

Denver Outdoor Places Program

DZC Text Amendment
LUTI Committee
05.02.23



- 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

- **Economic Development & Business Support**

- Create gathering space options for more business types
- Increase design flexibility
- Streamline review process

- **Placemaking and Neighborhood Integration**

- Mitigate impacts on sensitive uses
- Activate the streets and public ways
- Encourage more social gathering areas
- Encourage design excellence

- **Safety**

- Mitigate conflicts between patio, vehicular, and pedestrian activities



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



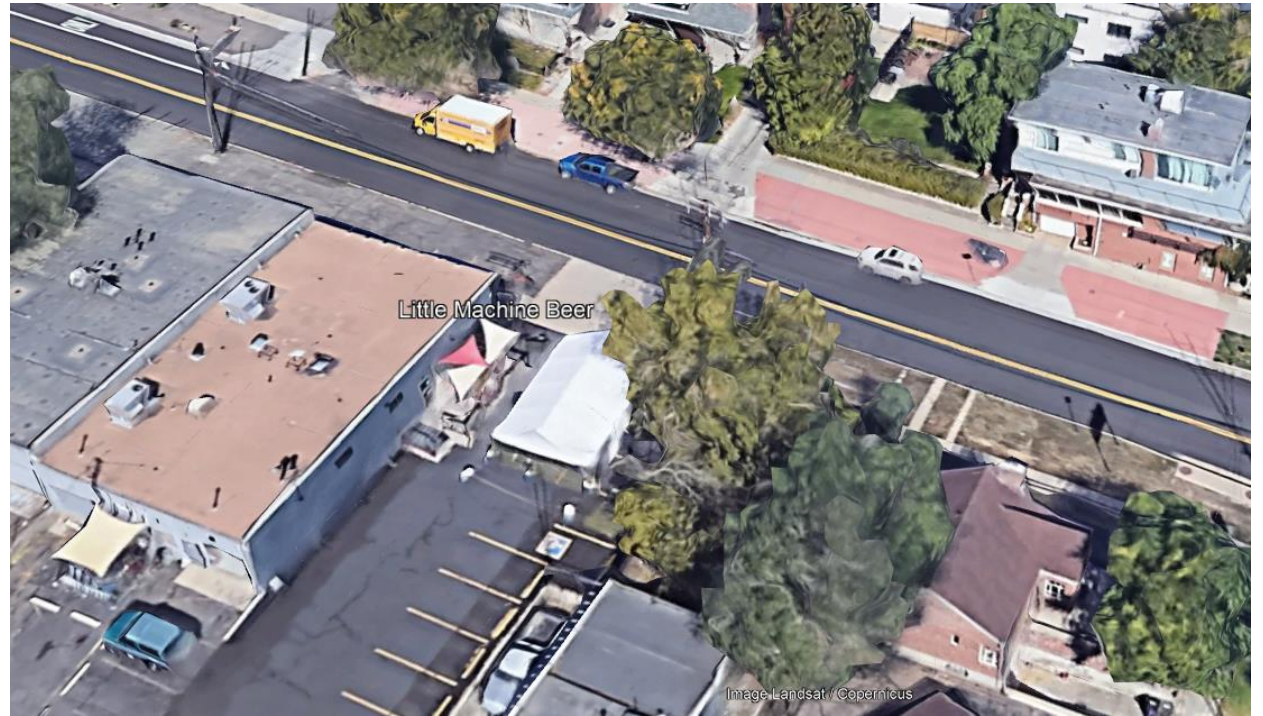
Elements – review process

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



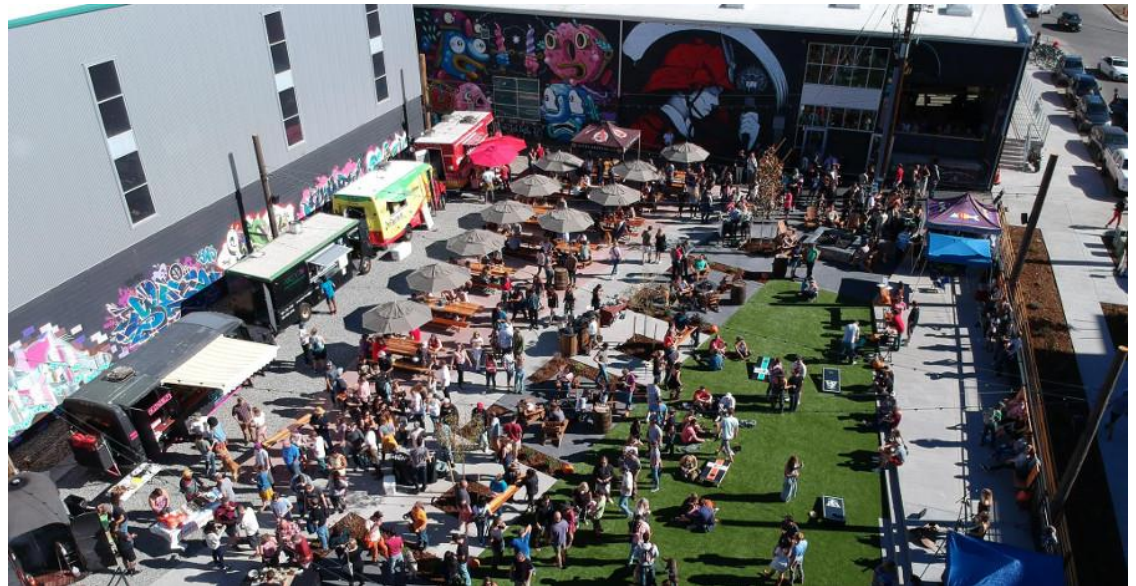
Elements – Design – Make zoning more flexible

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

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. 23rd 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



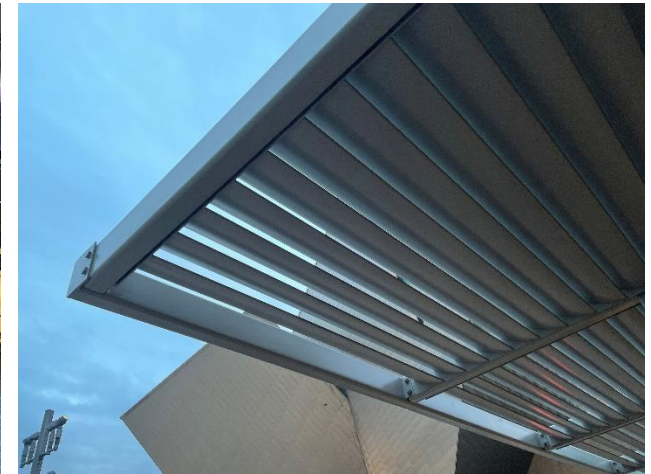
Marczyk – E. 17th Avenue

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

To review limited enclosures

- **Patios are an accessory use due to seasonal nature**
 - No parking requirements
 - Less design requirements
- **Enclosure issues**
 - Design, safety, fire code and visibility
 - Takes on characteristics of primary use (year-round, enclosed, etc.)
- **Text amendment**
 - Allow enclosure, but with design review and impose size limitations relative to the Primary Use



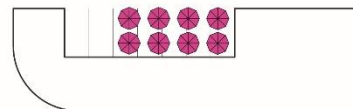
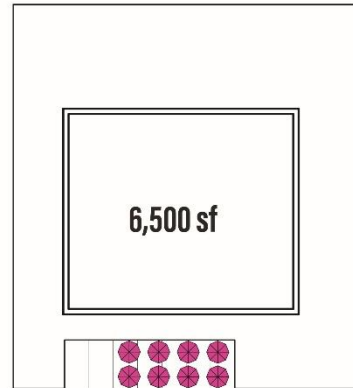
Elements – Design review

For patios that would displace required off-street parking

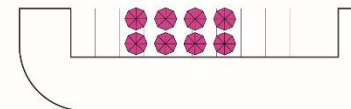
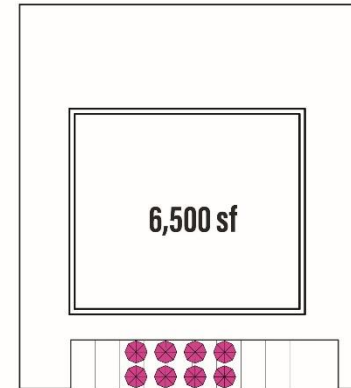
- Allow removal of **up to 5 required spaces or a maximum percentage** whichever is greater
- Not applicable to required ADA spaces
- Landlord approval required for multi-tenant properties
- Allowances limited to eating/drinking establishments

Zone District	Parking Requirement	Displacement Calculation
Main Street	2/1,000 SF	5/80%
Urban Center/Campus	2.5/1,000 SF	5/65%
General Urban	3.75/1,000 SF	5/45%
Urban and Urban Edge	4.5/1,000 SF	5/35%
Suburban	5/1,000 SF	5/30%

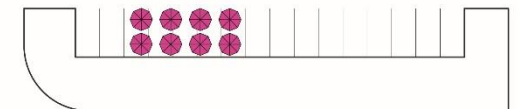
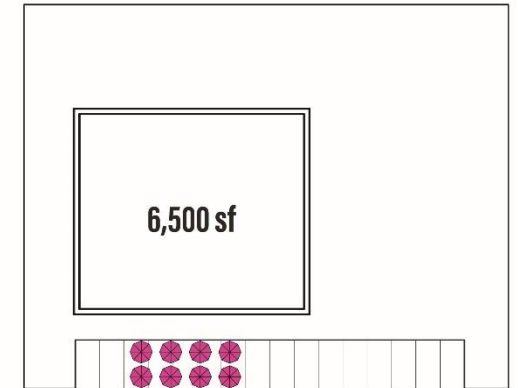
Main Street District



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
- **Comments**
 - 55 public comments
 - 23 expressing strong support
 - 32 with a mix of support, concerns and questions
 - 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. 38th 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 – 16th 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 - Equity

- 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. 19th Avenue

Text amendment criteria – Consistency with adopted plans

Blueprint Denver – Equity

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



Machete – E. Colfax

Text amendment criteria – Consistency with adopted plans

Blueprint Denver – Equity

- **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 that LUTI move the Denver Outdoor Places text amendment to the full City Council, finding that the applicable criteria have been met, with the following condition:

That the LUTI Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the LUTI Draft made necessary by such edits.

