

#### **11.10.10.2 Related Animal-Keeping Provisions**

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

### **SECTION 11.10.11 OCCASIONAL SALES, SERVICES ACCESSORY TO PRIMARY PLACES OF RELIGIOUS ASSEMBLY OR PRIMARY USES OPERATED BY NON-PROFIT ORGANIZATIONS**

#### **11.10.11.1 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 allowed 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 11.10.12 OUTDOOR EATING AND SERVING AREAS ACCESSORY TO EATING/DRINKING ESTABLISHMENT USE**

#### **11.10.12.1 All Zone Districts**

In all Zone Districts, where permitted with limitations:

- A. Outdoor Eating and Serving Areas are allowed as accessory to an Eating and Drinking Establishment use, and shall comply with all applicable limitations stated for primary Eating and Drinking Establishments in Section 11.4.6, Eating and Drinking Establishments - All Types. In case of conflict with the use limitations stated in this section specific to Outdoor Eating and Serving Areas, the more restrictive limitation shall apply.
- B. All Outdoor Eating and Serving Areas shall comply with the following limitations:
  - 1. The Outdoor Eating and Serving Area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.
  - 2. The Outdoor Eating and Serving Area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 42 inches tall, except for the following:
    - a. Temporary canvas awnings or umbrellas may serve as sun shades.
    - b. Temporary or permanent structures that form a covering over the Outdoor Eating and Serving Area, provided the entire area 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.
  - 3. Any part of the Outdoor Eating and Serving Area located outside of a completely enclosed structure shall have a hard, all weather surface.
  - 4. No required off-street parking spaces shall be used for the Outdoor Eating and Serving Area.
- C. **Specific Limitations When Located Less than 50' from a Protected District**
  - 1. **Applicability**

This Section 11.10.12.C's use standards shall apply to all accessory Outdoor Eating and Serving Areas, where allowed 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. C-CCN Zone District
- i. All I-MX, -A, -B Zone Districts
- j. All M-RX, -IMX, -GMX Zone Districts

**2. Use Limitations**

- a. When the Outdoor Eating and Serving Area is less than 50 feet from the nearest boundary of a Protected District, it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
- b. The Board of Adjustment, in addition to compliance with the general limitations for Outdoor Eating and Seating Areas stated in this Section 11.10.12, shall allow the operation of the Outdoor Eating and Seating Area beyond 6 p.m. only upon consideration of the following factors:
  - i. Neighboring uses;
  - ii. Seating capacity of the outdoor eating and seating area;
  - iii. Type of food or drink being served; and
  - iv. The ambient noise generated by activity on the eating and seating area, including whether outdoor speakers will be authorized.
- c. All distance and spacing requirements shall be measured according to Section 13.1.9, Measurement of Separation or Distance.

**D. Specific Limitations When Located Between 50' and Less than 100' from Protected District**

**1. Applicability**

This Section 11.10.12.D's limitations shall apply to all accessory Outdoor Eating and Serving Areas, where allowed 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, -A, -B Zone Districts,
- h. All M-RX, -IMX, -GMX Zone Districts.

## **2. Use Limitations**

- a. When the Outdoor Eating and Serving Area is between 50 feet and less than 100 feet from the boundary of a Protected District, the use of the Outdoor Eating or Serving Area shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the Outdoor Eating and Serving area shall cease by 11:00 p.m.
- b. All distance and spacing requirements shall be measured according to Section 13.1.9, Measurement of Separation or Distance.

## **SECTION 11.10.13 OUTDOOR ENTERTAINMENT ACCESSORY TO AN EATING/ DRINKING ESTABLISHMENT USE**

### **11.10.13.1 All Zone Districts**

In all Zone Districts, where permitted with limitations:

- A. Outdoor Entertainment uses are allowed 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 11.4.6, 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.
  4. No required off-street parking spaces shall be used for an Outdoor Entertainment area.
- D. If the Outdoor Entertainment area is less than 100 feet from the boundary of a Protected District (measured according to Section 13.1.6, 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 eating 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 13.1.6, Measurement of Separation or Distance), it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

## **SECTION 11.10.14 OUTDOOR RETAIL SALE AND DISPLAY**

### **11.10.14.1 All Zone Districts**

In all Zone Districts, where permitted with limitations, Outdoor Retail Sales and Display shall comply with the following limitations:

#### **A. 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 11.10.14.1.