



DENVER ZONING CODE (DZC) AND FORMER CHAPTER 59 (FC59) UNLISTED ACCESSORY USE DETERMINATION: OUTDOOR ON- SITE DONATION AND DISTRIBUTION

PROPOSAL

Zoning Administration staff has requested clarification on whether the activity of providing outdoor on-site donation and distribution of goods may be permitted as an unlisted accessory use under both the Denver Zoning Code ("DZC") and Former Chapter 59 ("FC59"). The outdoor on-site donation and distribution activity typically includes placement on the subject property of one or more minor structures to house the goods.

This unlisted accessory use determination is meant to clarify and distinguish the activity of Outdoor On-Site Donation and Distribution from Outdoor Storage (General and Limited) and Outdoor Retail Sale and Display. This determination is intended to better capture and provide guardrails for activities that can be commonly observed around the city, such as residential garden produce giveaway tables, Little Free Libraries, and community fridges. These activities occur as incidental to a primary use and provide for both the donation and distribution of reasonably useable and free goods. A distinguishing feature of the Outdoor On-Site Donation and Distribution use is that they are intended to promote acts of mutual aid or common good.¹

The proposed unlisted accessory use will be analyzed and considered as two types, distinguished by intensity:

- **Limited Outdoor On-Site Donation and Distribution** includes Little Free Libraries and similar activities that do not require connection to utilities and where associated structures, when affixed to the ground, are no taller than 5 feet in height and occupy no more than 4 square feet in zone lot land area. To capture residential garden produce giveaways, this use also allows for the placement of impermanent structures, like folding tables, to be used so long as they are no greater in height than 4 feet, and the occupied zone lot land area does not exceed 10 square feet.
- **General Outdoor On-Site Donation and Distribution** includes Denver Community Fridges and similar activities, where the associated structures are no taller than 7 feet in height and occupy no more than 50 square feet in zone lot land area.

¹ For this determination, staff uses "acts of common good" to refer to acts that reasonably benefit people in the community, including community-based volunteerism and charitable donation efforts.

WHAT ARE OUTDOOR ON-SITE DONATION AND DISTRIBUTION USES?

Accessory Outdoor On-Site Donation and Distribution uses can be found in the community through the examples of Little Free Libraries and community fridges. A Little Free Library is defined as “a free book-sharing box where anyone may take a book or share a book.”² The term itself is trademarked by the nonprofit organization of the same name. In Denver, structures similar to and including Little Free Libraries are found throughout the city and commonly contain books or pantry items. When located on a zone lot, they are often found in the primary street setback, affixed to a ground-mounted post, visible to and accessible by passersby.

As defined by Denver Community Fridges, a community fridge is “a type of mutual aid³ project where local businesses and community members drop off fresh fruit, vegetables, and prepared meals to support combating food insecurity within the community.”⁴ In Denver, community fridges are found accessory to primary nonresidential uses and typically consist of a refrigerator and bookcase or other pantry storage receptacle. Frequently, community fridges are framed out with a roof to protect the appliance from the elements with pantry storage attached to the frame. Like Little Free Libraries, community fridges are typically found adjacent to a primary or side street zone lot line, visible and accessible to the public.



Example of Limited Outdoor On-Site Donation and Distribution (Little Free Libraries or Pantries)

² [Little Free Library FAQs](#).

³ Mutual aid is defined as a “a collective, coordinated effort to help those in need” by [The New York Times, How Neighborhood Groups are Stepping In Where the Government Didn't, March 3, 2021](#).

⁴ [Denver Community Fridges FAQ](#).



Example of General Outdoor On-Site Donation and Distribution (Community Fridges)

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APPLICABLE RULES

DENVER ZONING CODE

DZC §11.7.1.1 states that accessory uses shall be clearly incidental, subordinate, customary to, and commonly associated with operation of a primary use. DZC §11.8 contains limitations applicable to specific uses accessory to primary residential uses across multiple zone districts and neighborhood contexts. This code section lists use-specific standards for specific accessory uses but does not prohibit unlisted uses accessory to residential primary uses. Accessory uses incidental to nonresidential primary uses but not specifically listed in the applicable Use & Parking Table may be allowed according to the provisions of DZC, §11.10.1, "Unlisted Accessory Uses." DZC §11.10.1 states the Zoning Administrator shall determine and impose limitations on Accessory Uses not otherwise listed as permitted according to the procedures and review criteria stated in DZC §12.4.6, Code Interpretations and Determination of Unlisted Uses.

In addition to the general review criteria stated in DZC §12.4.6., to allow unlisted Accessory Uses to primary nonresidential uses, the Zoning Administrator must also find that the use is "common and customary to a specific use by right" and that the use "is incidental to the specific use by right" (DZC §11.10.1.1.B).

Furthermore, the Zoning Administrator must find that the use is not expressly limited or prohibited by the provisions of DZC §11.7 or §11.8.

FORMER CHAPTER 59

According to the provisions of FC59, general authority is provided to the Zoning Administrator to determine unlisted accessory uses. This determination is made per FC59, §59-38(a)(10)(a), which provides administrative authority to the Zoning Administrator to determine and impose limitations on accessory uses and structures not covered in §59-87 and §59-88. In fulfilling this responsibility, the Zoning Administrator shall determine what accessory uses are common and customary as well as incidental to uses by right. The Zoning Administrator is responsible for imposing limitations which shall be uniform throughout the zone district on these unlisted accessory uses, "taking into consideration the intensity, numbers, the space required by the accessory use and the effect on adjacent property."

The provisions found in FC59 grant the Zoning Administrator the authority to regulate these uses on properties that maintain a FC59 Zone District. The FC59 standards are limited and less restrictive than the authority and regulations found in the DZC. Therefore, this analysis will use the DZC criteria, which is more restrictive than FC59-38.

ANALYSIS

ARE OUTDOOR ON-SITE DONATION AND DISTRIBUTION USES COMMON AND CUSTOMARY TO NONRESIDENTIAL AND RESIDENTIAL PRIMARY USES?

GENERAL OUTDOOR ON-SITE DONATION AND DISTRIBUTION ACCESSORY TO NONRESIDENTIAL PRIMARY USES

An unlisted accessory use must be “common and customary” relative to the permitted nonresidential primary use (DZC §11.10.1.1.B). The Zoning Administrator finds that it is common and customary for General Outdoor On-Site Donation and Distribution uses to be located on the same zone lot as a primary nonresidential use. According to Denver Community Fridges, there are five community fridges currently located in the city. To date, CPD is not aware of any community fridge located on a zone lot with a primary residential use. Rather, these fridges are located on and/or sponsored by commercial businesses, community organizations, or religious institutions.

While the community fridge movement began prior to the Covid-19 pandemic, the number of community fridges across the United States rose dramatically after the onset of the pandemic. According to Vox, by February 2021 there were more than 160 community fridges established across the United States, up from just 12 community fridges during March 2020.⁵ The rise in community fridges may be seen as a direct response to the amplification of food insecurity brought on by the Covid-19 pandemic. While outdoor, publicly accessible fridges are a newer trend, the Zoning Administrator finds that acts of common good, including volunteerism and charitable giving, are common and customary in Denver, as evidenced by the great number of community-based nonprofits and donation centers in the city. Community fridges offer a less intense, smaller scale way to address hunger in the community where people can access food on their own schedules.

Based on the common and customary nature of volunteerism, charitable giving, and mutual aid projects in Denver, together with the proposed limitations described below, the Zoning Administrator finds that the General Outdoor On-Site Donation and Distribution accessory use can be considered common and customary to nonresidential primary uses in all DZC and FC59 zone districts.

LIMITED OUTDOOR ON-SITE DONATION AND DISTRIBUTION AS ACCESSORY TO RESIDENTIAL AND NONRESIDENTIAL PRIMARY USES

An unlisted accessory use must be “common and customary” relative to permitted nonresidential primary uses (DZC §11.10.1.1.B). For the purposes of this determination, the Zoning Administrator also considered if the unlisted accessory use was also “common and customary” relative to permitted residential primary uses. The Zoning Administrator finds that it is common and customary for certain Limited Outdoor On-Site Donation and Distribution uses to be located on the same zone lot as primary residential and primary nonresidential uses. For example, in 2017, there were more than 500 Little Free

⁵ [Vox, Community fridges are lifelines for the neighborhoods they serve, February 17, 2021](#)

Libraries registered in the metro Denver area.⁶ These book exchanges are typically found as accessory to low-density residential uses, such as single-unit and two-unit dwelling uses. Little Free Libraries are also located on the properties of community organizations, schools, and religious institutions. Little pantries have also become more visible and popular around Denver. This use also captures impermanent garden produce giveaway tables that are commonly seen outside of residences in Denver during the summer and fall. These examples demonstrate that such Limited Outdoor On-Site Donation and Distribution uses are common and customary accessory uses to both residential and nonresidential primary uses.

Based on the abundant presence of book exchanges, little pantries and produce giveaway tables in Denver currently, together with the proposed limitations described below, the Zoning Administrator finds that the Limited Outdoor On-Site Donation and Distribution accessory use can be considered common and customary in all DZC and FC59 zone districts in Denver.

ARE OUTDOOR ON-SITE ACCESSORY DONATION AND DISTRIBUTION USES INCIDENTAL TO NONRESIDENTIAL AND RESIDENTIAL PRIMARY USES?

GENERAL OUTDOOR ON-SITE DONATION AND DISTRIBUTION

An unlisted accessory use must be “incidental” relative to permitted nonresidential primary uses (DZC §11.10.1.1.B).⁷ This use is typically characterized by the assembly of one or two structures, such as a refrigerator and a bookcase or filing cabinet. The small footprint of this use limits the ability of General Outdoor On-Site Donation and Distribution to become greater than an incidental use, especially because this use is necessarily paired with commercial or institutional uses that are larger and more prominent in terms of size, activity, and signage. Additionally, the limitations proposed on such uses in the conditions section at the end of this document will ensure that such uses remain incidental in nature to nonresidential primary uses. These limitations include a footprint of no more than 50 square feet of land area, a height limitation of 7 feet, and limited signage that is provided solely for identification and instructional purposes only. Therefore, given the small scale and size of accessory General Outdoor On-Site Donation and Distribution, reinforced by the proposed limitations, the Zoning Administrator finds that it is incidental or secondary to nonresidential primary uses.

LIMITED OUTDOOR ON-SITE DONATION AND DISTRIBUTION

An unlisted accessory use must be “incidental” relative to permitted nonresidential primary uses (DZC §11.10.1.1.B). For the purposes of this determination, the Zoning Administrator also considered if the unlisted accessory use was also “incidental” relative to permitted residential primary uses. Limited Outdoor On-Site Donation and Distribution uses are of a significantly smaller scale and size than their associated nonresidential and residential primary uses. Structures captured under this category, including but not limited to Little Free Libraries, are of a size and scale similar to a residential mailbox or

⁶ [Denver Post, Denver has so many Little Free Libraries. And the group that runs the program says that's a very good thing, April 14, 2017](#)

⁷ Merriam-Webster.com defines incidental (adj.) as: “being likely to ensue as a chance or minor consequence; occurring merely by chance or without intention or calculation.”

a cluster-box unit. This use is also intended to capture impermanent residential garden produce giveaways characterized by folding or otherwise moveable tables on which passersby find and take free produce from the supplier’s garden.

The height and land area proposed to be occupied by the Limited Outdoor On-Site Donation and Distribution use is dependent on whether the accompanying structure is permanently affixed to the ground. However, in all cases, the use/activity typically occupies less than 10 square feet of land area, and the associated structure is no greater than 5 feet in height. The limitations proposed on such uses in the conditions section at the end of this document will also ensure that such uses remain incidental in nature to both residential and nonresidential primary uses by limiting the height, land area, and signage. Structures not permanently affixed to the ground will be limited to 4 feet in height and can occupy no more than 10 square feet in area, while permanently affixed structures will be limited to a total land area of 4 square feet and 5 feet in height. In both cases, signs may be affixed to the accompanying structure only for identification and instructional purposes. As such, the Zoning Administrator find that the proposed accessory use – Limited Outdoor On-Site Donation and Distribution – is incidental or secondary to residential and nonresidential primary uses.

IS ALLOWING OUTDOOR ON-SITE DONATION AND DISTRIBUTION ACCESSORY TO RESIDENTIAL AND NONRESIDENTIAL PRIMARY USES CONSISTENT WITH THE INTENT OF THE DZC, NEIGHBORHOOD CONTEXTS, AND ZONE DISTRICTS?

DENVER ZONING CODE

Outdoor On-Site Donation and Distribution (Limited and General) as an accessory use is consistent with the DZC’s intent to “[promote] development that maintains Downtown Denver’s preeminence as the region’s economic, civic, and cultural center” and “[provide] standards for adequate provision of urban services, public amenities, and public spaces that have lasting civic purpose and, through design excellence, create long term value for the community” (DZC § 1.2.2.A, §1.2.2.I). These two code sections evoke the intent to create a city that allows residents to make contributions to the civic and cultural space around their places of work and the institutions that serve their neighborhoods, which is furthered by allowing this new unlisted accessory use type.

NEIGHBORHOOD CONTEXT

The first standard in the General Intent of each Neighborhood Context is to implement the Denver Comprehensive Plan. The Comprehensive Plan 2040 adopted by City Council in 2019 contains 6 Elements or categories of goals and strategies to implement the vision of the city. The community-supporting intent and purpose of the proposed Outdoor On-Site Donation and Distribution (Limited and General) accessory use are consistent with and further at least three of these elements’ goals and objectives noted below:

- Equitable, Affordable, and Inclusive
 - Goal 1.c- Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts.

- Strong and Authentic Neighborhoods
 - Goal 2.D- use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.
 - Goal 4.A – grow and support neighborhood-serving businesses.
- Environmentally Resilient
 - Goal 10. B - Expand and preserve regional food system assets and infrastructure;
 - Goal 10.C - Reduce food waste to help ensure that today’s food systems preserve natural assets for the food systems of tomorrow.

ZONE DISTRICT

Due to the narrowly defined small size and scale of Limited Outdoor On-Site Donation and Distribution, the proposed accessory use will fit within all Zone Districts and similarly advance the Comprehensive Plan goals described above. The proposed use limitations (described below) can be seamlessly applied to all development contexts and lead to logical and consistent outcomes. General Outdoor On-Site Donation and Distribution has a more intense impact that cannot be considered as an accessory to primary residential uses; however, the consistent application of zone districts performance standards will allow this accessory use to remain consistent with the zone district intent.

IS THE CHARACTER AND IMPACT OF OUTDOOR ON-SITE DONATION AND DISTRIBUTION TO RESIDENTIAL AND NONRESIDENTIAL PRIMARY USES SIMILAR IN NATURE, FUNCTION, AND DURATION TO OTHER USES PERMITTED IN THE ZONE DISTRICTS?

The Zoning Administrator finds that Outdoor Retail Sale and Display and Limited Outdoor Storage are two accessory uses currently permitted in the DZC that are similar to the proposed General Outdoor On-Site Donation and Distribution in nature, function, and duration. The following sections discuss in greater detail how these two permitted accessory uses are similar to the proposed unlisted accessory use.

PERMITTED ACCESSORY OUTDOOR RETAIL SALE AND DISPLAY USE

Outdoor Retail Sale and Display is an existing, permitted accessory use in the Denver Zoning Code that is substantially similar in nature and impact to the proposed General Outdoor On-Site Donation and Distribution accessory use.

Outdoor Retail Sale and Display is defined in DZC, §11.12.9.12 as:

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).

Community fridges are similar in character and impact to soft drink or similar vending machines, which are considered outdoor retail sale and display at its smallest scale and intensity. A community fridge and a vending machine share a self-serve quality, similar size, and minimal likelihood of attracting people as compared to the primary use with which they are associated. The proposed use differs from Outdoor Retail Sale and Display in several ways: General Outdoor On-Site Donation and Distribution will not allow for any commercial advertising, with signage limited to identification and instructional purposes only, while Outdoor Retail Sale and Display includes “the advertising of a business, product, or service.” The proposed use allows for the donation and distribution of reasonably useable goods and does not include items for retail sale, while a vending machine and other types of Outdoor Display are intended to promote the sale of goods displayed. While vending machines are included in Outdoor Retail Sale and Display, the regulations allow for heights up to 20 feet and up to 10% of the Gross Floor area of the Primary Structure on the Zone Lot (DZC, §11.10.16), far larger than the allowances for the proposed unlisted accessory use. As such, the Zoning Administrator finds the proposed General Outdoor On-Site Donation and Distribution accessory use is similar in nature, function, and duration to the specifically listed and permitted Outdoor Retail Sale and Display accessory use. However, the intent and intensity of the proposed unlisted accessory use are unique from the Outdoor Retail Sales and Display enough that the proposed use requires a separate use type.

In addition to the small size and scale, the limitations imposed on the proposed On-Site Donation and Distribution uses in the conditions section at the end of this document will also ensure that the impacts of the new use are limited. All items to be donated or distributed must be reasonably useable goods, such as non-expired packaged or canned food, unopened packaged hard or soft goods, school supplies, and books; no item shall be displayed for donation or distribution that could be reasonably considered an explosive, hazardous material, or waste, or otherwise dangerous to public health and safety; and outdoor lighting attached to or directed specifically to illuminate the accessory use are prohibited.

PERMITTED LIMITED OUTDOOR STORAGE USE

Limited Outdoor Storage is a permitted use accessory to primary nonresidential uses that is similar to the proposed Outdoor On-Site Donation and Distribution accessory use. Limited Outdoor Storage is defined in DZC, §11.12.9.13 as:

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, 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.*

Like Limited Outdoor Storage, the accessory General Outdoor On-Site Donation and Distribution use includes the placement of one or more structures in an outside location overnight. However, the

proposed use is intended for the circulation of reasonably useable goods rather than the storage of merchandise, for example. Limited Outdoor Storage may be up to 10% of the gross floor area of the primary structure, as well as up to 12 feet in height in most allowed zone districts (DZC, § 11.10.18.1). Compared to a proposed maximum land area of 50 square feet and a maximum height of 7 feet, the height and land area of Limited Outdoor Storage is far greater than the proposed limitations on General Outdoor On-Site Donation and Distribution. Limited Outdoor Storage is required to be fully screened from view from the public right-of-way, Off-Street Parking Areas, or adjacent Residential Zone Districts by a 100 percent opaque visual barrier or screen (DZC, § 11.10.18.1). This screening requirement speaks to the intent of the DZC to shield this accessory use from passersby and limit the visual impact of Limited Outdoor Storage as much as possible. This intent differs drastically from General Outdoor On-Site Donation and Distribution, which is encouraged to be sited in a visually and physically accessible location for passersby. Overall, General Outdoor On-Site Donation and Distribution and Limited Outdoor Storage both include the placement of one or more structures in an outside location overnight. However, the size and scale and visual considerations for these accessory uses are different. As such, General Outdoor On-Site Donation and Distribution requires its own use type.

PROPOSED LIMITED OUTDOOR ON-SITE DONATION AND DISTRIBUTION

The character and impact of the structures associated with the proposed Limited Outdoor On-Site Donation and Distribution are similar to the character and impact of an outdoor individual mailbox or cluster-box unit, which are expressly permitted accessory structures with allowances for placement in the primary street setback. The mailbox/cluster-box unit are sited to make it easier for users to access them on foot and their visual impacts are minimal due to their small size relative to the size of the associated primary structure(s). The community-supported donation model limits the impacts of the proposed Limited Outdoor On-Site Donation and Distribution use to a level that is similarly as low or lower in impact: no truck trips are necessary for them to operate, which limits the potential impacts that might be found with vending machines or outdoor storage uses that are expressly permitted in the DZC.

CONCLUSION AND REASONABLE CONDITIONS

Based on the analysis above, I find that that Outdoor On-Site Donation and Distribution is allowed as an accessory use that is incidental, common, and customary to all primary uses, with a distinction in size/scale and intensity necessary to allow the proposed use as accessory to a residential primary use:

1. **Name of Unlisted Accessory Use:** Outdoor On-Site Donation and Distribution
 - a. Outdoor On-Site Donation and Distribution, General
 - b. Outdoor On-Site Donation and Distribution, Limited
2. **Definition of Unlisted Accessory Use:** The placement of one or more structures or objects, or a permanent structure affixed to the ground, in an outdoor location on a single zone lot, providing for both the donation and distribution of goods, free of charge, to the general public. The subject goods must be received and distributed out of the same subject structure and on the same subject

zone lot. Structures associated with the Outdoor On-Site Donation and Distribution typically remain outdoors overnight, but the use is more similar in intensity to an “Outdoor Retail Sale and Display” use than to a “Limited Outdoor Storage” use, as those accessory uses are defined in the Denver Zoning Code. Outdoor On-Site Donation and Distribution accessory uses are divided into “Limited” and “General” types:

A. General Outdoor On-Site Donation and Distribution

The placement of one or more structures, objects, or combinations thereof, such as a bookcase and a framed-out refrigerator, that cumulatively occupy no greater than 50 square feet of land area. Structures shall be no more than 7 feet in height.

B. Limited Outdoor On-Site Donation and Distribution

Either: (1) The placement of no more than one structure that occupies no greater than 10 square feet of zone lot land area and is no greater than 4 feet in height, or (2) the placement of a structure permanently affixed to the ground that occupies no greater than 4 square feet of zone lot land area and is no greater than 5 feet in height.

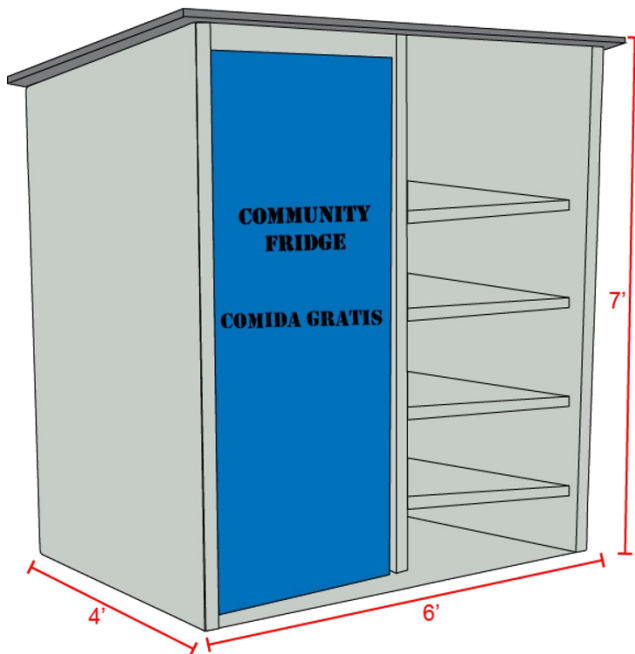
As allowed by DZC §11.10.1 and 12.4.6.3.E.2, the Zoning Administrator may attach reasonable conditions to the allowance of an unlisted use. These conditions will ensure that Outdoor On-Site Donation and Distribution uses remain incidental to associated primary uses, consistent with the intent of the DZC, and similar in character and impact to other, similar accessory uses permitted in the applicable zone district(s).

Accordingly, the following **Conditions** shall attach to the allowance for Outdoor On-Site Donation and Distribution, Limited and General:

Outdoor On-Site Donation and Distribution, General:

1. **Where Allowed:** Use is permitted in all zone districts accessory to a permitted primary nonresidential use.
2. **Applicable Use Limitations:** Where permitted, a General Outdoor On-Site Donation and Distribution use shall comply with the following limitations:
 - a. General Outdoor On-Site Donation and Distribution shall occur entirely on a single zone lot.
 - b. All structures, objects, or combinations thereof associated with this use shall be sited on the zone lot with reasonable consideration for safety and unimpeded pedestrian access to the primary use. Considerations include but are not limited to topographical constraints and sturdiness of structures/objects, and general accessibility.
 - c. This use shall not be located on required vehicle or bicycle parking spaces or interfere with other structures or uses and activities approved as part of a previous zoning permit or site development plan.
 - d. This use may occur in any required setback, provided the use and/or structure or structures associated with the use are located a minimum of 15 feet distance from all primary residential structures located either on or off the subject zone lot. The 15-foot distance shall be measured from the two closest points of the primary residential structure and the accessory use/structure.

- e. This use shall be limited to one location and shall occupy no more than 50 square feet in land area on a zone lot. No structure, object, or combinations thereof shall exceed 7 feet in height as measured from the highest point of finished grade abutting the structures, objects, or combinations thereof containing the accessory use.
- f. The use may be contained within a covered structure provided the structure is completely open on one or more sides. The structure shall be the minimum height and width necessary to contain the use or protect it from outdoor elements.
- g. All items to be donated or distributed must be reasonably useable goods, including but not limited to, non-expired packaged or canned food, non-expired packaged goods, school supplies, and books. Goods must be contained on or in a case, box, table, or other form of organizing receptacle or structure and shall not create a debris or litter problem on the zone lot or in the public right-of-way.
- h. No item shall be displayed for donation or distribution that could be considered an explosive or hazardous material or waste, or otherwise deemed by the city to be dangerous to public health and safety.
- i. Only incidental lighting provided by streetlights or other forms of lighting common and customary to the primary use may be utilized to illuminate the use. Outdoor lighting attached to or directed specifically to illuminate the accessory use is prohibited.
- j. One or more signs may be affixed only to the structure(s) containing the use; content of a sign shall be limited only to identification of the use/activity and instructions to users. Illuminated, animated, and flashing signs are prohibited.



Model of General Outdoor On-Site Donation and Distribution (not to scale)

Limited Outdoor On-Site Donation and Distribution

1. **Where allowed:** Use is permitted in all zone districts accessory to a permitted primary residential or nonresidential use.
2. **Applicable Use Limitations:** Where permitted, a Limited Outdoor On-Site Donation and Distribution use shall comply with the following limitations:
 - a. Limited Outdoor On-Site Donation and Distribution shall be located and operated entirely on a single zone lot.
 - b. Any structure accompanying this use may be located within a required setback or build-to area except such structure is prohibited in the rear setback.
 - c. Any structure accompanying this use that is permanently be affixed to the ground (e.g., by a post or pole) may occupy a total land area not to exceed 4 square feet and be no greater in height than 5 feet. When the on-site donation and distribution structure is permanently affixed to the ground, it shall be secured in a manner that allows the structure to withstand normal winds and weather.
 - d. Any structure not permanently affixed to the ground (e.g., a moveable folding table) shall occupy a land area not to exceed 10 square feet and be no greater in height than 4 feet.
 - e. All items to be donated or distributed must be reasonably useable goods, including but not limited to fresh fruits and vegetables, non-expired packaged or canned food, unopened packaged goods, school supplies, and books. Goods must be contained on or in a case, box, table, or other form of organizing receptacle or structure and shall not create a debris or litter problem on the zone lot or in the public right-of-way.



Example of Limited Outdoor On-Site Donation and Distribution

- f. No item shall be displayed for donation or distribution that could be reasonably considered an explosive, hazardous material, or waste, or otherwise deemed by the city to be dangerous to public health and safety.
- g. Only incidental lighting provided by streetlights or other forms of lighting common and customary to the primary use may be utilized to illuminate the use. Outdoor lighting attached to or directed specifically to illuminate the accessory use is prohibited.
- h. One or more signs may be affixed only to the accompanying structure(s) containing the use and the content of such sign shall be limited to identification of the use/activity and instruction only. Illuminated, animated, and flashing signs are prohibited. This unlisted accessory use determination does not release any owner or operator of such use from any other applicable permitting requirements.

This use determination is a final decision of the Zoning Administrator and may be appealed to the Denver Zoning Board of Adjustment within 15 days from the date of this determination according to DZC, §12.4.8, Appeal of Administrative Decision.

Approved by:



Tina Axelrad, Zoning Administrator

Date: April 27, 2023