1			BY AUTHOR	<u>ITY</u>	
2	ORDINANCE NO			COUNCIL BILL	NO. CB23-0482
3	SERIES OF 2023			COMMITTEE O	F REFERENCE:
4	AMENDED 5-15-2	<u>3</u>		Land Use, Transportation	n & Infrastructure
5					
6			<u>A</u> BILL		
7 8 9	For an ordinance amending Chapter 59 of the Denver Revised Municipal Code, concerning unenclosed eating places.				
10	WHEREAS,	the City Cour	ncil has determined	I on the basis of evidenc	e and testimony
11	presented at the p	ublic hearing th	at the amendment s	set forth in this ordinance is	s in conformance
12	with Comprehensive Plan 2040; is reasonably necessary to promote the public health, safety, and				
13	general welfare; an	d will result in u	iniformity of zone dis	trict regulations.	
14	NOW THEREFOR	E, BE IT ENA	CTED BY THE CO	OUNCIL OF THE CITY AN	ID COUNTY OF
15	DENVER:				
16	Section 1.	Section 59-2(d	c)(2) is deleted in its	entirety.	
17	Section 2.	That section (59-2, D.R.M.C. con	cerning Former Chapter 59	9 is amended by
18	adding new paragra	aphs (c)(19) - (2	23) to read as follows	3:	
19	Sec. 59-2. –	Former chapte	er 59.		
20	(c)	No changes sh	nall be enacted to the	e provisions of the former ch	apter 59 after
21	June 25, 20 ⁻	10; however, re	gulation of lands reta	aining their zoning designat	ion under the
22	former chapter 59 shall incorporate the following requirements of the Denver Zoning				
23	Code:				
24	(19)	The following:	sections of the Denv	er Zoning Code regarding u	se limitations
25	apply	to a permitted	unenclosed eating	place use on land retaining	ng its zoning
26	designation under former chapter 59 ("Unenclosed Eating Place") in place of any				
27	zonin	g standards and	d limitations in form	er chapter 59 for an Unend	closed Eating
28	Place	: :			
29		a. Denver	Zoning Code sectio	ns 11.10.14.2, and 11.10.14	4. 3.A and B.
30		b. Denver	Zoning Code s	ection 11.10.14.3.D, exc	cept for an

1		Unenclosed Eating Place in the following former chapter 59 zone districts:
2		B-4; B-8; B-8-A; B-8-G; B-5; B-5-T; B-7; B-A-3; MS-1; MS-2; MS-3; PRV; or
3		Gateway use areas MU1, MU2, TCU, or TSU; and
4		c. Denver Zoning Code section 11.10.14.3.E, except for an Unenclosed
5		Eating Place in the following former chapter 59 zone districts: B-3; B-4; B-
6		8; B-8-A; B-8-G; B-5; B-5-T; B-7; CCN; B-A-2; B-A-3; B-A-4; MS-1; MS-2;
7		MS-3; PRV; or Gateway use areas MU1, MU2, TCU, or TSU;
8	(20)	The zoning administrator may grant an administrative adjustment for the
9	requir	rements of 11.10.14.3.B.2 - 8 for an Unenclosed Eating Place in accordance
10	with tl	he administrative adjustment process and applicable review criteria of Denver
11	Zonin	g Code section 12.4.5.
12	(21)	The zoning administrator may grant an Unenclosed Eating Place the
13	availa	able incentives of Denver Zoning Code section 11.10.14.3.C in accordance
14	with t	he process of this section, except for the following incentives:
15		a. An Unenclosed Eating Place permitted in a mixed use district of
16		former chapter 59 may remove required off-street parking spaces only in
17		the amount specified in Denver Zoning Code section 11.10.14.3.C.3.b.iii.
18		b. An Unenclosed Eating Place permitted in any zone district of former
19		chapter 59, other than a mixed use district, may remove required off-street
20		parking spaces only in the amount specified in Denver Zoning Code section
21		11.10.14.3.C.3.b.v
22	(22)	An Unenclosed Eating Place must follow the zoning permit with information
23	notice	e process when the use would otherwise be subject to the approval of the
24	board	of adjustment under former chapter 59 sec. 59-54(3)u.
25	(23)	Any use that the board of adjustment may authorize as an outdoor eating
26	excep	otion under former chapter 59 sec. 59-54(3)u must follow the applicable
27	provis	sions in subsection (19) – (23) above.
28	Section 3.	This ordinance is effective on July 5, 2023.

1	Section 4.	If the department of community p	lanning and development ("CPD") receives			
2	a complete zoning	permit application, including payme	ent of all applicable fees, for an Unenclosed			
3	Eating Place on land operating a Temporary Outdoor Expansion Space for Restaurants & Bars					
4	by October 31, 2023, then the owner who wishes to receive an Unenclosed Eating Place permit					
5	is authorized to operate the temporary use until March 31, 2024, or the date on which an					
6	Unenclosed Eating Place permit is approved, whichever date is earlier. Once CPD approves an					
7	Unenclosed Eating Place permit submitted according to this section 4, or by April 1, 2024,					
8	whichever date is later, the operator of a Temporary Outdoor Expansion Space for Restaurants					
9	& Bars must cease the temporary use until all final inspections required by the city for the					
10	Unenclosed Eating Place have been approved.					
11	COMMITTEE APPROVAL DATE: May 2, 2023					
12	MAYOR-COUNCIL DATE: May 9, 2023					
13	PASSED BY THE COUNCIL:,					
14			- PRESIDENT			
15	APPROVED:		MAYOR,			
16						
17 18			- CLERK AND RECORDER, EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER			
	ATTEST:		EX-OFFICIO CLERK OF THE			
18	NOTICE PUBLISH	IED IN THE DAILY JOURNAL:	EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER			
18 19	NOTICE PUBLISH PREPARED BY: A Pursuant to section City Attorney. We ordinance. The pro 3.2.6 of the Charte	IED IN THE DAILY JOURNAL:Adam C. Hernandez, Assistant City 13-9, D.R.M.C., this proposed or find no irregularity as to form, apposed ordinance is not submitted er.	EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER;,			
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