with the following standards:

A. Allowed to Operate Concurrent with Certain Other Temporary Uses

1. Concurrent with Other Temporary Uses

Temporary Mobile Retail Food Establishments (Food Trucks) may be established and operated, subject to the general limitations in Section 11.11.14.1.B and any additional specific limits stated in this Section 11.11.14.1.A, on the same Zone Lot as the following Temporary Uses:

a. Bazaar, Carnival, Circus, or Special Event
b. Outdoor Sales, Seasonal (e.g., seasonal farmers markets)
c. Amusement/Entertainment - Temporary
d. Parking Lot Designated for a Special Event

2. Use and Operational Limitations

Temporary Mobile Retail Food Establishments (Food Trucks) established according to this subsection 11.11.14.1.A are subject to the following limitations:

a. All Temporary Uses must be allowed in the subject zone district and permitted according to this Code.
b. A Temporary Mobile Retail Food Establishments (Food Trucks) use shall only operate during the same hours that the other temporary use is operating and open to the public for the permitted outdoor seasonal sales, special event, or amusement/entertainment.

B. General Limitations

Temporary Mobile Retail Food Establishments (Food Trucks) are permitted subject to compliance with the following standards:

1. Zoning Permit Not Required for Short Durations

a. A zoning permit is not required when the duration of a proposed Temporary Mobile Retail Food Establishment (Food Trucks) operating on the same subject Zone Lot is 12 consecutive days or less.
b. The Temporary Mobile Retail Food Establishment (Food Truck) operator shall comply with all other applicable standards and limitations stated in this Section 11.11.14 and this Code.

2. General Siting and Operational Limitations

a. Permits shall be valid for 12 consecutive months and shall be renewed annually.
b. Operations shall be located at least 50 feet from any Residential Zone District.
c. Except when permitted to operate concurrently with another Temporary Use listed in Section 11.11.14.A., no more than 1 Food Truck shall be permitted to operate per day at each zone lot.
d. Operations shall only occur on zone lots.
e. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk.

f. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.

g. Operations shall not occur outside of the Temporary Mobile Retail Food Establishments (Food Trucks).

h. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.

i. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the Temporary Mobile Retail Food Establishments (Food Trucks).

j. Signs must be permanently affixed to or painted on the Temporary Mobile Retail Food Establishments (Food Trucks).

k. Signs shall not project from the Temporary Mobile Retail Food Establishments (Food Trucks) and shall not be illuminated or animated.

SECTION 11.11.15 TEMPORARY CONSTRUCTION OFFICE

11.11.15.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary construction offices needed for a specific construction project are permitted provided each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.

SECTION 11.11.16 TEMPORARY OFFICE - REAL ESTATE SALES

11.11.16.1 All Residential and Mixed Use Commercial Zone Districts

In all Residential Zone Districts and Mixed Use Commercial Zone Districts, where permitted with limitations, temporary offices, for the sale or rental of dwelling units within one (1) specific project under construction, rehabilitation or recently completed, and both incidental and necessary for the sale or rental of real property in the zone district are permitted subject to compliance with the following standards:

A. Such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than four successive periods for the same project.

B. Each permit shall specify the location of the temporary office and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than 2 miles from the temporary office.

SECTION 11.11.17 TEMPORARY MANAGED COMMUNITY

11.11.17.1 Intent and Purpose

The intent of this temporary use is to grant flexibility from building form and site design requirements for providers of temporary housing for people who are experiencing homelessness or are at risk of becoming homeless.

11.11.17.2 SU, TU, RH Zone Districts

In all SU, TU, RH Zone Districts, where permitted with limitations, a Temporary Managed Community is permitted only:

A. In combination with, and on the same Zone Lot as, a primary Civic, Public or Institutional Primary Use; or

B. On a vacant Zone Lot with a minimum Zone Lot size of 5,000 SF, located on a Corner Zone Lot where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Department of Transportation and Infrastructure ("DOTI").

11.11.17.3 All Zone Districts

In all Zone Districts, where permitted with limitations, Temporary Managed Community uses are permitted subject to compliance with the following standards:

A. Duration of Zoning Permit

1. Permits for Temporary Managed Community uses shall be valid for a period of not more than 4 years. The permit validity period shall begin from the issue date of the Temporary Managed Community's Temporary Certificate of Occupancy or Certificate of Occupancy, whichever is issued first. In instances where a Certificate of Occupancy is not required, the permit validity period shall begin from the approval date of the zoning use permit.

2. The zoning permit for a Temporary Managed Community shall expire either at the end of the permit validity date, or when the Temporary Managed Community vacates the permitted site, whichever is earlier. When the permit validity period expires, or when a Temporary Managed Community vacates a site, all structures associated with the Temporary Managed Community shall be removed from the site. After a Temporary Managed Community vacates a site, regardless whether the permit validity period has expired, no zoning permit for a Temporary Managed Community may be issued at the subject site until, at a minimum, the same length of time that the site was occupied by the Temporary Managed Community has elapsed. The applicant shall bear the burden of proof for verifying the length of time that has elapsed since a Temporary Managed Community occupied the site.

   For example: A Temporary Managed Community is permitted to occupy a site for 4 years. The Temporary Managed Community vacates the site after 2 years, triggering the zoning permit's expiration. A new zoning permit for a Temporary Managed Community could not be issued to that same site for 2 years from the date the site was vacated.

B. Owner and Operational Requirements

1. The applicant shall be the Zone Lot owner(s) or have written approval of the owner(s) of the subject Zone Lot.

2. The operator of a Temporary Managed Community shall be a non-profit organization, a government entity, or a quasi-governmental entity.

C. Permit Requirements

1. A Pre-Application meeting is required according to Section 12.3.2.

2. A community information meeting is required according to Section 12.3.4.6. before submitting the zoning application.

3. Upon application for a zoning permit, the applicant shall provide:
   a. The following information about the community information meeting:
      i. Documentation of outreach efforts as required by Section 12.3.4.6;
      ii. A written record of the meeting; and
      iii. A summary of any follow-up plans with the community.
   b. A site plan demonstrating compliance with siting and design standards of Section 11.11.17.3.D.
   c. Documentation of Owner and Operational Requirements set forth in Section 11.11.17.3.B.

4. Zoning permits to establish or renew a Temporary Managed Community use shall run with the land for the duration of the permit.

5. A new operator of an established Temporary Managed Community use shall:
   a. Provide evidence to the Manager that the operator meets all requirements of Section 11.11.17.3.B; and
   b. Hold a community information meeting according to Section 12.3.4.6.

D. Site Design Requirements

The following building form standards apply to all structures, tents, and vehicles associated with the Temporary Managed Community use:

1. A zoning permit for a Temporary Managed Community allows construction or relocation of temporary structures on the Zone Lot. The use may be located wholly or partially within an existing permanent structure, but the use shall not be established in a new permanent structure.
2. Side Interior, Side Street, and Rear setbacks from Zone Lot lines shall be a minimum of 5 feet.
3. Primary Street setbacks shall be a minimum of 0 feet.
4. Required minimum setbacks shall be open and unobstructed. Setback encroachments are permitted only where allowed for "All Building Forms" in the applicable zone districts.

E. Residential Outdoor Storage

Residential Outdoor Storage is permitted with the Temporary Managed Community use. See definition of Outdoor Storage, Residential in Section 11.12.7.5. Any Residential Outdoor Storage shall comply with the following standards:

1. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances), is prohibited.
2. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.
3. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.
4. No outdoor storage shall occur in required minimum zoning setback.
5. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

F. Fences and Walls

Fences and Walls shall be governed by applicable standards in the subject site Zone District and Article 10, with the following exceptions:

1. The maximum height when forward of any Primary Street facing Temporary Structure associated with a Temporary Managed Community use shall be 6 feet.
2. All fences or walls taller than 4 feet shall require a zoning permit, and the zoning permit for the fence/wall shall expire on the same date as the permit validity period ends, or the date the related Temporary Managed Community vacates the site.

G. Accessory Uses

Accessory Uses are prohibited, except that an individual sleeping accommodation in a Temporary Managed Community may be treated as a Primary Residential Use for the allowance of the following Accessory Uses:

1. Garden, according to Section 11.8.4.
2. Keeping of Household Animals, according to Section 11.8.5.1.A.

3. Fresh Produce and Cottage Food Sales according to Section 11.9.4.5.

H. Use Permit Application and Review

Following the required community information meeting and submittal of a complete zoning permit application, the Zoning Administrator shall review the application according to the procedures in Section 12.4.1, Zoning Permit Review. In making a final decision, the Zoning Administrator may consider the following:

1. Relevant stakeholder comments and applicant commitments documented during the community information meeting; and
2. Whether the proposal will interfere with the reasonable use and enjoyment of adjacent conforming properties.

I. Emergency Suspension of Zoning Code Standards and Procedures

1. Applicability

During emergencies that threaten public health or life, the Zoning Administrator may suspend certain requirements of the Zoning Code applicable to Temporary Managed Community uses serving people who are at risk of homelessness or are experiencing homelessness.

2. Initiation

a. The suspension of Zoning Code standards and procedures for a Temporary Managed Community may be initiated by any of the following, upon declaration of a Qualifying Emergency:
   i. The owner of the subject property or the operator of a Temporary Managed Community;
   ii. The manager or executive director of an agency or department of the City and County of Denver;
   iii. The Zoning Administrator or Chief Building Official; or
   iv. The Mayor or any individual member of City Council
b. Prior to taking advantage of this emergency allowance, the person or entity requesting the emergency suspension shall provide written notice to the Zoning Administrator describing the nature of the emergency, the need for additional services, the number of additional guests to be served during the emergency, and the requested duration of the requested suspension of Zoning Code standards and procedures.

3. Qualifying Emergencies

A qualifying emergency is a state or local disaster or emergency declared by the Mayor or a public health order issued by the Executive Director of the Denver Department of Public Health and Environment.

4. Applicable Zoning Code Standards and Procedures

All use limitations, definitions, procedures, and development standards applicable to Temporary Managed Communities may be suspended during an emergency according to this Section 11.11.17.3.I, Emergency Suspension of Zoning Code Standards and Procedures.

5. Duration of Suspension of Zoning Code Standards and Procedures

Suspension of limitations according to this Section 11.11.17.3.I, Emergency Suspension of Zoning Code Standards and Procedures, shall last for the duration of the emergency, as determined by the Zoning Administrator taking into account the expiration of any declaration of a local disaster, emergency, or public health order, and in consultation with other applicable City departments and agencies. The Zoning Administrator shall keep a record of emergency suspension of Zoning Code requirements granted under this section.

SECTION 11.11.18 TENT FOR RELIGIOUS SERVICES

11.11.18.1 All Industrial Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

In all Industrial Zone Districts and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations, tents for religious services shall comply with the following limitations:

A. Must be 500 feet from a Residential Zone District.

B. Applications shall be reviewed by the Denver Fire Department.

C. Each such permit shall be valid for a period of one month and may be renewed.

DIVISION 11.12 USE DEFINITIONS

This Division 11.12 contains definitions of primary, accessory and temporary uses permitted in this Code. The Division is organized in the same order as uses are presented in the Use Tables in Articles 3 through 9, with specific use definitions organized by sections and sub-sections that align with the primary use classifications and use categories, followed by sections for accessory uses and temporary uses.

SECTION 11.12.1 PRIMARY USE CLASSIFICATION

11.12.1.1 All primary or principal land uses in Denver are organized into one of the following five general land use classifications:

A. Residential Uses

B. Civic, Public & Institutional Uses

C. Commercial Sales, Service & Repair Uses

D. Industrial, Manufacturing & Wholesale Uses

E. Agriculture Uses

11.12.1.2 Uses are further organized into use categories and specific use types listed under each general land use classification. A definition of a specific use type shall also meet the definition of the use category in which it falls. The Use Tables in Articles 3 through 9 are all similarly organized into the above five general land use classifications, use categories and specific use types.

11.12.1.3 The general land use classifications and use categories listed in this Division are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "residential care," unless otherwise expressly permitted by this Code.

SECTION 11.12.2 PRIMARY RESIDENTIAL USES

11.12.2.1 Definition of Household Living Use Category

A. Definition of Category

1. Household Living is defined as residential occupancy of a "dwelling unit" by a single "household." Tenancy is arranged on a month-to-month or longer basis.

B. Definitions of Related Terms

1. Dwelling Unit

One or more Rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure. A Dwelling Unit may be either Primary or Accessory, defined as follows:

a. Primary Dwelling Unit
A Dwelling Unit that contains a primary residential use.

b. Accessory Dwelling Unit
See the definition of Accessory Dwelling Unit in Section 11.12.7.1.

2. Household

a. A "household" is any number of persons, plus any permitted domestic service workers, who all occupy a Dwelling Unit who share household activities and responsibilities, such as meals, chores, rent, and expenses. The choice of specific adults comprising the household is determined by the members of such household

rather than by a landlord, property manager, or other third party. Members are not required to seek services or care of any type as a condition of residency. All members of the household jointly occupy the entire premises of the dwelling unit.

b. A household excludes any use that meets the definition of a Congregate Living use.

C. Specific Household Living Use Types and Definitions

1. Dwelling, Single Unit
One dwelling unit contained in a single structure.

2. Dwelling, Two Unit
Two dwelling units contained in one structure located on a single zone lot.

3. Dwelling, Multi-Unit
Three or more dwelling units contained in a single structure.

4. Dwelling, Live/Work
A combination of residential occupancy and commercial activity located within the same dwelling unit. In a "Live/Work Dwelling," the commercial activity is a primary use in combination with a primary residential occupancy use, and the commercial occupancy shall not be considered a "Home Occupation" or other accessory use.

5. Manufactured Home Community
Residential occupancy of multiple Dwelling Units comprised of Manufactured Home structures, each occupied by a single Household, with multiple structures located on the same Zone Lot in the Manufactured Home Community zone district. Accessory uses may include supportive community facilities and amenities, such as a leasing/property management office, laundry rooms, communal gathering space, storage/maintenance, playgrounds, and similar secondary and incidental accessory uses. Additionally, Manufactured Home Communities are categorized as "mobile home parks" under state law.

a. Definitions of Related Terms

i. Manufactured Home
See the definitions of Manufactured Home and Manufactured Home Replacement in Division 13.3.

ii. Manufactured Home Community Zone District
See the description of the Manufactured Home Community Zone District in Division 9.5.

11.12.2.2 Definition of Congregate Living Use Category

A. A structure or structures providing Residential Occupancy for Persons who do not live in a Household according to Section 11.12.2.1.B.2, Household. A Congregate Living use may occur within a self-contained Dwelling Unit. A Congregate Living use may also, such as with a tiny home village, occur within multiple structures where no one or not all structures contain a self-contained Dwelling Unit, but all structures comprising the use together provide residents with facilities for sleeping, bathing, cooking and preparing food. This use category includes groups of Persons who each have separate contracts or agreements with property owners, or who do not jointly occupy the entirety of a dwelling unit. Tenancy is arranged on a month-to-month or longer basis. Residents of a Congregate Living use may share sleeping units, and may have shared cooking, bathroom and common areas, or some combination of personal and shared facilities. Residents in a Congregate Living use are not required to seek services or care of any type as a condition of residency. This use does not include Residential Care. This use includes, but is not limited to; the following uses:

1. Rent-by-the-room configurations, such as rooming and boarding houses or student housing.

2. Dormitories that house students of a primary Education use located on or off the same zone lot as the primary Education use, including a building used for members of a fraternity or houses officially recognized by a college/university, or seminary.

3. Permanent tiny home villages.

11.12.2.3 Definition of Residential Care Use Category

A. A Residential Structure or structures where guests receive treatment, supervision, emergency shelter, personal care, protective oversight, or other similar care or services, from staff on-site as a condition of the guests' residency. This definition excludes care provided by domestic employees or care workers in a private home that meets this Code's definition of Household Living or Congregate Living. For purposes of this definition, a "guest" is a person who stays overnight, regardless of total length of stay. For purposes of this definition, staff and volunteers who regularly return to another place of primary residence, but who stay overnight while working or volunteering, shall not be considered "guests." Tenancy may range from overnight to 30 days or longer. This use category includes, but is not limited to:

1. Shelters

2. Community correction facilities and halfway houses

3. Recovery residences, where a guest's participation in a program of supervision, treatment, or care is required

4. Rehabilitation facilities

5. Assisted living facilities

6. Nursing homes or hospices

B. Specific Residential Care Use Types

Residential Care uses are further defined and distinguished by number of guests as follows:

1. Residential Care Use, Type 1: up to 10 guests year-round, or up to 100 guests for a maximum of 130 days per calendar year.

2. Residential Care Use, Type 2: 11 to 40 guests.

3. Residential Care Use, Type 3: 41 to 100 guests.

4. Residential Care Use, Type 4: 101 or more guests.

SECTION 11.12.3 PRIMARY CIVIC, PUBLIC & INSTITUTIONAL USES

11.12.3.1 Basic Utilities

A. Definition of Basic Utilities Use Category

Basic Utilities is defined as buildings, structures, or other facilities used or intended to be used by any private or governmental utility, not including telecommunications. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level.

B. Specific Basic Utilities Use Types and Definitions

1. Utility, Major Impact

"Major impact utility" shall mean a utility that falls into one or more of the following descriptions:

a. Above-grade utilities exceeding 10,000 square feet of gross site area that have a substantially larger-than-local impact; or

b. Any above-ground utility use in the following SIC groups:
4911 Electric services, including high-voltage transmission lines (115 kilovolts or more), solar generating stations with a gross site area of 10,000 square feet or greater, and wind generating stations, but not including electrical substations with a gross site area of less than 10,000 square feet (which are defined as Minor Impact Utility);
4922 Natural gas transmission;
4923 Natural gas transmission and distribution;
4924 Natural gas distribution;
4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution;
493 Combination electric and gas, and other utility services;
494 Water supply;
495 Sanitary services;
496 Steam and air-conditioning supply;
497 Irrigation systems; or

c. The following specific uses:

i. Sanitary Service Facility
Establishments primarily engaged in sewage systems or sewage waste treatment facilities that collect, treat and dispose of waste.

ii. Other similar facilities, as determined by the Zoning Administrator.

2. Utility, Minor Impact

a. Above-grade utilities of less than 10,000 square feet of gross site area that have a localized impact on surrounding properties and are necessary to provide essential services, including, but not limited to, above-ground utilities of less than 10,000 square feet of gross site area in the following SIC groups:

i. 4813 Telephone communications, except radiotelephone, limited to telephone switching stations;

ii. 4911 Electric services, limited to electrical substations, and electrical relay switching stations, and solar generating stations (NAICS 221114);

iii. 4923 Natural gas transmission and distribution, limited to natural gas distribution substations;

iv. 494 Water supply, limited to utility pumping stations.

11.12.3.2 Community / Public Services

A. Definition of Community / Public Services Use Category

Community / Public Service uses are defined as community or public safety services that meet public needs for both safety and human services such as day care, Community Centers, fire, police, or life protection, together with incidental storage and maintenance of necessary vehicles. Typical uses include senior or Community Centers, adult or child day care, fire and police stations, detention facilities and ambulance services.

B. Specific Community / Public Services Use Types and Definitions

1. Community Center

A building or open land, together with lawful accessory buildings and uses, used to provide social, recreational, cultural, educational, health care and/or food services, which is not operated for profit.

2. Day Care Center

An establishment used for the purposes of providing care for either children or adults for less than a 24 hour consecutive period.

a. For adults: "Day Care Center" means a facility limited to 5 or more persons who are 18 years and older and not related to the owner, operator or manager thereof, and where care is provided for less than a 24 hour consecutive period.

b. For children:

i. "Day Care Center" means a child care center organized under Chapter 11 of the Denver Revised Municipal Code, which is maintained for the whole or part of the day but for less than 24 hour care, which offers care to 5 or more children not related to the owner, operator, or manager thereof, from the ages of 6 weeks through 18 years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.

ii. "Day Care Center" includes, but is not limited to, facilities commonly known as Day Care Centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for children with disabilities, and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school.

iii. "Day Care Center" shall not include any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 5 grades or operated as a component of a school district's preschool program operated pursuant to article 28 of Title 22, C.R.S.

iv. "Day Care Center" shall not include any facility licensed as a "child day care home" or "Foster Family Care", as defined in this Code or in the Colorado Revised Statutes.

3. Postal Facility, Neighborhood

A facility that has distribution boxes, collection, and/or retail services related to mail delivery for the general public, but no mail carriers.

4. Postal Processing Center

A facility used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

5. Public Safety Facility

Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.

6. Hospital

An institution licensed by the state providing 24-hour health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

7. Correctional Institution

A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency, in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

11.12.3.3 Cultural / Special Purpose / Public Parks & Open Space

A. Definition of Cultural / Special Purpose / Public Parks & Open Space Use Category

Cultural/ Special Purpose/Parks and Open Space use category is defined as uses generally providing for display, performance, preserving, or enjoyment of heritage, history, the arts, parks and open space. The use category includes, but is not limited to museums, libraries, parks and open space owned or operated by either public or private entities.

B. Specific Use Types and Definitions

1. Cemetery

Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities, or a combination thereof. Mortuaries shall be included when operated within the boundary of such cemetery. The definition of "cemetery" also includes "crematorium."

a. Crematorium

A location containing properly installed, certified apparatus intended for use in the act of cremation.

2. City Park

An area of land owned or leased by the City and operated or managed by the Denver Department of Parks and Recreation.

3. Library

A public or private special purpose cultural institution housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

4. Museum

A public or private facility, including an aquarium, botanic garden, or zoo, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, but not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to, all uses in the following SIC group: 84 Museums, botanical, zoological gardens.

5. Open Space - Conservation

Any Zone Lot, parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation of right-of-way purposes. Conservation open space may include agricultural uses and natural features located on a site, including but not limited to steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an "open space, conservation" use.

11.12.3.4 Education

A. Definition of Education Use Category

A public or private facility for the general or specialized education or instruction of children or adults. Education uses may or may not meet the requirements of the State of Colorado compulsory education laws. Education uses include elementary or secondary schools, universities or colleges, and vocational or professional schools.

B. Specific Education Use Types and Definitions

1. Elementary or Secondary School

A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten and grades above. The definition of Elementary or Secondary School also includes "High School."

a. High School

Any school designed for instruction that includes grades 10 through 12, regardless of whether instruction is also provided in other grades.

2. University or College

An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. University or college uses may be composed of multiple buildings and uses organized on an integrated campus property composed of one or more zone lots and blocks. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining zone lots. Student housing that is located on or off the same Zone Lot as a University or College is considered a Congregate Living use, per Section 11.12.2.2.

3. Vocational or Professional School

Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as Home Occupation, college or university, or elementary or secondary school.

11.12.3.5 Public and Religious Assembly

A. Definition of Public and Religious Assembly Use Category

Public and religious assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations.

B. Specific Public and Religious Assembly Use Types and Definitions

1. Religious Assembly

A building where persons regularly assemble for religious worship and which building is maintained and controlled by a religious body organized to sustain public worship.

2. Club or Lodge

A building or land used for the activities of an association of persons for the promotion of a private or nonprofit common objective, such as literature, science, politics, and good fellowship. A club or lodge is not accessory to, or operated as, or in connection with a tavern, eating or drinking place, or other commercial establishment open to the general public.

SECTION 11.12.4 PRIMARY COMMERCIAL SALES, SERVICES, & REPAIR USES

11.12.4.1 Adult Business

A. Definition of Adult Business Use Category

Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display or other offering of live entertainment, dancing, or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. For purposes of this use definition, the following terms shall mean:

1. **Specified Sexual Activities:** Shall include:
   a. Human genitals in a state of sexual stimulation or arousal;
   b. Acts of human masturbation, sexual intercourse, oral or anal sex, or sodomy; or
   c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
2. **Specified Anatomical Area:** Shall include less than completely and opaquely covered:
   a. Human genitals and/or pubic region;
   b. The area of the buttock which is located around the lower backbone between straight lines drawn from the outermost point of the pelvis on the side of the body to the ischial tuberosity;
   c. The area of the female breast described as follows: the areola and the lower quadrant of each breast as defined by two (2) lines which crisscross the breast and intersect at right angles at the areola. Such lines also intersect at a forty-five-degree angle the vertical axis of the body as represented by the backbone when viewed from the front of the body; or
   d. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

B. Specific Adult Business Use Types and Definitions

1. **Adult Amusement or Entertainment**
   Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical area" or which feature strippers or dancers, or similar entertainment by people who expose any specified anatomical area; provided, however, that live entertainment involving any specified sexual activity is prohibited.
2. **Adult Bookstore**
   An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals and goods and items, including video tapes and computer software, held for sale or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" ("adult materials"). An establishment which utilizes in excess of ten (10) percent of its gross floor area or its occupied shelf space for the display of adult materials or which has more than ten (10) percent of its total monthly receipts derived from the sale or rental of adult materials shall be regarded as an "adult bookstore."
3. **Photo Studio, Adult**
   An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."

4. Sexually Oriented Commercial Enterprise
A massage parlor, nude studio, modeling studio, love parlor, encounter parlor or any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer but not including: (a) a business licensed to sell alcoholic beverages, (b) any bookstore or theater, (c) a business operated or employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and (d) a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts.

5. Theater, Adult
A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

11.12.4.2 Arts, Recreation & Entertainment

A. Definition of Arts, Recreation & Entertainment Use Category

Arts, Recreation & Entertainment use category includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants and night clubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as "eating and drinking establishments."

B. Specific Arts, Recreation & Entertainment Use Types and Definitions

1. Arts, Recreation and Entertainment Services, Indoor
Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, Community Center and adult business uses. This definition includes, but is not limited to:

a. Art Gallery
A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale of the individual art pieces or the sale of related objects and services.

b. Artist Studio
A place where any of the commercial activities or a combination of commercial activities listed below occur:

i. Art Gallery.

ii. Custom or Craft Manufacturing, Fabrication, and Assembly.

iii. Professional Studio.

c. Amusement Center and Arcade

d. Billiard Parlor

e. Bowling Center; Ice Rink; Swimming Pool, Tennis Club and Similar Sports Clubs, Indoor

f. Children's Indoor Play Center

g. Cinemas, Motion Picture or Movie Theater
Cinemas, motion picture or movie theaters, but not including drive-in movie theaters.

h. Fitness and Recreational Sports Center
Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

i. Personal Instruction Studio
Personal instruction studios for dance, martial arts, photography, music and similar activities.

j. Theater and/or Live Performance Space
Establishments that produce, organize, promote, and/or present live performances of actors, singers, dancers, musical groups, artists, and other entertainers (including independent entertainers). Live performances may be presented as musicals, operas, plays, comedy and improvisation, mime, puppet shows, or dinner theater. Such performances are open to the general public and admission may be gained by a payment or fee. Meal service may be included with the performance. This definition excludes any establishment categorized by this Code as "adult business uses."

k. Professional Studio
A specific type of arts, recreation and entertainment, indoor service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.

l. Conference Center, Event Center
(1) A facility that provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; or (2) a nonresidential building leased or rented for private parties and other various social or business gatherings for large numbers of people (e.g., banquet halls, reception halls, dance halls, private event centers) and not associated with another permitted use such as lodging accommodations or schools.

2. Arts, Recreation and Entertainment Services, Outdoor
Commercial establishments engaged in providing outdoor amusement, recreation, or entertainment services by and for participants, for the payment of a fee or admission charge, excluding Community Center and adult business uses. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to:

a. Amusement/Special Interest Parks
A complex with both indoor and Outdoor Entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.

b. Batting Cages

c. Go-Cart Raceway

d. Ice Rinks, Outdoor

e. Miniature Golf Course

f. Private Golf Course
Private golf course, defined to mean an area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

g. Skateboard Centers or Parks

h. Swimming Pools, Outdoor

i. Tennis Clubs, Outdoor

j. Outdoor Theaters, Amphitheaters, or Other Permanent Outdoor Performance Spaces

3. Event Space with Alternate Parking and Loading
Commercial establishments engaged in providing outdoor amusement, recreation or entertainment services by and for participants, often for the payment of a fee or admission charge, excluding Community Center and adult business uses. The outdoor event space may be used alternately as an Off-Street Parking Area or for Loading.

4. Sports and/or Entertainment Arena or Stadium
Commercial establishments designed, intended, or used primarily for indoor or outdoor large-scale spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

11.12.4.3 Parking of Vehicles

A. Definition of Parking of Vehicles Use Category
Parking of Vehicles is a use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

B. Specific Parking of Vehicles Use Types and Definitions

1. Parking, Garage

a. Any structure, other than a private garage, for the assembling, or standing of vehicles in a structure for relatively temporary periods of time, either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

b. The term "Garage Parking" includes underground parking, which means a parking surface that is located a minimum of 8 feet below the Street Level and is covered by a structure which provides a surface for another use.

c. A parking garage may include accessory off-street parking spaces permitted under this Code.

2. Parking, Surface
The assembling or standing of vehicles on a surface parking lot for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

11.12.4.4 Eating & Drinking Establishments

A. Definition of Eating & Drinking Establishments Use Category
Commercial establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption. Any Automobile Fueling Station located on the same Zone Lot shall be assigned a Primary Use of "Automobile Services, Light."

B. Specific Eating & Drinking Establishments Use Types and Definitions

1. Eating and Drinking Establishment
A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a Completely Enclosed Structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.

2. Brewpub
A specific type of eating and drinking establishment. A facility at which malt, vinous, or spirituous liquors are manufactured on the premises, bottled, and sold on the same premises as where the eating and drinking services are provided. No more than 30% of the manufactured product may be sold to off-premises customers. The volume of liquor manufactured on the premises of the brewpub shall not exceed 300 gallons per day each calendar year.

11.12.4.5 Lodging Accommodations

A. Definition of Lodging Accommodations Use Category
Lodging accommodations uses are characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices, but excludes Short-term Rentals as defined in Section 11.12.7.7.

B. Specific Lodging Accommodations Use Types and Definitions

1. Bed and Breakfast Lodging
A manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. A Bed and Breakfast may provide simultaneous lodging to different parties under separate contracts.

2. Extended Stay Hotel
A hotel containing guest rooms oriented to allow independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking.

3. Hotel
One or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby.

4. Hostel
A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one kitchen and provides sleeping accommodations for not more than 25 persons. All housekeeping duties are shared by the occupants under the supervision of a resident manager.

5. Motel
One or more buildings providing residential accommodations and containing rental rooms and/or dwelling units, each of which has a separate outside entrance leading directly to rooms from outside the building. Services provided may include maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. Up to 20 percent of the residential units may be utilized for permanent occupancy.

11.12.4.6 Office

A. Definition of Office Use Category
The Office use category is defined as uses where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects,

psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code or separately listed in the Use Tables.

The Office Use Category also include business operations typically less service-oriented than the more traditional office uses listed above, including but not limited to: (1) software and internet content development and publishing; (2) computer systems design and programming; (3) graphic and industrial design; (4) data processing or call centers; (5) facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; (6) scientific and technical services; and (7) medical and/or dental laboratories.

Contractors and others who perform services off-site but who store major equipment and materials on the site are not included in this use category.

B. Specific Office Use Types and Definitions

1. Dental / Medical Office or Clinic
An office use where the primary service is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses.

11.12.4.7 Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)

A. Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair

1. The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses. Any Automobile Fueling Station located on the same Zone Lot shall be assigned a Primary Use of "Automobile Services, Light."
2. This category includes but is not limited to:
   a. Banking and financial services,
   b. Food sales,
   c. Animal sales and services,
   d. General merchandise sales,
   e. Personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, and funeral homes, and mortuaries including accessory crematory services), and
   f. Consumer repair services.
3. This land use category excludes motor vehicle and equipment sales, leasing, rental, or repair, except for the sale of motorized vehicles that do not require a license from the Colorado Department of Motor Vehicles.

B. Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair

1. Animal Sales and Services, Household Pets Only

An establishment engaged in any of the following:

a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.

b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats shall be considered a primary "animal services and sales - household pets only" use.

c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

2. Animal Sales and Services, All Others

An establishment engaged in the retail sale, grooming, care, breeding, or boarding of animals, not restricted to domestic or household pets, and which may include overnight accommodations. Includes provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners and animal kennels or other animal boarding facilities not limited to domestic or household pets.

3. Food Sales or Market

Retail establishments primarily engaged in the retail sale of food and beverages for off-site or home consumption. Typical uses include supermarkets, groceries, markets, or delicatessens. This definition includes, but is not limited to, all uses in the following SIC group: 54 Food stores.

4. Pawn Shop

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This definition excludes motor vehicles.

5. Retail Sales, Service and Repair - Outdoor

Retail sale of new or used goods or retail provision of consumer, repair, or rental services, excluding the sale, service, or repair of motor vehicle or heavy equipment (and associated vehicle/equipment parts) and firearms, any or all of which primary sale, service or repair activity occurs outside a Completely Enclosed Structure.

6. Retail Sales, Service & Repair - Firearm Sales

A retail establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

C. Retail Sales, Service & Repair, All Others -- Definition

This use type includes all other retail sales, service and repair uses not otherwise specifically defined in Section 11.12.4.7.B, Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair, but which are consistent with Section 11.12.4.7.A, Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair.

1. Banking and Financial Services

A retail establishment engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:

a. 60 Depository institutions; or

b. 61 Non-depository institutions.

2. Body Art Establishment
A retail establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.

3. Learning Center
A commercial business that regularly provides on-site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age.

4. Liquor Store
Retail establishments licensed by the state and/or city to engage in the sale of alcoholic beverages for off-premises consumption.

5. Manufacturer Sales Room
An establishment licensed by the state through the Manufacturers License to engage in the sale of Colorado manufactured alcoholic beverages of their own manufacture and other Colorado manufacturers as enabled by the State license.

11.12.4.8 Vehicle / Equipment Sales, Rentals, Service & Repair

A. Definition of Vehicle / Equipment Sales, Rentals, Service & Repair Use Category

Vehicle/Equipment Sales, Rental, Service and Repair includes establishments engaged in the sales, rental or service of motor vehicles and equipment for homeowner use and minor residential construction and landscaping projects. Accessory uses may include offices, parking, minor repair services, and storage of equipment and vehicles.

B. Specific Vehicle / Equipment Sales, Rentals, Service & Repair Use Types and Definitions

1. Automobile Emissions Inspection Facility
A facility that is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility owner or operator is licensed by the State of Colorado to operate as an inspection and/or readjustment station. The use "automobile emissions inspection" does not include a retail establishment engaged in the sale of automotive fuel or motor oil for automobiles.

2. Automobile Services, Light
A retail establishment providing vehicle services, but not including heavy automobile service uses or any servicing of large-scale motor vehicles and trailers or Recreational Vehicles, Large. This definition includes:

a. Automobile Fueling Station
The sale of automotive fuel, motor oil, or other automotive fluids, including any associated pumps. This also includes the service of electrical charging for motor vehicles (EV charging stations), when not accessory to another primary use within the same Zone Lot. Associated equipment may include fuel pumps, fuel storage tanks, propane tank filling or exchange, or air compressors.

b. Motor Vehicle Wash
Washing, cleaning, and/or waxing of automobiles by hand or with manually operated equipment or automatic machinery, including any standalone vacuum stations.

c. Automotive Services, Minor
Routine maintenance and minor repair or serving of automobiles, which may include lubrication, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

d. SIC Groups Included in Automobile Services, Light
This definition includes the uses in the following SIC groups:

i. 5541 Gasoline service stations, except truck stops; and

ii. 7549 Automotive services, except the following: towing service, automotive; and wrecker service (towing), automotive.

3. Automobile Services, Heavy

A retail establishment engaged in the provision of one or more of the following types of services to automobiles:

a. Major repairs to and the servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. This use includes body work and painting. This definition includes, but is not limited to, all uses in the following SIC groups:

i. 753 Automotive repair shops;

ii. 7549 Automotive services.

b. Large-scale motor vehicles and trailers or Recreational Vehicle, Large washing/laundering and/or steam cleaning.

c. Such use excludes commercial wrecking, dismantling, junk yard, tire, and truck-tractor repair.

d. An "automobile services, heavy" use that is combined with one or more light automobile service use shall still be categorized as "automobile services, heavy" under this Code.

4. Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer

a. Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, automobile hitches or utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junk yard. This definition includes, but is not limited to, all uses in the following SIC groups:

i. 551 New and used car dealers;

ii. 552 Used car dealers;

iii. 557 Motorcycle dealers.

b. A business that sells at auction or loans money on deposit of such personal property as:

i. Automobiles, motorcycles, light trucks;

ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or

iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats.

c. A business that deals in the purchase or possession of such personal property as vehicles or heavy vehicle equipment on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

5. Heavy Vehicle / Equipment Sales, Rentals & Service

a. The sales, leasing, or rental, and related servicing, of:

i. High capacity mechanical devices for moving earth or other materials, and mobile power units including but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or

iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junk yard.

b. Establishments primarily engaged in servicing, repairing, overhauling, inspecting, licensing, and maintaining aircraft.

SECTION 11.12.5 PRIMARY INDUSTRIAL, MANUFACTURING & WHOLESALE USES

11.12.5.1 Communications and Information

A. Definition of Communications and Information Use Category

Communication and Information includes plant, equipment and property used for the transmission of voice, data, image or video programming.

B. Specific Communications and Information Use Types and Definitions

1. Antennas Not Attached to a Tower

Any antennas or antennas attached to any structure other than a Telecommunications Tower structure or a Telecommunications Tower, Alternative Structure. This use also includes the antennas' associated telecommunications support facilities.

2. Base Station

A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supply, and comparable equipment. The term Base Station does not encompass Telecommunications Tower Structure or Telecommunications Tower – Alternative Structure or any equipment associated therewith.

3. Communication Services

Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, telecommunication facilities major impact utilities. Facilities that broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as non-dental or non-medical "office" uses. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services.

a. Broadcast and/or Recording Studio

An establishment containing one or more broadcasting studios for the over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, television programs or motion pictures. This term does not include transmission towers.

4. Emergency Telecommunication Services
Telecommunications established or maintained by any public agency providing emergency services such as but not limited to fire, police, and other rescue or first responders.

5. Telecommunications Towers
Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

6. Telecommunications Tower - Alternative Structure
A man made structure that camouflages or obscures the presence of a tower and is designed to resemble architectural or natural features commonly associated with the site and district where they are located. All such structures shall be subject to the regulatory limitations, such as maximum height and bulk, which are otherwise applicable to like features in the zone district. This term also includes any antenna or antenna array attached to the Telecommunications Tower - Alternative Structure.

7. Telecommunication Facilities
The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

8. Telecommunication Facilities, All Others
This use type includes all other Telecommunications Facilities not otherwise specifically defined in this Section 11.12.5.1.

11.12.5.2 Industrial Services

A. Definition of Industrial Services Use Category
Industrial Service includes the repair or servicing of industrial, business or consumer goods mainly by providing centralized services for separate retail outlets. Contractors and similar uses perform services off site. Few customers, especially the general public, come to the site.

B. Specific Industrial Services Use Types and Definitions

1. Contractor, Special Trades - General

a. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:

i. 15 General building contractors;

ii. 171 Plumbing, heating, air-conditioning;

iii. 172 Painting and paper hanging;

iv. 173 Electrical work;

v. 174 Masonry, stonework, and plastering;

vi. 175 Carpentry and floor work;

vii. 176 Roofing, siding, and sheet metal work;

viii. 1793 Glass and glazing work;

ix. 1796 Installing building equipment;

x. 1799 Special trade contractors.

b. Includes special trades contractor involving the following trades:
   i. Air conditioning;
   ii. Cabinet making;
   iii. Carpentry;
   iv. Decorating;
   v. Electrical work;
   vi. Exterminations;
   vii. Fire-proofing;
   viii. Floor laying;
   ix. Glass;
   x. Glazing;
   xi. Heating;
   xii. Linoleum;
   xiii. Masonry;
   xiv. Ornamental iron work;
   xv. Painting;
   xvi. Paper hanging;
   xvii. Plumbing;
   xviii. Refrigeration;
   xix. Sign construction or installation;
   xx. Stone work;
   xxi. Title;
   xxii. Waterproofing;
   xxiii. Wiring;
   xxiv. Other similar trades not listed elsewhere in this Code, but specifically excluding contractors dealing with excavation, structural steel, well drilling, and other similar heavy construction.

2. Contractors, Special Trade-Heavy/ Contractor Yard

Establishments providing general contracting and/or building construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies. This definition includes, but is not limited to, the following SIC groups:

a. 6 Heavy construction, **except** building;
b. 178 Water well drilling
c. 1791 Structural steel erection
d. 1794 Excavation work
e. 1795 Wrecking and demolition work

3. Food Preparation and Sales, Commercial

Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens. This definition includes, but is not limited to, uses in the following SIC groups:

a. 2099 Food preparations

b. 2051 Bread and other bakery products, except cookies and crackers

c. 2052 Cookies and crackers

d. 5812 Caterers, commissaries, and contract feeding

4. Laboratory, Research, Development, and Technological Services

A building or group of buildings in which are located one or more of the following types of facilities.

a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.

b. A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.

d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.

e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

f. A facility devoted to the testing and analysis of any product or animal (not including humans), including medical laboratories, biological product (not including diagnostic) manufacturing, and blood and organ banks.

g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

5. Service/Repair, Commercial

Commercial establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. Commercial services includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

a. Building maintenance service

b. Laundry or dry cleaning, commercial, industrial

c. 721 Laundry, Cleaning, and Garment Services

d. 735 Equipment Rental and Leasing

e. 7623 Refrigeration Service and Repair

f. 7692 Welding Repair

g. 7694 Armature Rewinding Shops

h. 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and, to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith, or gunsmith shops; and septic tank or sewer cleaning services; but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.

11.12.5.3 Manufacturing and Production

A. Definition of Manufacturing and Production Use Category

Manufacturing and Production includes manufacturing and production firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. In most cases, relatively few customers come to the manufacturing site.

B. Specific Manufacturing and Production Use Types and Definitions

1. Manufacturing, Fabrication & Assembly, Custom

Custom Manufacturing, Fabrication and Assembly uses are defined as either 1.a. or 1.b. below:

a. Establishments engaged in the on-site assembly of completely hand-fabricated parts, or engaged in the on-site hand-manufacture or hand-fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving only the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, needlework, weaving, leather work, woodwork, metal or glass work, candle making facilities, or custom jewelry makers.

b. Establishments that fall into one of the following SIC groups shall be categorized as Custom Manufacturing, Fabrication and Assembly uses; this use does not include or permit the production of marijuana concentrate:

i. 2082 Malt beverage manufacturing of no more than 110,000 gallons per calendar year not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use.

ii. 2084 Wines, brandy and brandy spirits manufacturing of no more than 100,000 gallons per year , or a manufacturing operation licensed by the State of Colorado as a "Limited Winery", provided the wines/brandy spirits manufacturing or Limited Winery use are not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided brandy and brandy spirits manufacturing uses shall be subject to the same limits on flammable liquids applicable to SIC Code 2085 (Distilled and Blended Liquor) uses in paragraph B.1.b.iii. below.

iii. 2085 Distilled and blended liquors manufacturing of no more than 11,000 gallons per year not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided no more than 960 gallons of Class 1B Flammable Liquids (ethanol) with an alcohol by volume (ABV) content of greater than 19% may be produced or utilized in production within a single building at any point in time, including bulk storage for the purposes of aging or awaiting shipment. Bottled distilled spirits and blended liquors are excluded from this limitation.

2. Manufacturing, Fabrication & Assembly, General

General Manufacturing, Fabrication and Assembly uses are defined as:

a. A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials.

Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

b. Establishments that fall into one of the following SIC groups shall be categorized as General Manufacturing, Fabrication and Assembly uses, provided the operations of such use are consistent with Paragraph 2.a. above:

   i. 2082 Malt beverage manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use;

   ii. 2084 Wines, brandy and brandy spirits manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided: (a) wine manufacturing uses shall be limited to no more than 100,000 gallons per year, or a manufacturing operation licensed by the State of Colorado as a "Limited Winery"; and (b) brandy and brandy spirits manufacturing uses shall be subject to the same limits on flammable liquids applicable to SIC Code 2085 (Distilled and Blended Liquor) uses in paragraph B.2.b.iii. below.

   iii. 2085 Distilled and blended liquors manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided no more than 960 gallons of Class 1B Flammable Liquids (ethanol) with an alcohol by volume (ABV) content of greater than 19% may be produced or utilized in production within a single building at any point in time, including bulk storage for the purposes of aging or awaiting shipment. Bottled distilled spirits and blended liquors are excluded from this limitation.

c. This definition includes all uses or products in the following SIC groups except as noted:

   i. 20 Food and kindred products, **except:**

      a) 2011 Meat packing plants;

      b) 2015 Poultry slaughtering;

      c) 2061 Sugar cane;

      d) 2062 Sugar cane refining;

      e) 2063 Sugar beet refining;

      f) 2076 Vegetable oil mill;

      g) 2077 Animal and marine fats and oils;

   ii. 22 Textile mill products

   iii. 23 Apparel and other textile products

   iv. 24 Lumber and wood products except furniture, **except:**

      a) 2491 Wood preserving;

   v. 25 Furniture and fixtures

   vi. 26 Paper and allied products, **except:**

      a) 261 Pulp mills;

      b) 262 Paper mills; and

      c) 263 Paper board mills

   vii. 27 Printing, heat set webb process only

   viii. 28 Chemicals and allied products, **except:**

      a) 281 Industrial inorganic chemicals;

b) 282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, except glass;

c) 2822 Synthetic rubber;

d) 2836 Biological products;

e) 284 Soap; detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations;

f) 2851 Paints, varnishes, lacquers, enamel, and allied products;

g) 286 Industrial organic chemicals;

h) 287 Agricultural chemicals; and

i) 289 Miscellaneous chemical products.

ix. 30 Rubber and miscellaneous plastics and products **except:**

a) 301 Tires and inner tubes.

x. 31 Leather and leather products

xi. 34 Fabricated metal products except machinery and transportation equipment **except:**

a) 3462 Iron and steel forgings;

b) 3463 Nonferrous forgings; and

c) 3465 Automotive stampings.

xii. 35 Industrial and commercial machinery and computer equipment

xiii. 36 Electronic and other electrical equipment and components **except:**

a) 3612 Power, distribution, and specialty transformer;

b) 3613 Switchgear and switchboard apparatus;

c) 3621 Motors and generators;

d) 3624 Carbon and graphite products;

e) 3625 Relays and industrial;

f) 3629 Electrical industrial apparatus;

g) 3631 Household cooking equipment;

h) 3632 Household refrigerators and freezers;

i) 3633 Household laundry equipment; and

j) 3639 Household appliances.

xiv. 37 Transportation equipment

xv. 375 Motorcycles, bicycles, and parts

xvi. 38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks

xvii. 39 Miscellaneous manufacturing industries

d. Establishments engaged in the production of marijuana concentrate through the use of water-based extraction, food-based extraction, and/or solvent-based extraction, where no more than 3,000 square feet of gross floor area is used in the solvent-based extraction process. This definition shall not include marijuana concentrate production that complies with the definition and limitations for a "Food Preparation and Sales, Commercial" land use under this Code.

i. For purposes of this definition, "gross floor area" shall be the sum of all floor area within a Completely Enclosed Structure where any step in the extraction process occurs, including related storage space for equipment, chemicals or

other materials used in the extraction process or space for storage of waste and by-products. However, "gross floor area" shall not include floor area devoted to offices, restrooms, or other primary land use(s) operating within the same structure. All such "gross floor area" may or may not be contiguous with each other.

3. Manufacturing, Fabrication & Assembly, Heavy

a. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products.

b. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process.

c. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

d. This definition includes, but is not limited to, all uses or products in the following SIC groups and the following uses:

i. 2011 Meat packing plants;

ii. 2015 Poultry slaughtering;

iii. 2061 Sugar cane;

iv. 2062 Sugar cane refining;

v. 2063 Sugar beet refining;

vi. 2076 Vegetable oil mill;

vii. 2077 Animal and marine fats and oils;

viii. 2082 Malt beverage manufacturing not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

ix. 2084 Wines, brandy and brandy spirits, not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

x. 2085 Distilled and blended liquors not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

xi. 2491 Wood preserving;

xii. 261 Pulp mills;

xiii. 262 Paper mills;

xiv. 263 Paper board mills;

xv. 281 Industrial inorganic chemicals;

xvi. 282 Plastic materials, and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, **except** glass;

xvii. 2822 Synthetic rubber;

xviii. 2836 Biological products;

xix. 284 Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations;

xx. 2851 Paints, varnishes, lacquers, enamels and allied products;

xxi. 286 Industrial organic chemicals;

xxii. 287 Agricultural chemicals;

xxiii. 289 Miscellaneous chemical products;

xxiv. 29 Petroleum refining;

xxv. 295 Asphalt paving and roofing materials;

xxvi. 299 Miscellaneous products of petroleum and coal;
xxvii. 301 Tires and inner tubes;
xxviii. 32 Stone, clay, glass and concrete products;
xxix. 321 Flat glass;
xxx. 322 Glass and glassware, pressed or blown;
xxxi. 324 Cement, hydraulic;
xxxii. 325 Structural clay products;
xxxiii. 3291 Abrasive products;
xxxiv. 3295 Minerals and earths, ground or other otherwise treated;
xxxv. 3297 Non-clay refractories;
xxxvi. 33 Primary metal industries;
xxxvii. 3462 Iron and steel forgings;
xxxviii. 3463 Nonferrous forgings;
xxxix. 3465 Automotive stampings;
xl. 3612 Power, distribution, and specialty transformer;
xli. 3613 Switchgear and switchboard apparatus;
xlii. 3621 Motors and generators;
xliii. 3624 Carbon and graphite products;
xliv. 3625 Relays and industrial;
xlv. 3629 Electrical industrial apparatus;
xlvi. 3631 Household cooking equipment;
xlvii. 3632 Household refrigerators and freezers;
xlviii. 3633 Household laundry equipment;
xlix. 3639 Household appliances;
l. 3711 Motor vehicles;
li. 3713 Truck and bus bodies;
lii. 3715 Truck trailers;
liii. 3716 Motor homes;
liv. 3721 Aircraft;
lv. 3724 Aircraft engines;
lvi. 3728 Aircraft parts and auxiliary equipment;
lvii. 373 Ship and boat building;
lviii. 374 Railroad equipment;
lix. 376 Guided missiles and space vehicles and parts;
lx. 3792 Travel trailers and campers;
lxi. 3795 Tanks and tank components.
lxii. Asphalt and concrete plant;
lxiii. Concrete, asphalt, and rock crushing facility.

e. Establishments engaged in the production of marijuana concentrate through the use of water-based extraction, food-based extraction, and/or solvent-based extraction, where more than 3,000 square feet of gross floor area is used for the solvent-based extraction process. This definition shall not include marijuana concentrate production that complies with the definition and limitations for a "Food Preparation and Sales, Commercial" land use under this Code.

i. For purposes of this definition, "gross floor area" shall be the sum of all floor area within a Completely Enclosed Structure where any step in the extraction process occurs, including related storage space for equipment, chemicals or other materials used in the extraction process or space for storage of waste and by-products. However, "gross floor area" shall not include floor area devoted to offices, restrooms, or other primary land use(s) operating within the same structure. All such "gross floor area" may or may not be contiguous with each other.

11.12.5.4 Mining & Extraction and Energy Producing Systems

A. Definition of Mining & Extractions and Energy Producing Systems Use Category

Mining, Extraction and Energy Producing Systems include the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

B. Specific Mining & Extractions and Energy Producing Systems Use Types and Definitions

1. Oil, Gas - Production, Drilling

Production of and drilling for gas and oil, along with the installation of pumps, tanks, pits, treaters, separators and other equipment, transportation of petroleum products, and natural gas and natural gas liquids processing.

2. Sand or Gravel Quarry

An open pit from which sand, gravel is taken to be processed for commercial purposes.

3. Wind Energy Conversion Systems

Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

11.12.5.5 Transportation Facilities

A. Definition of Transportation Facilities Use Category

Transportation Facilities Category includes a variety of facilities, generally open to the public, related to the movement of passengers and goods, whether by private auto or public transportation. Typical uses include airports, mass transit facilities, and parking facilities for vehicles.

B. Specific Transportation Facilities Use Types and Definitions

1. Airport

A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities necessary for, directly related to, or commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to the following uses:

a. Landing fields;

b. Facilities for the parking, storage, fueling, repair, and rental of aircraft;

c. Passenger and baggage terminals;

d. Air cargo operations and associated facilities;

e. Public transportation infrastructure, including terminals and stations;

f. Safety facilities such as fire and police stations;

g. Open space uses such as agriculture, parks, golf courses, and recreation;

h. Energy production;

i. Retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space.

j. Other accessory uses as determined by the Zoning Administrator, in consultation with the Manager of the Department of Aviation or designee, according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

2. Helipad, Helistop, Heliport
A facility for landing or take-off area for rotor craft; may include a passenger terminal and/or routine servicing of rotor craft.

3. Railroad Facilities
Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

4. Railway Right-of-Way
A public or private Right-of-Way for the purpose of allowing rail travel, including, but not limited to, the following elements: rail tracks, guideways, overhead power lines, relay stations, and substations, but not including Railroad Facilities.

5. Terminal, Station or Service Facility for Passenger Transit System
Facilities primarily engaged in furnishing mass passenger transportation (e.g., via bus or rail) over regular routes and on regular schedules, the operations of which may be principally outside of a single municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Terminal and service facilities for passenger transit systems are limited only to the following specific uses:

a. Passenger stations, terminals, or transfer stations;

b. Service facilities for transit vehicles but not including railway yard, maintenance, or fueling facilities for rail transit vehicles (the latter are categorized as "railway facility" uses); and

c. Parking lots provided for the use of passengers or employees of the transit provider.

6. Terminal, Freight, Air Courier Services
Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:

a. 421 Trucking and courier services;

b. 423 Trucking terminal facilities;

c. Railroad terminal facilities;

d. 4513 which includes:

i. Courier services, air;

ii. Letter delivery, private: air;

iii. Package delivery, private: air;

iv. Parcel delivery, private: air.

11.12.5.6 Waste Related Services

A. Definition of Waste Related Services Use Category
Waste Related Services include establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste/Salvage uses also include uses that receive hazardous wastes from others.

B. Specific Waste Related Services Use Types and Definitions

1. Automobile Parts Recycling Business
An establishment at which motor vehicles are dismantled for the purpose of selling usable parts and which does not include a junk yard.

2. Junkyard
A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

3. Recycling Center
A facility at which recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.

4. Recycling Collection Station
Establishments engaged in collecting recyclable paper, household items, glass, plastic, aluminum, or other materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper, or plastic.

5. Recycling Plant, Scrap Processor
A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; organic materials; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production or for retail or wholesale trade. This definition includes, but is not limited to, all uses in the following SIC group:

a. 5093 Scrap and waste materials.

6. Solid Waste Facility
An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products shall occur in this facility. This use may include a waste transfer station.

11.12.5.7 Wholesale, Storage, Warehouse & Distribution

A. Definition of Wholesale, Storage, Warehouse & Distribution Use Category
Establishments primarily engaged in the sale, storage and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This land use category does not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

B. Specific Wholesale, Storage, Warehouse & Distribution Use Types and Definitions

1. Automobile Towing Service Storage Yard
The assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling or repairing of vehicles.

2. Mini-storage Facility

Provision of storage space for nonhazardous household or commercial goods within a completed enclosed building, which building typically permits direct public access to individual storage spaces. Storage of non-toxic, non-hazardous materials only, and sale or distribution of stored goods is prohibited. This use may include quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security.

3. Storage Services

The use of a building or part of a building designed for storing nonhazardous goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Typically, such building does not provide individual entrances to storage units from the exterior of the structure.

4. Vehicle Storage, Commercial

The assembling or standing of operable vehicles for periods of more than one day. Such use shall not include the storage of damaged, dismantled or impounded vehicles. This land use need not be enclosed.

5. Wholesale Trade or Storage, General

"Wholesale trade or storage, general" use is defined to include all of the following activities:

a. Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots.

b. The sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials as defined in Article 13, Rules of Measurement and Definitions.

c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:

   i. Advertising;

   ii. Employment services;

   iii. Equipment rental and leasing;

   iv. Property management, security and maintenance, including custodial services;

   v. Printing and reproduction services;

   vi. Publishing and bookbinding;

   vii. Air courier pickup and delivery "drop-off points";

   viii. Personnel services;

   ix. Computer programming, data processing and other computer-related services;

   x. Mailing, addressing, stenographic services; and

   xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.

   xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as "office" uses.

d. The wholesale trade, distribution, or storage of products in the following SIC groups:

i. 501 Motor vehicles, parts, and supplies (except motor vehicle parts, used, SIC group 5015);

ii. 505 Metals and minerals, except petroleum;

iii. 5047 Medical, Dental and Hospital Equipment and Supplies

iv. 508 Machinery, equipment, and supplies;

v. 515 Farm-product raw materials;

vi. 516 Chemicals and allied products;

vii. 5191 Farm supplies.

e. Operations with more than 25 percent of sales to retail customers shall be categorized as "retail sales" rather than as "wholesale trade" uses.

f. This use shall not include Mini-Storage Facility.

6. Wholesale Trade or Storage, Light

"Wholesale trade or storage, light" use is defined to include all of the following activities:

a. Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors; to professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties.

b. "Wholesale trade or storage, light" does not include the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials, as defined in Article 13, Rules of Measurement and Definitions.

c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:

i. Advertising;

ii. Employment service;

iii. Equipment rental and leasing;

iv. Property management, security and maintenance, including custodial services;

v. Printing and reproduction services;

vi. Publishing and bookbinding;

vii. Air courier pickup and delivery "drop-off points";

viii. Personnel services;

ix. Computer programming, data processing and other computer-related services;

x. Mailing, addressing, stenographic services; and

xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.

xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as "office" uses.

d. The wholesale trade, distribution, or storage of products in the following SIC groups:

i. 502 Furniture and home furnishings;

ii. 503 Lumber and construction materials;

iii. 504 Professional and commercial equipment;

iv. 506 Electrical goods;

v. 507 Hardware, plumbing, and heating equipment;

vi. 509 Miscellaneous durable goods (except scrap and waste materials, SIC group 5093);

vii. 511 Paper and paper products;

viii. 512 Drugs, proprietaries, and sundries;

ix. 513 Apparel, piece goods, and notions;

x. 514 Groceries and related products;

xi. 518 Beer, wine, and distilled beverages;

xii. 519 Miscellaneous nondurable goods (except farm supplies, SIC group 5191).

e. The following specific uses:

i. Storage services, as defined in Subsection B.3 above.

f. Operations with more than 25 percent of sales to retail customers shall be categorized as "retail sales" rather than as "wholesale trade" uses.

g. This use shall not include Mini-Storage Facility.

SECTION 11.12.6 PRIMARY AGRICULTURE USES

A. Definition of Agriculture Use Category

Agriculture Use Category includes cultivation, production, keeping, or maintenance for personal use, donation, sale or lease, of: (1) plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; herbs; and ornamental plants; and (2) livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses.

B. Specific Agriculture Use Types and Definitions

1. Aquaculture

An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown in order to sell them or the products they produce. Includes fish hatcheries, growing tanks or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities. This use does not include or permit the growing of marijuana.

2. Garden, Urban

Land that is (1) managed by a public or nonprofit organization, or by one or more private persons, and (2) used to grow and harvest plants for donation, for personal use consumption, or for off-site sales by those managing or cultivating the land and their households. This use does not include or permit the growing of marijuana.

3. Husbandry, Animal

The cultivation, production, and management of animals and/or by-products thereof, including, but not limited to grazing of livestock and production of meat, fur, or eggs; excluding, however, feed lots (see definition below), hog farms, dairies, poultry and egg production facilities, bee-keeping and apiaries, horse boarding, and riding stables.

a. Feed Lot

A feed lot shall be determined to be any of the following facilities:

i. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; or

ii. Any structure, pen or corral wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock before final shipment to market; or

iii. The raising of swine under any conditions.

4. Husbandry, Plant

An agricultural use, other than a Plant Nursery, in which plants are cultivated or grown for the sale of such plants or their products, or for their use in any other business, research, or commerce; excluding, however, forestry and logging uses. This use includes the cultivation or growing of marijuana.

5. Plant Nursery

An agricultural use in which plants are grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. A Plant Nursery may include accessory Aquaculture use, when the Aquaculture is integral to the growing and maintenance of the plants, and provided the accessory Aquaculture occurs within a Completely Enclosed Structure. This use does not include or permit the growing of marijuana.

Examples of Plant Nursery uses include, but are not limited to: wholesale or retail plant nurseries with greenhouses or garden stores; retail nurseries where plant inventory and related plant products are sold, but which may not be grown or produced on-site; tree farms; vineyards and orchards; flower farms; field nurseries; and sod farms. Plant Nursery uses do not include forestry or logging uses, or the keeping of animals or livestock except where expressly permitted as an accessory use.

SECTION 11.12.7 DEFINITIONS OF USES ACCESSORY TO PRIMARY RESIDENTIAL USES

11.12.7.1 Accessory Dwelling Unit

A Dwelling Unit that contains an Accessory Dwelling Unit use, located on the same Zone Lot as at least one Primary Dwelling Unit use, except as provided for Carriage Lots in Section 11.8.2.1.D, Special Allowance for ADUs on Existing Carriage Lots. An Accessory Dwelling Unit is a type of accessory use that may be either "attached" or "detached", defined as follows:

A. Accessory Dwelling Unit, Attached

An Accessory Dwelling Unit that is connected to or an integrated part of the same structure housing a Primary Dwelling Unit use (for example, an attached Accessory Dwelling Unit may be located in the basement level of a structure also housing a Single Unit Dwelling use).

B. Accessory Dwelling Unit, Detached

An Accessory Dwelling Unit that is located within an Accessory Structure detached from the structure housing at least one Primary Dwelling Unit use (for example, a detached Accessory Dwelling Unit may be located behind a Primary Structure containing a Single Unit, Two Unit or Multi-Unit Dwelling use).

11.12.7.2 Domestic Employee

A person or persons living in the household of another, paying no rent for such occupancy and paying no part of any household utilities; where such person or persons perform household and/or property maintenance duties for the general care, comfort and convenience of the household occupants.

11.12.7.3 Garden

The growing and cultivation of fruits, flowers, herbs, vegetables, and/or other plants. An accessory Garden use may operate as either an enclosed or unenclosed use.

11.12.7.4 Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use

Commercial sales, service, and repair uses limited to the following:

A. Banking and Financial Services as defined in Section 11.12.4.7.C.1, Banking and Financial Services.

B. Eating and Drinking Establishment as defined in Section 11.12.4.4.B.1, Eating and Drinking Establishment.

C. Office as defined in Section 11.12.4.6.A, Definition of Office Use Category.

D. Retail Sales, Service & Repair uses as defined in Section 11.12.4.7.A, Retail Sales, Service & Repair Use Category.

11.12.7.5 Outdoor Storage, Residential

The placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside of a Partially or Completely Enclosed Structure. Objects that are customarily placed outside and clearly incidental and commonly associated with the permitted use including, but not limited to, lawn furniture, lawn care equipment, gardening supplies, pool equipment, or food preparation equipment intended for outdoor use, shall not be considered Outdoor Storage, Residential. The storage of vehicles is not included.

11.12.7.6 Second Full Kitchen, Accessory to Single Unit Dwelling Use

A second Full Kitchen accessory to a primary single-unit dwelling use and located in the same primary structure.

11.12.7.7 Short-term Rental

The provision of temporary guest housing to non-residents, for compensation, by the person or persons maintaining the primary dwelling unit use as their primary residence. The length of stay per guest visit is less than 30 days. Short-term Rental does not include rental of a dwelling unit for meetings such as luncheons, banquets, parties, weddings, fund raisers, or other similar gatherings for direct or indirect compensation.

11.12.7.8 Vehicle Storage, Repair and Maintenance

1. Storage of operable automobiles or trucks but not "Large-Scale Motor Vehicles and Trailers" or "Recreational Vehicles, Large," as defined in this Code, except as specifically permitted in Division 10.9, Parking, Keeping and Storage of Vehicles.

2. Routine maintenance and minor repair servicing of automobiles or trucks that are not "Large-Scale Motor Vehicles and Trailers" or "Recreational Vehicles, Large," as defined in this Code, where such vehicles are owned by occupants of the primary residential use. Routine maintenance and repair may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

11.12.7.9 Wind Energy Conversion Systems

See Section 11.12.5.4.B for definition of "Wind Energy Conversion System."

SECTION 11.12.8 DEFINITIONS OF HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES

11.12.8.1 General Definition of Home Occupation

A business use (e.g., personal care services or, office), accessory to a primary residential use, which is conducted entirely within a Dwelling Unit, or in a detached structure accessory to such Dwelling Unit, which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the Dwelling Unit for Residential Occupancy.

11.12.8.2 Specific Home Occupation Use Types and Definitions

1. Adult Care Home
A Home Occupation providing care for periods of less than 24 hours for 4 or fewer clients, and where all clients are over the age of 16 years.

2. Animal Care Service
A Home Occupation that provides for the keeping and care only of household animals of a type and number specifically permitted under Section 11.8.5. As a home occupation, Animal Care Services may also include cleaning and grooming services.

3. Artist Studio
See definition of "Artist Studio" in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions.

4. Child Care Home, Small
A Home Occupation providing the care and education for periods of less than 24 hours of not more than 6 children, plus 2 additional children who attend either before or after school hours, subject to the licensing requirements of the state and the city.

5. Child Care Home, Large
A Home Occupation operated in a single-unit dwelling unit or in a dwelling unit in a multiple-unit dwelling providing care and education for periods of less than 24 hours of 7 to 12 children subject to the licensing requirements of the state and the city.

6. Craft Work
A Home Occupation where individual pieces are crafted but not mass produced, and which shall consist of one (1) or more of the following: ceramics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work.

7. Food Preparation
A Home Occupation where prepared food items that are not Cottage Foods, as defined in Fresh Produce and Cottage Food Sales, are made and assembled for off-premises consumption by others and/or for off-premises sale.

8. Fresh Produce and Cottage Foods Sales
A Home Occupation where:

a. Raw, uncut fresh fruits, vegetables, and herbs , excluding marijuana, that were grown in a permitted accessory Garden or primary Urban Garden are sold; and/or

b. Cottage Foods are prepared and/or sold.

Cottage Foods are defined in the State of Colorado Cottage Foods Act (House Bill 13-1158) unless otherwise prohibited by the Department of Environmental Health. Cottage Foods shall not include any food products made with marijuana.

9. Limited Retail Services and Repair
A Home Occupation that involves the retail provision of personal services or limited repair services to individuals, households, and businesses. This category includes but is not limited to:

a. Provision of personal services such as hair salons, tattoo studios, and massage therapy studios.

b. Repair or refurbishing of small-scale personal or household goods and items, such as countertop appliances, jewelry, watches, personal sporting equipment, non-motorized vehicles such as bicycles or skateboards, and similar items.

c. Repair or refurbishing of small-scale business goods and item, such as phones, computers, printers, and similar types of office equipment and supplies.

d. Learning center or tutoring services for adults or children.

10. Office, Non-Medical, Non-Dental
See Section 11.12.4.6.A, Definition of Office Use Category, but not including Dental / Medical Office or Clinic.

11. Online Retail Sales
Online Retail Sales are retail or wholesale sales where the transaction originates on and is completed on the Internet via an individual website or a third party marketplace. Online Retail Sales may include the sale of handmade or craft goods created, fabricated or assembled on the residential premises. Online Retail Sales are distinguished from Retail Sales or Wholesale in that goods or services are not transferred directly to a buyer at the residential premises.

12. Professional Studio
See definition of "Professional Studio" in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions.

SECTION 11.12.9 DEFINITIONS OF USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES

11.12.9.1 Amusement Devices
An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes but is not limited to pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children's rides, or pool and/or billiard tables.

11.12.9.2 Automobile Rental Services
The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, and (2) no mechanical or maintenance work on automobiles shall be done on the premises, and (3) the land area assigned for storage of rental automobiles shall not be included for computation of any maximum off-street parking standard.

11.12.9.3 Car Wash Bay
Washing, cleaning, and/or waxing of private automobiles, light trucks and vans, but not commercial fleets, by hand or with manually operated equipment or automatic machinery.

11.12.9.4 College Accessory to a Place for Religious Assembly
A post-secondary education facility operated by a place for religious assembly and physically located on a zone lot occupied by such place for religious assembly.

11.12.9.5 Conference Facilities
A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

11.12.9.6 Drive Through Facility
An accessory use designed and operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle. The facility includes the area of the drive aisle dedicated to placing orders or picking up such goods or services, as well as the actual facility for placing orders and picking up of such goods or services.

11.12.9.7 Emergency Vehicle Access Point

The entrance to portion of a building that houses a Hospital use that provides the intake of patients from Ambulances or similar emergency services vehicles. This includes the Driveway and Drive Aisles designed for access of the entrance for such emergency vehicles from the public right-of-way.

11.12.9.8 Garden

The growing and cultivation of fruits, flowers, herbs, vegetables, and/or other plants. An accessory Garden use may operate as either an enclosed or unenclosed use.

11.12.9.9 Occasional Sales, Services Accessory to Primary Places of Religious Assembly or Primary Uses Operated by Nonprofit Organizations

Retail sales of goods to the general public for a time period not to exceed 6 consecutive months in any one calendar year, and which sales are made from the same zone lot that contains a permitted religious assembly use.

11.12.9.10 Outdoor Gathering Area

An unenclosed area containing tables, chairs and other customary furnishings and elements that supports outdoor gathering, waiting, socializing, employee break areas, and other similar activities for patrons and employees of the primary nonresidential use. This use includes Outdoor Gathering Areas where food and drinks are served to patrons of a primary eating and drinking establishment.

Outdoor Gathering Areas do not include other accessory outdoor uses, such as Amusement Devices; Outdoor Entertainment; Outdoor Retail Sale and Display; Outdoor Storage; Occasional Sales, Services Accessory to Places of Religious Assembly; or other similar accessory uses.

Except for an Outdoor Gathering Area accessory to a Primary Eating and Drinking Establishment, the Outdoor Gathering Area shall be limited to the secondary and incidental (accessory) activities described in this definition and shall not be used to allow the Primary Use's primary and substantial activities to be conducted outdoors. The Outdoor Gathering Area shall not be used to establish a different primary use outdoors in violation of this Code.

11.12.9.11 Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use

An accessory use allowing the provision of live and/or Outdoor Entertainment to the general public for a fee. The use is conducted in open or partially enclosed or screened facilities. This use does not include adult businesses or any permitted primary land uses.

11.12.9.12 Outdoor Retail Sale and Display

An accessory use; an outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the display, sale and/or advertising of a business, product, or service. The outdoor location of soft drink or similar vending machines shall be considered outdoor retail sales and display. Outdoor retail sales and display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered "outdoor storage" as defined herein). Temporary outdoor retail sales and displays are regulated as temporary uses and structure according to Division 11.11, Temporary Use Limitations.

11.12.9.13 Outdoor Storage

The permanent placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted primary use. "Outdoor storage" is more intensive than "Outdoor Retail Display and Sales" use, with such Outdoor Storage typically remaining outdoors overnight. Vehicles for sale,

lease, or rent as part of a permitted primary use (including boats and manufactured housing) shall not be considered "outdoor storage" for purposes of this Code.

A. Outdoor Storage, General
The overnight outdoor storage of fuel, raw materials, shipping containers, lumber, pipe, steel, junk and other similar merchandise, material, or equipment.

B. Outdoor Storage, Limited
The overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility); merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers; garden supplies; building supplies; plants; fleet vehicles; and other similar merchandise, material or equipment.

SECTION 11.12.10 DEFINITIONS OF TEMPORARY USES

A. Ambulance Service
The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.

B. Amusement/Entertainment Uses
An amusement, entertainment, or recreation use accessible to the general public upon payment of a fee or admission charge. Examples include temporary circus or sport events.

C. Bazaar
A place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, but not including motorized amusement rides.

D. Building or Yard for Construction Materials
The storage of equipment and/or excavated materials both incidental and necessary to a construction project. Building materials may include lumber, shingles, and the like. This may also include temporary parking for construction and/or temporary parking to replace parking temporarily displaced by construction.

E. Concrete, Asphalt, and Rock Crushing Facility
A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.

F. Health Care Center
A facility or institution providing health services.

G. Noncommercial Concrete Batching Plant
A facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

H. Outdoor Retail Sales
Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a Completely Enclosed Structure, and operated as an extension of a primary retail sales use on the same zone lot.

I. Outdoor Retail Sales - Pedestrian / Transit Mall
Outdoor retail sales, not operated in a Completely Enclosed Structure, and located within 125 feet of a pedestrian and/or transit mall (e.g. the downtown 16th Street pedestrian mall), including retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles. Such retail sales are not required to be operated as an extension of a primary retail sales use on the same or different zone lot.

J. Outdoor Sales, Seasonal

The outdoor retail sales of trees, plants, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items, not operated in a Completely Enclosed Structure, and not as an extension of a primary retail sales use on the same zone lot. Seasonal Outdoor Sales may be conducted by a single person or multiple persons on the same Zone Lot.

Seasonal outdoor sales include, but are not limited to, seasonal sales of Christmas trees , seasonal outdoor sales of plants, seasonal outdoor farmers markets, and other seasonal sales of foods, fruits, and vegetables, such as roasted chiles and corn.

1. Sales of Christmas Trees and Related Holiday Items

Retail sales of Christmas trees, wreaths, garlands, tree stands, tree care items, and other incidental and customary holiday items.

2. Sale of Plants or Plant Sales Facilities

Retail sales of horticultural items including, but not limited to bedding plants, plant containers, seeds, small trees and bushes, and accessories therefor; incidental sales of agricultural chemical and fertilizer products are permitted only if prepackaged.

3. All Other Types of Temporary Outdoor Sales, Seasonal

Retail sales of trees, plants, flowers, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items. This use sub-type includes farmers markets, and sales of roasted chiles and corn.

K. Retail Food Establishment, Mobile

Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.

L. Temporary Managed Community

Residential occupancy of multiple relocatable Temporary Structures or multiple spaces for parked Motor Vehicles providing sleeping accommodations, which may be combined with one or more separate structures containing housekeeping accommodations and/or work spaces for operational staff, all located on the same Zone Lot. Tenancy is typically 30 days or longer.

Non-profit organizations, government entities, or quasi-governmental entities may provide or arrange for operational management, access to supportive services, on-site staffing, routine maintenance, or housekeeping accommodations including, but not limited to, facilities for secure shelter, guest check-in, food distribution or preparation, toilets, washrooms, showers, personal storage opportunities, and communal gathering, which may be provided on the same Zone Lot or in mobile units parked on the right-of-way. If the housekeeping accommodations are contained in structures, such structures may be Temporary Structures.

For purposes of this use definition, Temporary Structures may include, but are not limited to, tents or umbrella structures, as “tents” and “umbrella structures” are defined in the Denver Building Code. No tent or other Temporary Structure intended or used for sleeping accommodations contains a completely independent dwelling unit. Temporary Structures and Motor Vehicles may also be used by operational staff.

This temporary use does not include Manufactured Home Community as defined in the Zoning Code.