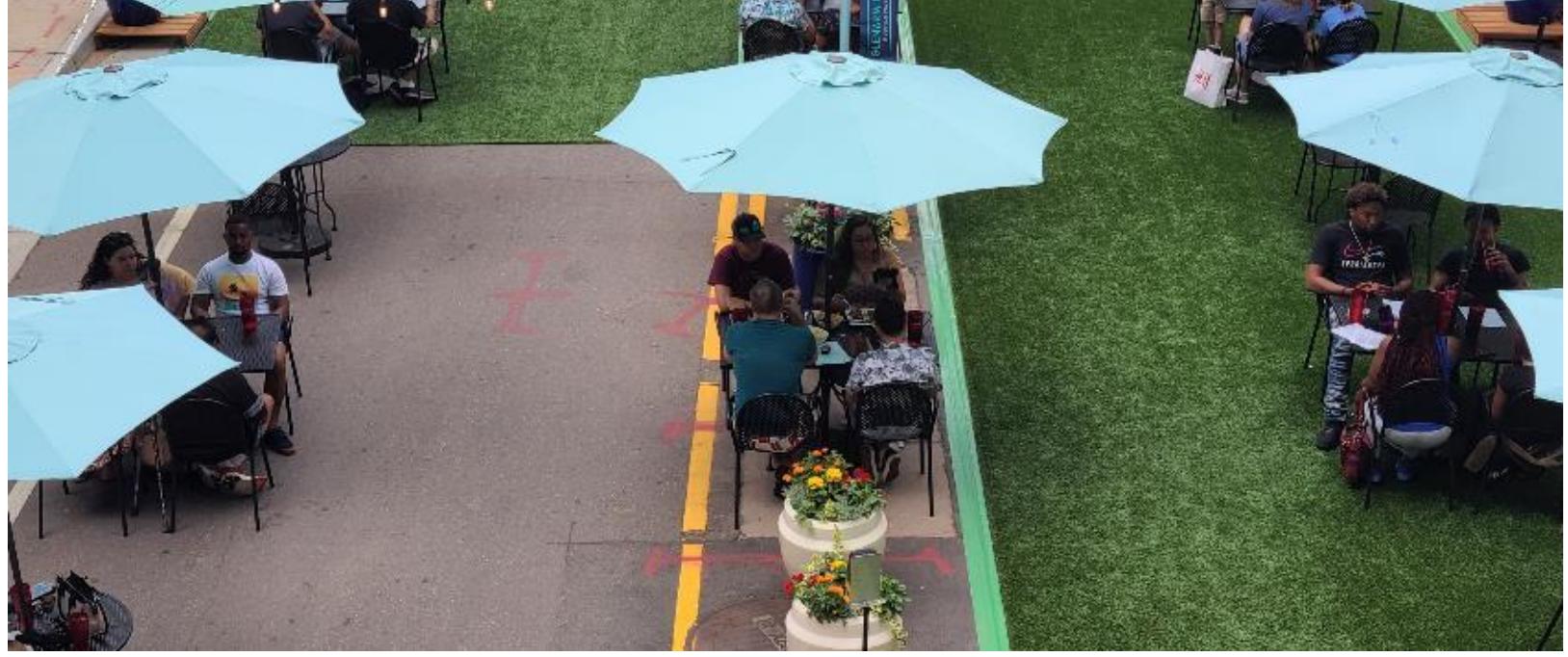


# Denver Outdoor Places Program

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

—

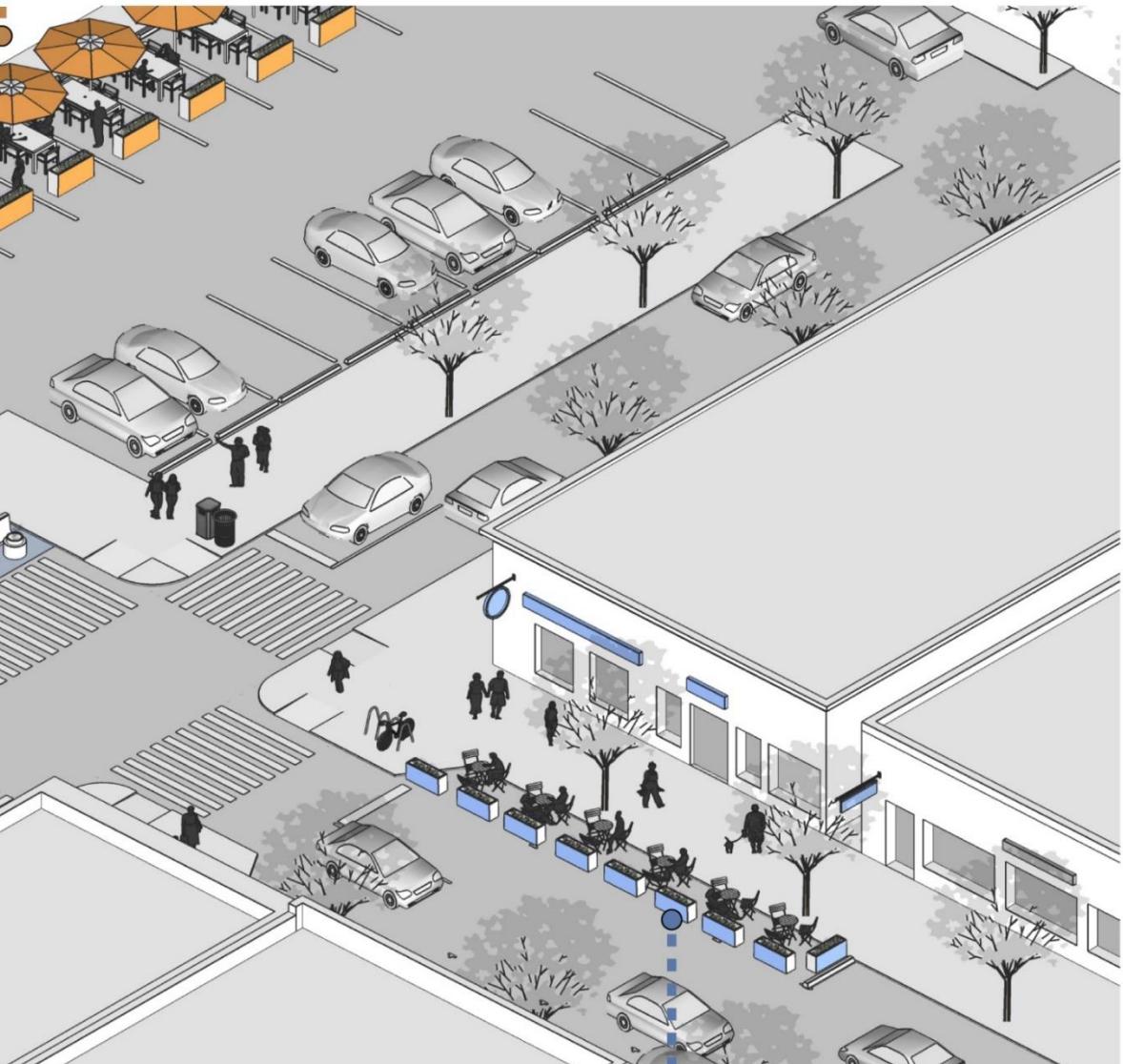
## Mayor directs City departments to create permanent program



**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

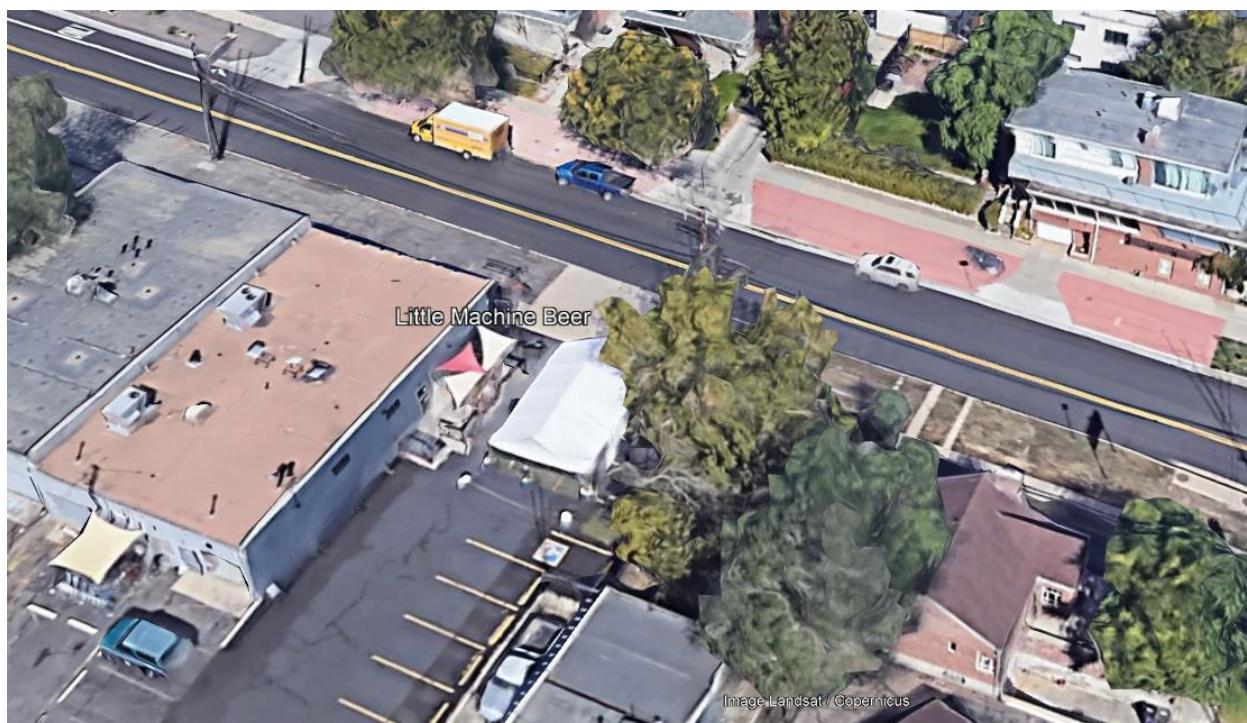
## Current

- 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

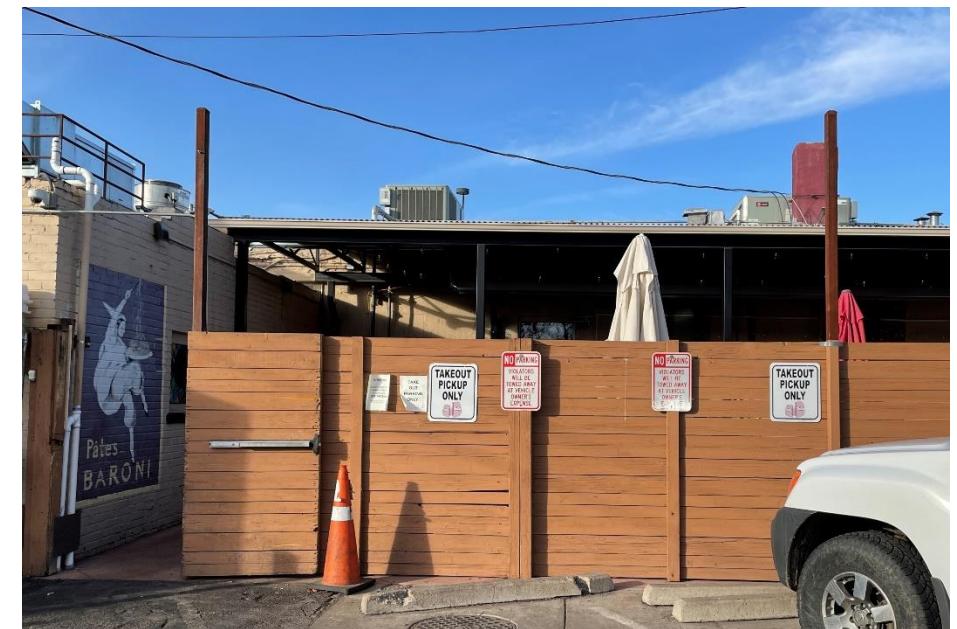
### Text amendment

- 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. 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



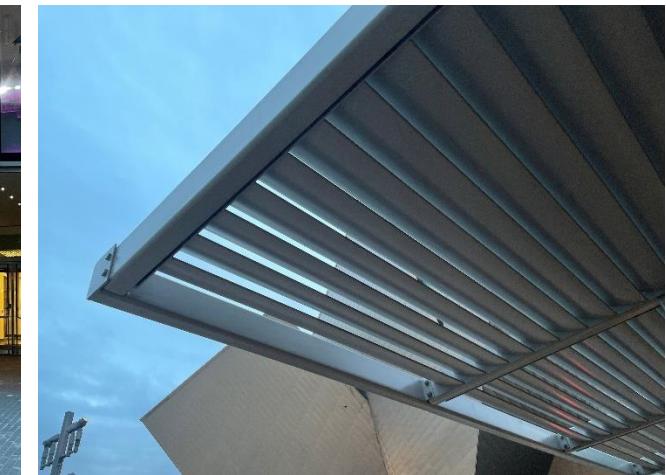
*Marcyk - E. 17<sup>th</sup> Avenue*

## 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

### 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



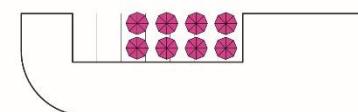
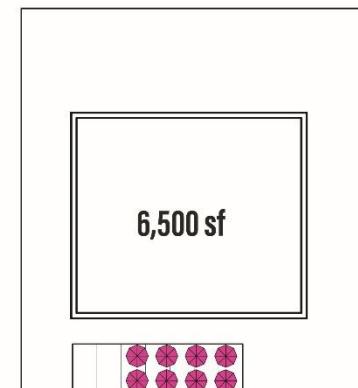
## Elements - Design review

For patios that would displace required off-street parking

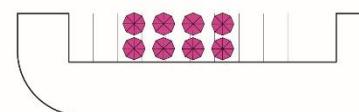
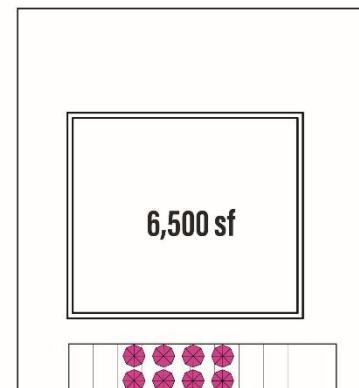
- Allow removal of up to 5 required spaces or a maximum percentage whichever is greater
- Not applicable to required ADA spaces
- Landlord approval required for multi-tenant properties
- Allowances limited to eating/drinking establishments

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%

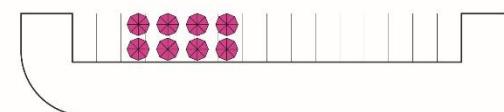
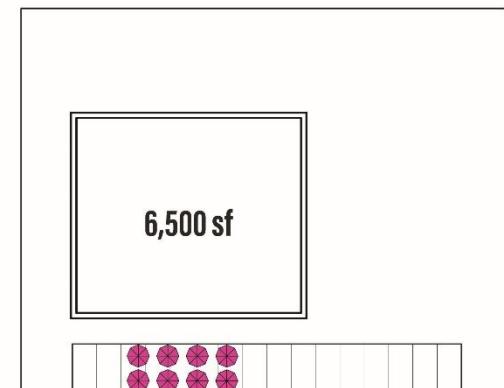
Main Street District



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. 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 - 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. 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



*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.

