

Outdoor Places



July 13, 2023

The City and County of Denver has updated zoning regulations for commercial patios on private property. Patios on private property are formally classified as Outdoor Gathering Areas in the code. This update is part of the city's permanent "Outdoor Places" program, which builds on the successes and lessons learned from the temporary outdoor dining program that was implemented during the Covid-19 pandemic.

The new regulations for Outdoor Gathering Areas became effective on July 5, 2023. Patios on private property operating under the city's temporary outdoor expansion program cannot continue beyond December 31, 2023, unless you have completed an application for a zoning permit according to the deadlines below.

Elements of the new zoning for patios on private property include:

- Prioritize flexibility, including removing the requirements that a patio be connected to the primary use and be delineated with vertical elements like railings or walls
- Provide paths to flexibility from zoning standards, including allowance for removal of required off-street parking spaces
- Provide a streamlined city review process to save time for business owners
- Allow for businesses other than restaurants and bars to provide outdoor gathering spaces

How and when to transition to the Outdoor Places Program

If you have a private property patio permitted under the temporary program and you wish to continue beyond December 2023, you must apply for a zoning permit under the Outdoor Places Program by October 31, 2023.

If a complete zoning permit application is received by October 31, 2023, the operator may continue to utilize the temporary patio through March 31, 2024, while the operator obtains the required permits. Zoning permit applications can be submitted on the ePermits website at <https://aca-prod.accela.com/DENVER/Default.aspx>.

See Outdoor Places website for more detail on requirements and transition deadlines: denvergov.org/outdoorplaces

Updated Zoning Standards for Commercial Outdoor Patios

The chart below compares the rules under the emergency pandemic program and the new zoning regulations.

	Emergency Program - Ends Dec. 31, 2023	Zoning (Effective July 5th, 2023)
Primary Use	Eating and Drinking Establishments only	All nonresidential uses
Process	<ul style="list-style-type: none"> No permits required No special review process required for an Outdoor Gathering Area within 50 feet of a Protected Zone District* 	<ul style="list-style-type: none"> Zoning permit, with some exceptions Administrative approval through Zoning Permit with Informational Notice (ZPIN) process typically required if the Outdoor Gathering Area is less than 50 feet from a Protected Zone District*
Barriers at perimeter of Outdoor Gathering Area	Not required	Not required except in certain circumstances to address potential vehicle and pedestrian conflicts
Location relative to Primary Use	Does not need to be physically connected to Primary Use**	Does not need to be physically connected to Primary Use**
Removal of required off-street vehicle parking spaces for an Outdoor Gathering Area	Any amount of required off-street vehicle parking was allowed to be removed except for accessible (ADA) spaces	Some amount of required off-street vehicle parking would be allowed to be removed for Eating/Drinking Establishments, except for accessible (ADA) spaces, provided the Outdoor Gathering Area undergoes design review.
Flexibility in zoning standards	Not applicable	Allowed administratively (no Board of Adjustment***) with design review and determination that the proposed design meets the intent of the zoning
Enclosed elements on patios (igloos, domes, etc.)	Allowed	Allowed with design review and capacity limited at 20% of the capacity of the Primary Use**

*A Protected District is a term used in the Denver Zoning Code to refer to low density residential zones. This primarily includes single-unit and two-unit zone districts but also includes rowhome and multi-unit zones up to three stories in some contexts.

** A Primary Use is a term used in the Denver Zoning Code to refer to the main or primary purpose for which land and the structures thereon are used, maintained or occupied.

*** The Zoning Board of Adjustment (BoA) is an independent appeals agency that addresses Denver Zoning Code issues. Under the code in effect before July 5, 2023, the BOA was responsible for reviewing and determining allowances for most patios proposed within 50 feet of a Protected Zone District.