

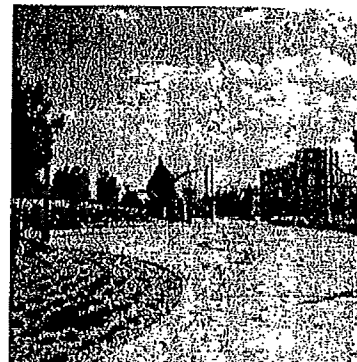
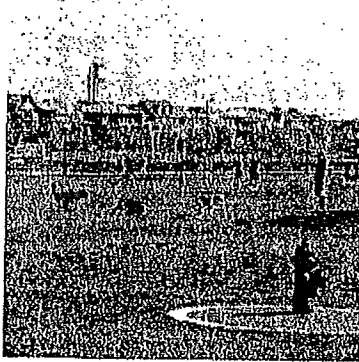
Exhibit B

To

Defendants' Reply in Support of Motion for Summary Judgment

DIVISION 9.3 OPEN SPACE CONTEXT (OS-A, OS-B, OS-C)

SECTION 9.3.1 OPEN SPACE CONTEXT DESCRIPTION



General Character: The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

Street, Block, and Access Patterns: The Open Space Context can be widely varied, ranging from active parks with extensive access to environmentally sensitive areas where only limited access is appropriate.

Building Placement and Location: Buildings in the Open Space Context are typically placed where access is highest, and are often located away from view of the general public.

Building Height: Buildings are typically low in scale, although some open space areas with active recreational uses support large-scale facilities.

Mobility: Priority is given to pedestrians and bicyclists. The automobile is accommodated through fringe parking areas. The Open Space Context has varying levels of access to the multi-modal transit system.

EXHIBIT B

SECTION 9.3.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established in the Open Space Context and are applied to property as set forth on the Official Map.

Open Space Context

- OS-A Open Space Public Parks District
- OS-B Open Space Recreation District
- OS-C Open Space Conservation District

9.3.2.1 Purpose

The following paragraphs explain the general purpose and intent of the individual Zone Districts.

A. Open Space Public Parks District (OS-A)

The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes.

B. Open Space Recreation District (OS-B)

The OS-B district is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City, and generally intended for active or passive recreation use. The district allows more building coverage and a variety of active recreational facilities than in the OS-C district.

C. Open Space Conservation District (OS-C)

To allow for conservation of open space and natural areas, regardless of ownership, which are not intended for development. Limited passive recreation is allowed, and only limited structures incidental to and supportive of the conservation purpose of the Zone District, such as visitor's/educational center, are allowed.

SECTION 9.3.3 PRIMARY BUILDING FORM STANDARDS

9.3.3.1 Primary Building Forms in the OS-A District

In the OS-A Zone District, the City Council shall have final approval authority over the form of certain building according to D.R.M.C., Chapter 39 (Parks). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards.

9.3.3.2 Primary Building Forms in OS-B and OS-C

Building form standards are applicable in the OS-B and OS-C Zone Districts, as set forth below.

HEIGHT	OS-B, OS-C
Stories (max)	3
Feet, pitched or flat roof (max)	40'

SITING	OS-B, OS-C
SETBACKS	
Primary Street (min)	20'
Side Street (min)	20'
Side, interior (min)	20'
Rear (min)	20'
PARKING	
Primary Street Setback (min)	30'
Side Street Setback (min)	10'
Setback Adjacent Protected District (min)	5'

DESIGN ELEMENTS	OS-B, OS-C
Required Entrance, Primary Street	No

9.3.3.3 Design Standards

A. OS-A Zone District

Design and development standards governing structures in the OS-A Zone District, including but not limited to landscaping, parking, and signage, shall be determined by either the City Council according to their authority in D.R.M.C., Chapter 39 (Parks) or by the Manager of Parks and Recreation.

B. Setback Exceptions

In the OS-B and OS-C Zone Districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

SECTION 9.3.4 USES AND REQUIRED MINIMUM PARKING

9.3.4.1 Applicability

A. OS-A Zone District

Permitted uses, number of uses and applicable use limitations, in the OS-A Zone District, shall be determined by the manager of Parks and Recreation.

B. OS-B, -C Zone Districts

1. This Section 9.3.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for the OS-B, -C Zone Districts.
2. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.
3. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

9.3.4.2 Organization

A. Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

B. Primary Use Classifications, Categories & Specific Use Types

1. Primary Use Classifications

All primary land uses in the Use and Parking Table 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

2. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Use and Parking Table 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 "group living," unless otherwise expressly allowed by this Code.

9.3.4.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry

"L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply ("P")

A "P" in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations.

2. Permitted Use - Subject to Use Limitations ("L")

"L" in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

3. Uses Not Permitted ("NP")

"NP" in a table cell indicates that the use is not permitted in the specific Zone District.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review ("ZP")

"ZP" in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")

"ZPIN" in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

3. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")

"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zoning district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zoning district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

4. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

9.3.4.4 Enclosure of Uses

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 and Parking 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.

9.3.4.5 District Specific Standards

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
 ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS			
		OS-A	OS-B	OS-C	
RESIDENTIAL PRIMARY USE CLASSIFICATION					
Household Living	Dwelling, Single Unit	See Section 9.3.4.1 for permitted uses	NP	NP	
	Dwelling, Two Unit		NP	NP	
	Dwelling, Multi-Unit		NP	NP	
	Dwelling, Mixed Use		NP	NP	
	Dwelling, Live / Work		NP	NP	
Group Living	Assisted Living Facility		NP	NP	
	Community Corrections Facility		NP	NP	
	Nursing Home, Hospice		NP	NP	
	Residence for Older Adults		NP	NP	
	Residential Care Use, Small or Large		NP	NP	
	Rooming and Boarding House	NP	NP		
	Shelter for the Homeless	NP	NP		
Student Housing	NP	NP			
COMMERCIAL, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION					
Basic Utilities	Utility, Major Impact* • Vehicle: 5 / 1,000 s.f. GFA • Bicycle: No requirement	See Section 9.3.4.J for permitted uses	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: 5 / 1,000 s.f. GFA • Bicycle: No requirement		L-ZP	NP	§ 11.3.2
Community/ Public Services	Community Center • Vehicle: 5 / 1,000 s.f. GFA • Bicycle: No requirement	See Section 9.3.4.1	L-ZP	NP	§ 11.3.3
	Day Care Center • Vehicle: 1 / 1,000 s.f. GFA • Bicycle: 1 / 10,000 s.f. GFA (0/100)		P-ZP	NP	
	Postal Facility, Neighborhood • Vehicle: 2.5 / 1,000 s.f. GFA • Bicycle: 1 / 10,000 s.f. GFA (60/40)		NP	NP	
	Postal Processing Center • Vehicle: 1 / 1,000 s.f. GFA • Bicycle: 1 / 10,000 s.f. GFA (60/40)		NP	NP	
	Public Safety Facility • Vehicle: 1 / 1,000 s.f. GFA • Bicycle: 1 / 10,000 s.f. GFA (0/100)		P-ZP	NP	
	Hospital		NP	NP	
	Correctional Institution		NP	NP	

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		OS-A	OS-B	OS-C	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery • No requirement	See Section 9.3.4.1	L-ZP	NP	§ 9.3.5.1; § 9.3.5.2
	Library • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		L-ZP	NP	§ 9.3.5.2
	Museum • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		L-ZP	NP	§ 9.3.5.2
	City Park	P-ZP	NP	NP	
	Open Space - Recreation • Vehicle: 0.5/ 1,000 s.f. GFA • No Requirement	See Section 9.3.4.1	L-ZP	NP	§ 9.3.5.2
	Open Space - Conservation • No requirement		P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	See Section 9.3.4.1	L-ZP	NP	§ 11.3.6
	University or College		NP	NP	
	Vocational or Professional School		NP	NP	
Public and Religious Assembly	All Types • Vehicle: 0.5/ 1,000 s.f. GFA • No Requirement		P-ZP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	OS-A OS-B OS-C		APPLICABLE USE LIMITATIONS	
		OS-A	OS-B		OS-C
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION					
Adult Business	All Types	See Section 9.3.4.1	NP	NP	See Section 9.4.4. Use Overlay Districts, for adult business use allowance in the UO-1 District.
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)		L-ZP	NP	§ 9.3.5.3
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)		L-ZPSE	NP	§ 9.3.5.3; § 11.4.2
	Sports and/or Entertainment Arena or Stadium* • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		L-ZPSE	NP	§ 9.3.5.4
Nonresidential Uses in Existing Business Structures In Residential Zones			Not Applicable		
Parking of Vehicles	Parking, Garage • No requirement		P-ZP	NP	
	Parking, Surface* • No requirement		NP	NP	
Eating & Drinking Establishments	All Types	NP	NP		

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		OS-A	OS-B	OS-C	
Lodging Accommodations	Bed and Breakfast Lodging	See Section 9.3.4.1	NP	NP	
	Lodging Accommodations, All Others		NP	NP	
Office	Dental / Medical Office or Clinic		NP	NP	
	Office, All Others		NP	NP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only		NP	NP	
	Animal Sales and Services, All Others		NP	NP	
	Body Art Establishment		NP	NP	
	Food Sales or Market		NP	NP	
	Liquor Store, Including Drugstores Licensed to Sell Liquor		NP	NP	
	Pawn Shop		NP	NP	
	Retail Sales, Service & Repair -- Outdoor*		NP	NP	
	Retail Sales, Service & Repair - Firearms Sales		NP	NP	
	Retail Sales, Service & Repair, All Others		NP	NP	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility		NP	NP	
	Automobile Services, Light		NP	NP	
	Automobile Services, Heavy		NP	NP	
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*	NP	NP		
	Heavy Vehicle/ Equipment Sales, Rentals & Service*	NP	NP		

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		OS-A	OS-B	OS-C	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION					
Communications and Information	Antennas Not Attached to a Tower* • No Parking Requirements	See Section 9.3.4.1	L-ZP	NP	\$11.5.2
	Communication Services		NP	NP	
	Telecommunications Towers* • No requirement		L-ZP/ ZPIN/ ZPSE	NP	\$11.5.2
	Telecommunications Tower - Alternative Structure • No requirement		L-ZP/L- ZPIN	NP	\$11.5.2
	Telecommunication Facilities -- All Others* • No requirement		L-ZPIN	NP	\$11.5.2
Industrial Services	Contractors, Special Trade - General		NP	NP	
	Contractors, Special Trade - Heavy/Contractor Yard*		NP	NP	
	Food Preparation and Sales, Commercial		NP	NP	
	Laboratory, Research, Development and Technological Services		NP	NP	
	Service/Repair, Commercial		NP	NP	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom		NP	NP	
	Manufacturing, Fabrication & Assembly -- General		NP	NP	
	Manufacturing, Fabrication & Assembly -- Heavy		NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*		NP	NP	
	Sand or Gravel Quarry*		NP	NP	
	Wind Energy Conversion Systems* No Parking Requirements	L-ZP	NP	\$11.5.8	
Transportation Facilities	Airport*	NP	NP		
	Helipad, Helistop, Heliport*	NP	NP		
	Railroad Facilities*	NP	NP		
	Railway Right-of-Way* • No requirement	P-ZP	P-ZP		
	Terminal, Station or and Service Facility for Passenger Transit System	NP	NP		
	Terminal, Freight, Air Courier Services	NP	NP		

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		OS-A	OS-B	OS-C	
Waste Related Services	Automobile Parts Recycling Business	See Section 9.3.4.1	NP	NP	
	Junkyard*		NP	NP	
	Recycling Center		NP	NP	
	Recycling Collection Station		NP	NP	
	Recycling Plant, Scrap Processor		NP	NP	
	Solid Waste Facility		NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*		NP	NP	
	Mini-storage Facility		NP	NP	
	Vehicle Storage, Commercial*		NP	NP	
	Wholesale Trade or Storage, General		NP	NP	
	Wholesale Trade or Storage, Light	NP	NP		
AGRICULTURE PRIMARY USE CLASSIFICATION					
Agriculture	Aquaculture* • Vehicle: 0.5 / 1,000 s.f. GFA • Bicycle: No requirement	See Section 9.3.4.1	L-ZP	NP	\$11.6.1
	Garden, Urban* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$11.6.2
	Husbandry, Animal* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$9.3.5.5
	Husbandry, Plant* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		P-ZP	NP	
	Plant Nursery* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$9.3.5.6

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		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit	See Section 9.3.4.1	NP	NP	
	Domestic Employee		NP	NP	
	Garden*		NP	NP	
	Keeping of Household Animals*		NP	NP	
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles*		NP	NP	
	Kennel or Exercise Run*		NP	NP	
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use		NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use		NP	NP	
	Vehicle Storage, Repair and Maintenance*		NP	NP	
	Wind Energy Conversion Systems*		Not Applicable - See Allowed Primary Uses		
	Yard or Garage Sales*		NP	NP	
Unlisted Accessory Uses	na				
HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Home Occupations	Child Care Home, Large	See Section 9.3.4.1	NP	NP	
	All Other Types		NP	NP	
	Unlisted Home Occupations		NP	NP	

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		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES - USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses		NP	NP	
	Automobile Rental Services Accessory to Certain Retail Uses*		NP	NP	
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities		L	NP	§ 11.7; § 11.10.4
	Car Wash Bay Accessory to Automobile Services		NP	NP	
	College accessory to a Place for Religious Assembly		NP	NP	
	Conference Facilities Accessory to Hotel Use		NP	NP	
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*		NP	NP	
	Garden*		L	L	§ 11.7; § 11.10.9
	Nonresidential Uses in Existing Business Structures in Residential Zones - Accessory Uses		Not Applicable		
	Occasional Sales, Services Accessory to Places of Religious Assembly*		L	NP	§ 11.7; § 11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Retail Sale and Display*		NP	NP	
	Outdoor Storage*		NP	NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	NP	
	Unlisted Accessory Uses		L - Applicable to all Zone Districts		§ 11.7; § 11.10.1

See Section 9.3.4.1

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement - # of spaces per unit of measurement • Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)				APPLICABLE USE LIMITATIONS
		OS-A	OS-B	OS-C	
TEMPORARY USE CLASSIFICATION					
Temporary Uses	Ambulance Service - Temporary	See Section 9.3.4.1	NP Not Applicable - See Allowed Primary Uses	NP	
	Amusement / Entertainment - Temporary*		L-ZP	NP	§11.11.3
	Bazaar, Carnival, Circus or Special Event*		L-ZP	NP	§11.11.4
	Building or yard for construction materials*		L-ZP	NP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*		L-ZP	NP	§11.11.6
	Fence for Demolition or Construction Work		L-ZP	NP	§11.11.7
	Health Care Center		NP	NP	
	Noncommercial Concrete Batching Plant*		L-ZP	NP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*		NP	NP	
	Outdoor Retail Sales*		NP	NP	
	Outdoor Sales, Seasonal*		L-ZP	NP	§11.11.12
	Parking Lot Designated for a Special Event*		L-ZP	NP	§11.11.13
	Retail Food Establishment, Mobile*		L-ZP	NP	§11.11.14
	Temporary Construction Office		L-ZP	NP	§11.11.15
	Temporary Office - Real Estate Sales		NP	NP	
	Tent for Religious Services		L-ZP	NP	§11.11.17
	Unlisted Temporary Uses		L-ZP	L-ZP	§11.11.1

SECTION 9.3.5 APPLICABLE USE LIMITATIONS

9.3.5.1 Cemetery

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.

9.3.5.2 Cultural/Special Purpose/Public Parks & Open Space Uses in the OS-B District

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

- A. Accessory uses and structures permitted by-right 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.

9.3.5.3 Arts, Entertainment and Recreation Uses in the OS-B District

In the OS-B Zone District, all permitted arts, entertainment and recreation uses shall comply with the following limitations:

- A. Accessory uses and structures permitted by-right 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 13.1.6.
- 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 Division 11.7, Accessory Use Limitations, and finds that the proposed structure or use will not adversely affect properties adjoining the Open Space Zone District. See Section 12.4.6, Code Interpretations and Determination of Unlisted Uses for the applicable procedure to determine unlisted uses.

9.3.5.4 Sports and/or Entertainment Arena or Stadium

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 13.1.6, Measurement of Separation or Distance.
- B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.3.5.5 Husbandry, Animal

In the OS-B Zone District, this 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.

9.3.5.6 Plant Nursery

This use shall be located at least 500 feet from a Residential Zone District.

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 - Recreation**
An area of land developed or intended for development with landscaping, specialized structures, and other features that promote passive or active recreational activities. May be accessible to only a segment of the public with or without payment of a fee, or may be open and accessible to the general public. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an "open space, recreation" use.
6. **Open Space - Conservation**
Any 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.