

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0481
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance amending the Denver Zoning Code, establishing an Outdoor Gathering Area use.

WHEREAS, the City Council desires to amend the Denver Zoning Code to establish a new use—the Outdoor Gathering Area use—to encourage active outdoor places in the city after determining that a similar temporary program, created to address indoor capacity limits due to COVID-19, made the city more vibrant and created new opportunities for social gathering; and

WHEREAS, the City Council has determined on the basis of evidence and testimony presented at the public hearing that amending the Denver Zoning Code as set forth in this ordinance is consistent with the City’s adopted plans, furthers the public health, safety and general welfare, and will result in regulations and restrictions that are uniform within all zone districts.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The changes to the Denver Zoning Code as set forth in Clerk File No. 20230056 as filed with the Denver City Clerk on May 9, 2023, and available in the office and on the web page of City Council are hereby adopted and made an official part of the Denver Zoning Code. The changes amend certain provisions of the Denver Zoning Code to establish an Outdoor Gathering Area use.

Section 2. If the department of community planning and development (“CPD”) receives a complete zoning permit application, including payment of all applicable fees, for an Outdoor Gathering Area on land operating a Temporary Outdoor Expansion Space for Restaurants & Bars by October 31, 2023, then the owner who wishes to receive an Outdoor Gathering Area permit is authorized to operate the temporary use until March 31, 2024, or the date on which an Outdoor Gathering Area permit is approved, whichever date is earlier. Once CPD approves an Outdoor Gathering Area permit submitted according to this section 2, or by April 1, 2024, whichever date is later, the operator of a Temporary Outdoor Expansion Space for Restaurants & Bars must cease the temporary use until all final inspections required by the city for the Outdoor Gathering Area have been approved.

1 **Section 3.** This ordinance is effective July 5, 2023.

2 COMMITTEE APPROVAL DATE: May 2, 2023

3 MAYOR-COUNCIL DATE: May 9, 2023

4 PASSED BY THE COUNCIL: _____,

5 _____ - PRESIDENT

6 APPROVED: _____ - MAYOR _____,

7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER

10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____,

11 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: May 11, 2023

12 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
13 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
15 3.2.6 of the Charter.

16
17 Kerry Tipper, Denver City Attorney

18 BY: *Anshul Bagga*, Assistant City Attorney DATE: May 11, 2023
19 _____,