

# Denver Outdoor Places Program

DZC Text Amendment  
City Council Hearing  
06.12.23



- May 2020 - City grants regulatory relief for patios in ROW and on private property through Temporary Outdoor Expansion Program
- Temporary program and activations have been well received by businesses and residents



**October 2021**

**-  
Mayor  
directs City  
departments  
to create  
permanent  
program**



**Below Curb  
(full street)**

**Private Property**



**Above Curb**

**Below Curb  
(on-street parking)**

**Below Curb  
(full street)**

**Private Property**



**Above Curb**

**Below Curb  
(on-street parking)**

**Text  
Amendment for  
Private  
Property patios**



# Objectives

- **Business Support**
  - Create gathering space options for more business types
  - Increase design flexibility
  - Streamline review process
- **Placemaking and Neighborhood Integration**
  - Activate the streets and public ways
  - Encourage more social gathering areas
  - Encourage design excellence
  - Mitigate impacts on sensitive uses



# Elements - land use

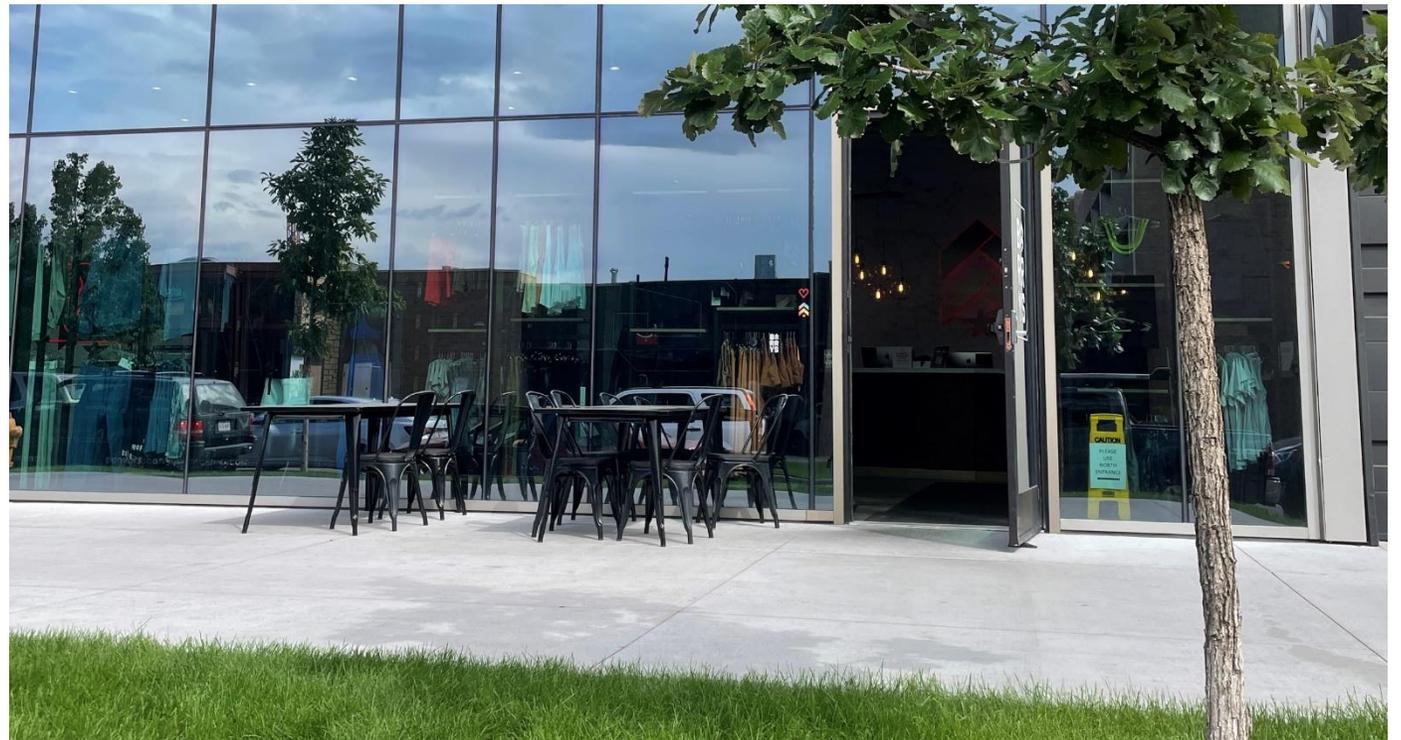
## Current

- Patios only allowed accessory to eating/drinking



## Text amendment

- Revise code to allow patios accessory to all nonresidential uses
- Retail, art galleries, community center, etc.
- Changing code opens opportunities in the ROW and on private property
- New accessory use:  
*Outdoor Gathering Area*



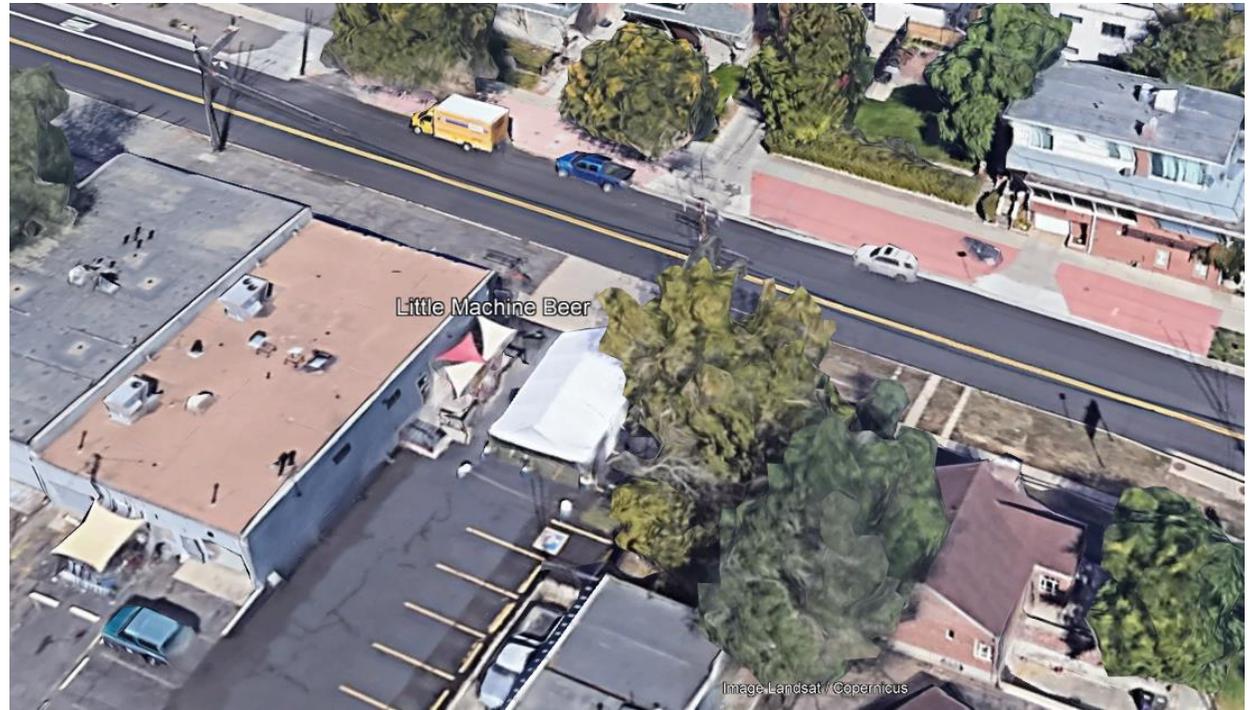
# Elements - review process

## Current

- Most patios within 50 feet of Protected District require:
  - Zoning Board of Adjustment (BoA) approval (public hearing)
  - CPD Staff review
  - Notification

## Background

- Few patios appear before BoA (20 cases in five years)
- Only 1 patio was denied by BoA (denial also recommended by CPD)



# Elements - review process

## Text amendment

- Remove BoA requirement for patios within 50' of Protected District
- Require notification and CPD review/approval
- Applicants may appeal staff decision to BoA



# Elements - Design - Make zoning more flexible

## Current

- Must be contiguous to Primary Use
- Must be delineated by barriers
- Delineation shall not exceed 42" in height
- Cover must be 50% open to sky with openings evenly dispersed
- Must have all-weather surface
- Cannot displace required parking

## Text amendment

- Allow non-contiguous patio placement
- **Eliminate delineation requirement**
  - Except to address auto and pedestrian conflicts
- Maintain other requirements in code



# Elements - Design - Create design flexibility for less visible patios

## Current

- Non-visible patios held to same standard as publicly visible ones

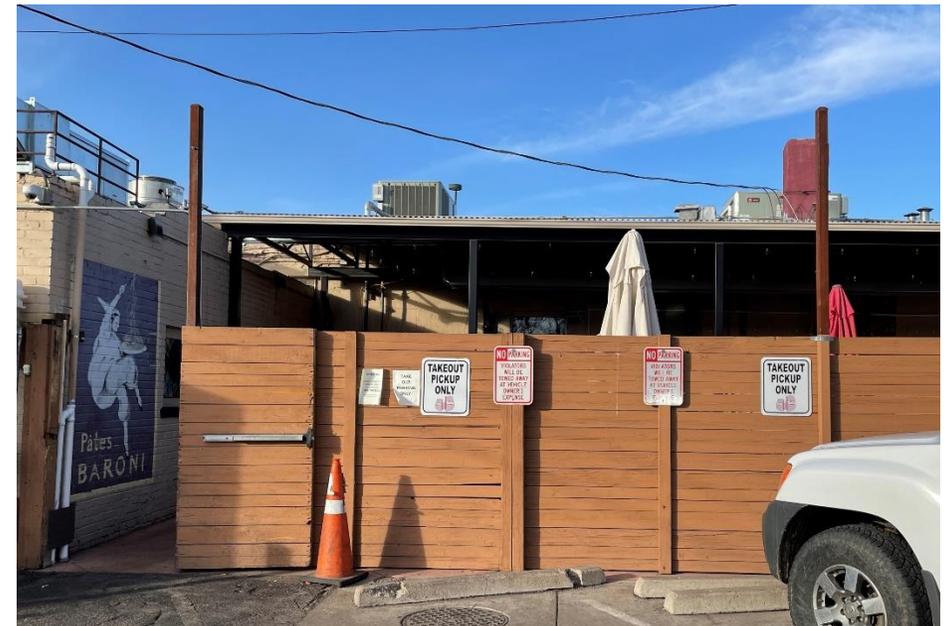
## Text amendment

- Allow administrative adjustment for patios if not visible from street or shared publicly accessible, internal paths

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*Top: some elements would be prohibited because they are over 42"*

*Bottom: patio cannot be covered by an impermeable roof even though it is fully internal to the business and behind an allowed fence*



## Elements -

### Create optional design review path

#### Design review

- Create brief private property patio design guidelines
- Enabled by text amendment
- Codified as rules and regulations by CPD Executive Director



*Honey Hill Café - E. 23<sup>rd</sup> Avenue*

## Elements - Create optional design review path

### Design guidelines topics include

- Visual interest
- Activation
- Visual permeability
- Site/building integration
- Landscaping
- Material durability
- Lighting integration
- Artistic/stylistic elements
- Access for people of all abilities
- Enclosure design



*Dairy Block*

## Elements - Design review

### Voluntary participation

- Applicants can use voluntarily or in consultation with Outdoor Places staff

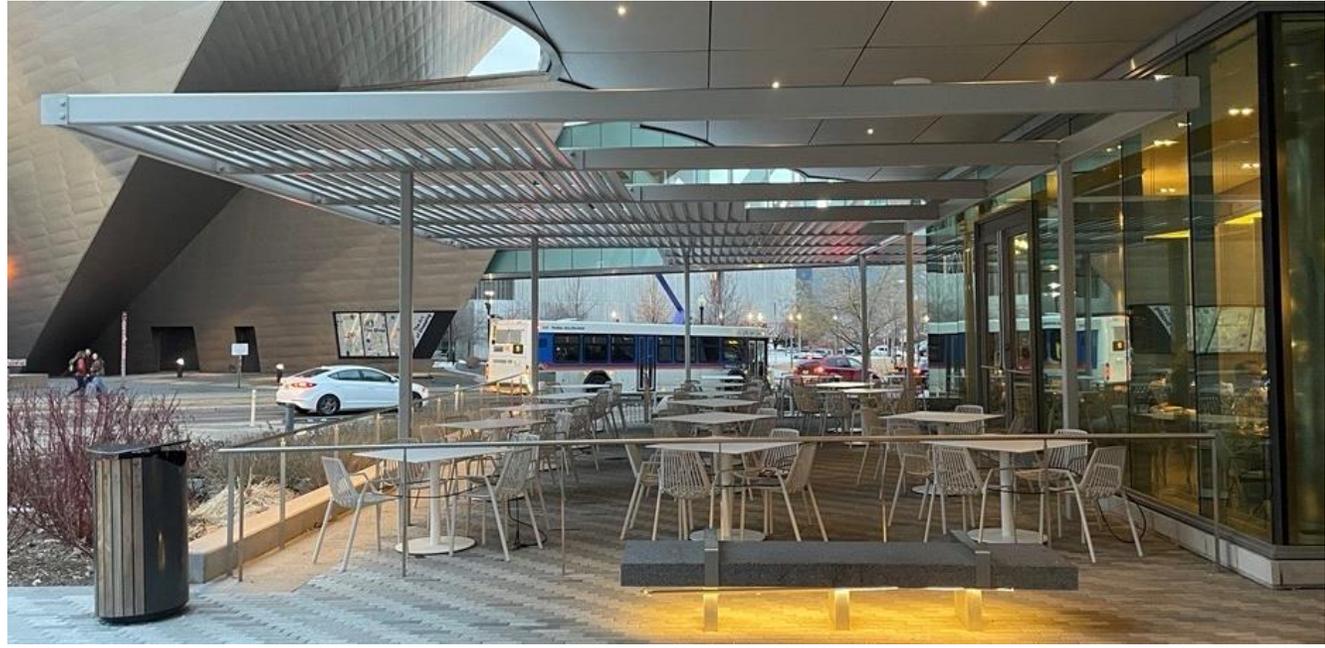


*Marczyk - E. 17<sup>th</sup> Avenue*

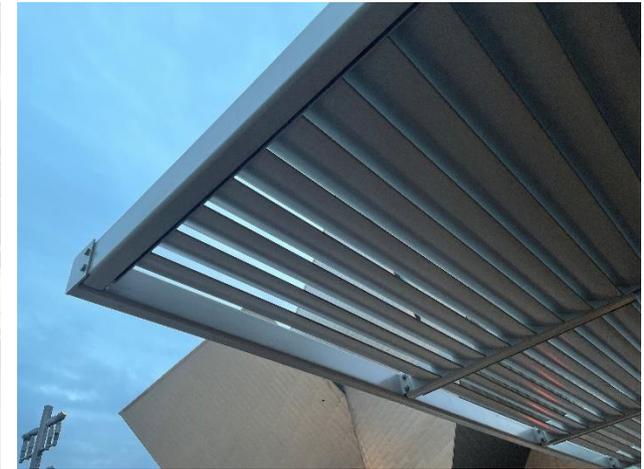
## Elements - Design review

For patio applicants seeking design standards relief

- Allow administrative flexibility from zoning standards with design review
- Must meet intent of zoning and meet design guidelines



*Case study:  
Denver Art Museum had to seek a variance for a patio cover element. Under this proposal, flexibility could be granted administratively if the patio undergoes design review and meets the intent of the zoning*



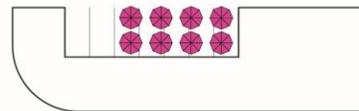
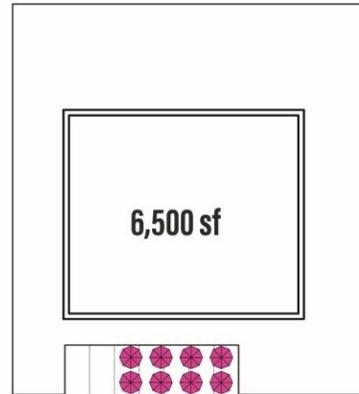
## Elements - Design review

### For patios that would displace required off-street parking

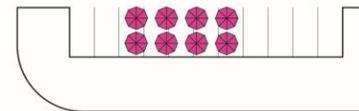
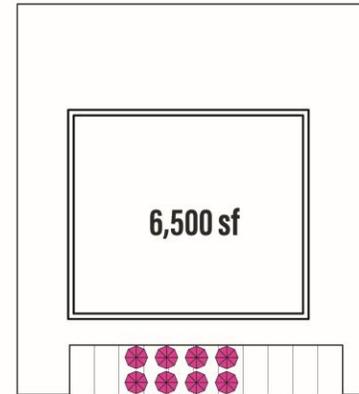
- Allow removal of up to 5 required spaces or a maximum percentage whichever is greater
- Not applicable to required ADA spaces
- Landlord approval required for multi-tenant properties
- Allowances limited to eating/drinking establishments

| Zone District                       | Parking Requirement | Max Removal Allowance |
|-------------------------------------|---------------------|-----------------------|
| Main Street (all contexts)          | 2/1,000 SF          | 5/80%                 |
| Urban Center, Campus                | 2.5/1,000 SF        | 5/65%                 |
| General Urban, Industrial Mixed Use | 3.75/1,000 SF       | 5/45%                 |
| Urban, Urban Edge                   | 4.5/1,000 SF        | 5/35%                 |
| Suburban, Industrial                | 5/1,000 SF          | 5/30%                 |

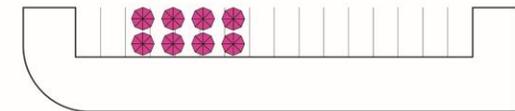
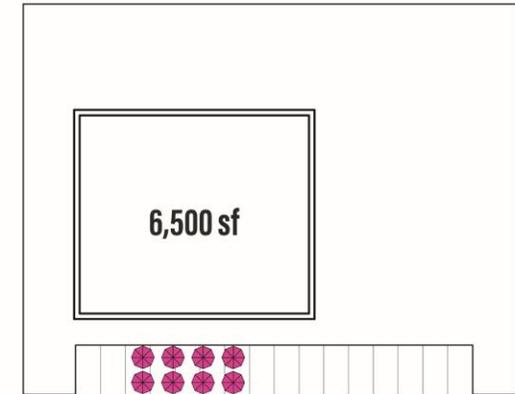
Main Street District



General Urban District



Suburban District



- *Graphic shows maximum percentage allowance applied in different zone districts*
- *Max of 5 mostly applicable to small establishments/lots*

# Process

- Planning Board Hearing (4/19/23)
- LUTI (5/2/23)
- City Council Hearing (6/12/23)



*Ratio - Larimer and 29th*

# Input

- Outreach
  - Stakeholder Working Group
  - Focus groups
  - Citywide community meeting
  - Targeted outreach
  - Public review and comment forms
- Public Comments
  - Support: 33
  - Mix of support, concerns and questions: 21
  - Not relevant to text amendment: 33
  - Unclear: 1
  - Strong support in public meetings, targeted outreach, stakeholder working group, etc.



*Super Star Asian - Alameda and Zuni*

## Text amendment criteria

- Consistency with Adopted Plans
- Public Health, Safety and Welfare
- Uniformity of District Regulations



*Call to Arms - Tennyson*

# Text amendment criteria - Consistency with adopted plans

## Comprehensive Plan 2040

### Strong and Authentic Neighborhoods

- Goal 2: Enhance Denver's neighborhoods through high-quality urban design (p. 34).
- Goal 4: Ensure every neighborhood is **economically strong and dynamic**.
- Goal 7: Leverage the arts and support **creative placemaking** to strengthen community.



*Tacos Jalisco - W. 38<sup>th</sup> Avenue*

# Text amendment criteria - Consistency with adopted plans

## Comprehensive Plan 2040

### Economically Diverse and Vibrant

- Goal 3: Sustain and **grow Denver's local neighborhood businesses** (p. 46).
- Goal 10: **Promote a vibrant food economy** and leverage Denver's food businesses to accelerate economic opportunity (p. 48).



*Little Man Ice Cream - 16<sup>th</sup> Street in North Denver*

# Text amendment criteria - Consistency with adopted plans

## Blueprint Denver - Regulations

- Ensure the Denver Zoning Code continues to **respond to the needs** of the city, while remaining **modern and flexible** (p. 74).
- Implement plan recommendations through city-led legislative rezonings and **text amendments** (p. 79).
- **Develop standards and guidelines around privately owned outdoor spaces** to ensure public accessibility, great design and features to respond to culture of the local community. (p. 118).



*Cherry Cricket - Clayton Street*

# Text amendment criteria - Consistency with adopted plans

## Blueprint Denver - Placemaking

- Create **exceptional design outcomes** in key centers and corridors (p. 102).
- Ensure attractive streets and outdoor spaces in all centers and corridors, giving **priority to pedestrian spaces and amenities** (p. 121).
- Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places (p. 103).



*Hopdaddy - Union Station*

# Text amendment criteria - Consistency with adopted plans

## Blueprint Denver - Business Support

- Ensure Denver and its neighborhoods have a vibrant and **authentic retail and hospitality marketplace** meeting the full range of experiences and goods demanded by residents and visitors (p. 93).
- Ensure neighborhoods have **equal access to design quality tools** (p. 97).



*Frozen Matter - E. 19<sup>th</sup> Avenue*

# Text amendment criteria - Consistency with adopted plans

## Blueprint Denver - Equity

- Improving access to opportunity
- Reducing vulnerability to displacement
- Expanding housing and jobs diversity

*Text amendment likely to have a neutral impact to equity*

*Still working on equity components for overall Outdoor Places Program*



Machete - E. Colfax

# Text amendment criteria - Consistency with adopted plans

## Former Chapter 59 bridge amendment

- Design flexibility
- Regulatory flexibility (parking, design standards relief, enclosure)
- Review process revisions



*Ace Eat + Serve*

## Text amendment criteria - Public Health, Safety and Welfare

- Implementation of adopted plans
- Outdoor social gathering space
- Business support



*Maine Shack - Central Street*

Text  
amendment criteria  
- Uniformity of  
District Regulations



*Cochino Taco - South Broadway*

## Recommendation

CPD recommends City Council approve the Denver Outdoor Places text amendment, finding that the applicable criteria have been met.

