Above Curb
Design Standards

Outdoor Places Program Requirements
December 2023
Participating Agencies
Department of Transportation and Infrastructure (DOTI)
Denver Fire Department (DFD)
Department of Excise and License (EXL)
Department of Community Planning and Development (CPD)
Human Rights and Community Partnerships (HRCP)
Department of Parks and Recreation (DPR)
Denver Department of Public Health and Environment (DDPHE)
Outdoor Places Program Administrator

Images in this Document
Photos in this document are shown for illustrative purposes only. Many images are of outdoor places permitted under a Denver emergency program where few design requirements were in place. As such, some outdoor place images may not comply with all aspects of these Program Requirements. Captions are utilized under photos to draw attention to the element of importance where possible. No outdoor place element or condition shown within an image in this document shall be construed as automatically allowable under the Outdoor Places Program.
Table of Contents

5  Introduction
9  Above Curb Design Standards
10 Intent and Objectives
12 Location and Delineation Options
15 Design Standards
34 Structures
38 Enclosures

41  Review Process
42 Required Reviews and Permits

47 Appendix: Other Requirements
Example patios during temporary program
Introduction

The Outdoor Places Program creates flexible options for outdoor patios in the Right-of-Way and on private property that enhance Denver's public realm and quality of life for all. An "Outdoor Place" maximizes user safety and is thoughtfully integrated with the other outdoor activities, amenities and infrastructure that surround it. This document provides requirements for an outdoor place permitted under the Denver’s Outdoor Places Program. The Outdoor Places Program supersedes the Temporary Outdoor Expansion (TOE) and Tables, Chairs and Railings (TCR) programs.

Outdoor Places Program Intent

Patios and outdoor dining present significant potential to enhance Denver's public realm and quality of life. When located and designed thoughtfully, an outdoor patio can add vibrancy to the city, provide visual interest to the streetscape and enhance walkability and mobility for all. Patios provide diverse dining experiences for residents and visitors to Denver and support small businesses. With nearly 300 days of sunshine annually, outdoor places are a viable and enjoyable option in Denver year-round. The outdoor places program operates under a revocable permit and requires an annual review.

Outdoor Places Patio Types

The Patio Types addressed in the Outdoor Places Program include:

- **Above Curb** patios are located fully in the public Right-of-Way within the Streetscape area between the street curb and private property line. Above Curb patios are not located within the street and do not occupy on-street parking or vehicle travel lanes. If any portion of a patio extends into the street, on-street parking, vehicle lanes or private property, it is NOT considered Above Curb.
- **Below Curb** parklets are located fully in the public Right-of-Way and where some portion is located within the street, in on-street parking, or in vehicle travel lanes. Patios that contain elements in both above and below the curb are considered Below Curb.
- **Private Property** patios are located completely on private property.
- **Right-of-Way/Private Property** patios are located partially within the Right-of-Way and partially on private property.

Outdoor Places Program Requirements

Patios and outdoor dining present significant potential to enhance Denver's public realm and quality of life. When located and designed thoughtfully, an outdoor patio can add vibrancy to the city, provide visual interest to the streetscape and enhance walkability and mobility for all. Patios provide diverse dining experiences for residents and visitors to Denver and support small businesses. With nearly 300 days of sunshine annually, outdoor places are a viable and enjoyable option in Denver year-round. The outdoor places program operates under a revocable permit and requires an annual review.

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- **Right-of-Way/Private Property** patios are located partially within the Right-of-Way and partially on private property.
Definitions

Above Curb Outdoor Place: a patio within the Streetscape area between the street (Flow Line or curb) and private property line

Amenity Zone: for the purposes of an Above Curb patio, an area within the Right-of-Way, near the curb/Flow Line and not contiguous to the private property line

Below Curb Outdoor Place: a parklet in an area fully in the Right-of-Way and where any portion is within the street, including in on-street parking and/or vehicle travel lanes

Building Frontage: for the purposes of an Above Curb patio, an area within the Right-of-Way and contiguous to private property

Delineated: framed by vertical elements on 3-4 sides with limited openings for ingress/egress

Delineating Element: a vertical element that defines the perimeter of a permitted patio. Examples include railings, planters, and movable wall elements

Delineating Element (Barrier): Delineating Element that has solid vertical surfaces. A rectangular planter is an example of a Barrier

Delineating Element (Railing): A Delineating Element that is mostly transparent and is typically composed of a mix of vertical and horizontal components. A low metal fence is an example of a Railing

Delineating Element (Fixed): physically attached or anchored to the Right-of-Way surface with bolts

Delineating Element (Stationary): not physically attached to the Right-of-Way surface, is movable by 1-2 people without specialized equipment, and is either lockable or heavy enough to avoid being tipped or blown over

Detached Structure: a Detached Structure shall be disconnected without contact from any other Structure by an uninterrupted vertical separation from below grade to sky.

Drip Line: all the ground (area) under the outermost edge of a tree's canopy or branch spread

Downtown: Area bounded by Speer Boulevard, Park Ave, Broadway and I-25.

Enclosure: A patio fully or partially closed in on any of the sides and above the railing by fixed or removable material such as fabric, plastic, wood, or glass to separate the patio area from being fully open to the ROW.

Flow Line: At vertical curbs, Flow Line is defined as the base of the curb. For sloped curbs, Flow Line is defined as the base of the slope. If no curb exists, Flow Line is defined as the edge of the pavement

Gutter Pan: drainage system installed at the edge of the road, next to the curb, to collect and channel rainwater away from the roadway, preventing water accumulation and facilitating proper drainage

Micromobility: Micromobility refers to small, lightweight vehicles like electric scooters, bicycles, and skateboards used for short urban trips, offering convenient transportation options

Outdoor Places Program: the program by which privately operated and maintained patios are reviewed and permitted in the city

Outdoor Places Program Administrator: the individual that serves as the primary point of contact for the Outdoor Places Program and coordinates interagency review processes

Parklet: a Below Curb Outdoor Place and collective elements permitted under the Outdoor Places Program

*Parklet may be used interchangeably with Patio for Outdoor Places that are in the Below Curb location

Parking Setback: the required space between a parklet and curbside parking space

Permittee: Owner or entity that receives a permit to operate and maintain a patio under the Outdoor Places Program

Open To PAR: a patio that includes Delineating Elements on two or more sides, but the side abutting the PAR is not Delineated

Open: does not integrate Delineating Elements

Patio: the area and collective elements permitted under the Outdoor Places Program

Pedestrian Access Route (PAR) a continuous, unobstructed path of travel for pedestrians connecting accessible elements and spaces in the Right-of-Way. At an Above Curb location, the PAR provides a free and clear path along a block

Private Property Outdoor Place: a patio in an area that is privately owned and NOT in the public Right-of-Way. Private property outdoor place typically falls under the Outdoor Gathering Area use type in the Denver Zoning Code

City and County of Denver
Right-of-Way/Private Property Outdoor Place: a patio located partially within the Right-of-Way and partially on private property

Right-of-Way: Land that is dedicated by the City and County of Denver for Public ROW, as part of the system of thoroughfares of the municipality including streets, alleys, sidewalks, bike paths, and other public ways, for the purpose of maintaining public accessibility and constructing, operating, and managing public facilities and utilities

Site Development Plan: A specific development plan for a zone lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs

Street Tree: A tree placed consistent with DRMC Chapter 57 - Vegetation in the ROW. Street Trees are under the regulation of the Office of the City Forester, but by ordinance their maintenance is the responsibility of the adjacent property owner

Structure: A structure encompasses anything constructed or assembled that requires a fixed position on the ground or attachment to a stationary support. This includes buildings, edifices, or any crafted creation composed of interconnected components assembled in a deliberate manner.

Sidewalk: A paved path provided for use by pedestrians

Sight Triangle: Specified areas along intersections or alleys approach legs and across their included corners that are clear of obstructions that might block a driver’s view of potentially conflicting vehicles or pedestrians

Zone Lot: The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area may be designated as a zone lot only by the owner or owners thereof, or by the Zoning Administrator as authorized by the Denver Zoning Code

Acronyms

Acronyms are used throughout this document to reference relevant standards and guidelines or to refer to departments and agencies within the city. Some commonly used acronyms include:

- ADA - Americans with Disabilities Act
- ADAAG - Americans with Disabilities Act Accessibility Guidelines
- AASHTO - American Association of State & Highway Transportation Officials
- CCD - City and County of Denver
- CPD - Community Planning and Development
- DDPHE - Denver Department of Public Health and Environment
- DFD - Denver Fire Department
- DOTI - Department of Transportation & Infrastructure
- DPR - Department of Parks and Recreation
- DRMC - Denver Revised Municipal Code
- EXL - Department of Excise and License
- HRCP - Agency of Human Rights and Community Partnerships
- OCF - Office of the City Forester
- PA - Program Administrator
- PROWAG – Public Right-of-Way Accessibility Guidelines
- ROW - Right-of-Way
Above Curb Design Standards

An Above Curb “Outdoor Place” is a patio generally located in the streetscape and fully within the Right-of-Way between the curb and private property. The requirements in this section are intended to facilitate a range of Above Curb patio location and design options and establish requirements/review procedures to address potential patio impacts. An Above Curb patio permitted under the Outdoor Places Program shall meet all relevant requirements in this section and be consistent with their intent.
Intent and Objectives

This section identifies the high-level intent and objectives for Above Curb patios. These qualitative statements apply to all Above Curb patios and serve as a basis for the more detailed standards that follow.

Accessibility and Safety
- Preserve mobility along the sidewalk for all
- Ensure the curb ramps and sidewalk are clear, navigable and generally straight
- Ensure patios are accessible for persons with disabilities
- Ensure driver sight lines remain unobstructed
- Mitigate potential conflicts between patio users and vehicular activity
- Maintain access to transit stops
- Balance patios with other quality-of-life elements in the Right-of-Way (such as bicycle or micro mobility parking needs)

Placemaking and Neighborhood Integration
- Activate the Right-of-Way with additional spaces for people and social gathering
- Contribute to walkable and visually interesting streets
- Ensure patios are visually subordinate to permanent street elements like sidewalks and buildings
- Maintain a high degree of visibility between a patio and surrounding public street elements
- Encourage design quality and creativity
- Maintain existing street trees urban landscaping elements
- Ensure a patio thoughtfully integrates with its context, including minimizing impacts on nearby commercial and residential neighbors

Economic Development and Business Support
- Provide opportunities for business to activate and enhance the city's Right-of-Way
- Create attainable and equitable patio options
- Promote flexibility for a range of patio options
- Support a variety of customer experiences
- Remain competitive with other front range cities
- Allow for dynamic options responsive to weather, business cycles, and other factors

Utilities, Drainage and Emergency Access
- Maintain fire and emergency access to buildings and other occupied spaces
- Ensure above- and below-ground utilities can be accessed quickly for maintenance or for emergencies
- Maintain safe and adequate stormwater conveyance
- Ensure buildings provide adequate facilities to serve patio spaces
A patio in the Right-of-Way should enhance the public realm for all.
Location and Delineation Options

This section outlines options for locating an Above Curb patio and how it can be delineated with vertical perimeter elements.

Location Options

An Above Curb patio may be located immediately adjacent to the building/private property line (Building Frontage) or away from the private property and closer to the curb (Amenity Zone) as illustrated in Figure 1 below.

Above Curb - Building Frontage. An Above Curb patio contiguous to the Primary Land Use(s).

Above Curb - Amenity Zone. An Above Curb patio located near the curb and physically separated from the Primary Land Use(s) by the required PAR.

Figure 1. Location Options

The Pedestrian Access Route (PAR) is a continuous, unobstructed path of travel for pedestrians with disabilities connecting accessible elements and spaces in the Right-of-Way. At an Above Curb location, the PAR provides a free and clear path along a block.

For any Above Curb patio, the Primary Land Use is the activity permitted on private property by a Zone Use Permit and building Certificate of Occupancy issued by CPD associated with the Above Curb patio.
This photo shows an Amenity Zone patio (left), a Building Frontage patio (right), and a PAR in between. The Primary Land Uses associated with these patios are inside the adjacent building.
Delineation Options

An Outdoor Places Permittee may wish or be required to Delineate, or create a vertical perimeter around, a patio. Examples of these elements include railings, planters and other vertical elements intended to define the perimeter of a patio. Delineation options are described below and illustrated in Figure 2.

**Delineated.** A patio is considered Delineated if it is framed by vertical elements on four sides with openings only provided for access in and out. For a Building Frontage location, a building typically frames the patio on one side and vertical elements frame the other sides. For an Amenity Zone location, a Delineated patio is surrounded on all sides by vertical elements.

**Open to PAR.** A patio is Open to PAR if it is partially surrounded by vertical elements, but there are no such elements separating the patio from the PAR. Open to PAR patios at the Building Frontage location are typically framed by a building on one side and bookended by vertical elements on either end. Open to PAR patios at the Amenity Zone location are typically bookended by vertical elements at either end and an additional vertical element may separate the patio from the street.

**Open.** A patio is Open if does not integrate vertical perimeter elements.

**Figure 2. Delineation Options**

**Delineating Element**

A Delineating Element is a vertical element that defines the perimeter of a permitted patio. Examples include railings, planters, and movable wall elements. See S.5 for more information on delineating elements.
Design Standards

This section provides design standards for Above Curb Outdoor Places for a range of topics. In addition to the design standards below, a patio is required to be consistent with all relevant standards in the Americans with Disabilities Act (ADA), DOTI’s Encroachment Rules & Regulations, DOTI’s Transportation Standards and Details for the Engineering Division, the Denver Revised Municipal Code (DRMC), and adopted Denver Building and Fire Codes. If there is a conflict between any required design standard in this document and a provision of these underlying documents, the more restrictive provision shall apply.

↑ A patio in the Right-of-Way should enhance the public Right-of-Way while maintaining safe access along the block for all.

DOTI’s Encroachment Rules and Regulations

Many provisions of DOTI’s Encroachment Rules & Regulations are included in this document because they are particularly relevant to patios. In addition to those rules repeated here, all relevant provisions of the DOTI regulations that are not explicitly stated herein apply to Above Curb Outdoor Places.

Learn More >>

Denver’s Complete Street Guidelines

Denver’s Complete Streets Design Guidelines make recommendations for optimal street design, including guidance for the design of sidewalks, on street parking, bike lanes, amenity zones, sidewalks and other elements. The Complete Streets Design Guidelines guidance may be a useful reference for applicants as they consider how a patio can be integrated into an existing street environment.

Learn More >>
Above Curb patios are often placed within a streetscape that already contains other patios, bus shelters, street trees, and/or other elements. As such, the options for an Above Curb patio may in part be dictated by the elements that already exist on a block. Patio applications will be considered on a first-come, first-served basis, meaning a proposed patio’s placement and design may be dictated by an adjacent patio already in place.

B.1 Integrate a patio into an existing block.

- Place a patio such that the PAR is generally direct and straight along the block.
- Avoid frequent or sharp deviations of the PAR along a single block.
- Consider coordinating with neighboring property owners and businesses to identify a mutually beneficial design solution.

This patio in the Amenity Zone patio maintains a generally straight and direct PAR along the block.
S.1 Pedestrian Access Route (PAR): Place a patio to maintain a clear and open PAR along the block.

- The PAR shall be a minimum width of 6 feet.
- If the sidewalk is 21 feet or greater in width as measured from property line to curb, the PAR shall be a minimum width of 8 feet.
- The minimum PAR may be reduced to 5 feet if it is determined that the existing paved surface is less than 6 feet and/or the block’s pedestrian activity levels are low.
- A PAR width of greater than 6 feet may be required based on adjacent street classification, pedestrian activity levels, and other site specific conditions.
  - Refer to DOTI Transportation Standards and Details for applicable PAR widths. The Program Administrator will work with applicants early in the process to determine the required PAR.
- A patio shall not result in a deviation of the PAR greater than 20-degrees. Where a deviation of the PAR occurs, a Delineating Element shall be provided to ensure adequate cane detection for persons with a visual impairment. See Figure 3.
- Wires or cords shall not be placed on the surface of the PAR or cross the PAR overhead. A wire or cord that crosses the PAR shall be undergrounded.

**Special Case:** For a patio that is Open to PAR or Open, 1 foot in width shall be added to the minimum required PAR.

**Measuring the PAR.** The PAR must be measured continuously along its length from the outermost patio element to the next obstruction (street furniture, utility, light, sign, pole, tree, building, etc.). The PAR must be a concrete surface; gravel, turf, tree lawn, or tree grate will not be counted toward the minimum required PAR width. See Figure 3.

**Prevailing PAR.** In some cases, the minimum required PAR may be increased to maintain an existing, previously established PAR. The Program Administrator will work with each applicant to identify the required PAR at your patio location.
S.2 Curbside Clearance: Minimize conflicts between curbside activities and a patio.

- A patio shall be set back a minimum of 2 feet from the face of curb if no on-street parking or loading is present.
- A patio shall be set back a minimum of 3 feet from the face of curb if on-street parking or loading is present. See Figure 4.

Special Case: If no Delineating Element is provided between a patio and the curb, a patio shall be set back an additional 1 foot to the requirements above.

S.3 Pedestrian Access Through Amenity Zone: A patio in the Amenity Zone shall be located and sized to provide intermittent pedestrian access from the street to the PAR along a block.

- If located within the Amenity Zone:
  - A single patio space shall not exceed 40 feet in length as measured parallel to the street. See Figure 4.
  - A pedestrian access a minimum width of 5 feet as measured parallel to the street shall be provided between the street and the PAR a minimum of every 40 linear feet. See Figure 4.
  - Where feasible, utilize an existing pedestrian access from the street to the PAR rather than creating a new one.

S.4 Intersection Visibility: Locate a patio to maintain safe intersection visibility and sight lines for pedestrians, bicyclists and drivers. A patio shall:

- Not be located within an intersection sight triangle.
- Not be located within a sight triangle for an alley or private driveway.

A patio shall also comply with all AASHTO and City sight distance standards. See Figure 4 for example sight triangles.

S.5 Clearance from Public Transit: Locate a patio to maintain access to transit services. A patio shall:

- Not be located within a bus or other transit stop area, as determined in coordination with RTD.
- Not be located between bus stop infrastructure and the street.

Determining sight triangles and distances
Patios may not be allowed in some locations because they would block the visibility of pedestrians, cyclists or drivers. Sight triangles are a regulatory tool used by traffic safety professionals to establish areas that must remain clear of certain vertical obstructions. If you need help determining whether a proposed patio would fall within a required sight triangle, reach out the Outdoor Places Program Administrator.

Coordination with RTD
The specific transit service area will depend on the route and bus. For a proposed patio near a transit stop, transit shelter or any other area expressly designated for transit service purposes, the applicant shall coordinate with RTD (Regional Transportation District) to understand the required clearance distance from that stop and include the information with the application. Where coordination with RTD is required, the applicant shall provide a letter from RTD indicating what, if any, restrictions are recommended for the patio. The Outdoor Places Program Administrator can help determine if coordination with RTD is required.
Figure 4. Mobility and Safety (plan view)

Outdoor Places Program Requirements
S.6 Entrance Clearance: Locate a patio to maintain clear access to a building entrance and accommodate swinging doors. A patio shall:

- Maintain a clear path a minimum width of 6 feet between the required PAR and the primary, publicly accessible building entrance. See Figure 5.
- Be set back a minimum of 18 inches from either side of a publicly accessible building entrance, including a door providing access from a building interior to a patio. See Figure 5.

S.7 Clearances from Other Elements: Locate a patio to maintain access to and comfortable use of small-scale vertical elements in the Right-of-Way.

- Bike racks: 5 feet
- Benches: 5 feet
- Parking meters: 5 feet
- Street sign support poles: 3 feet

Additional clearance(s) may be required from the elements above or other elements to ensure safe access and comfortable use.

S.8 Exit Aisle: Provide an unobstructed exit path from the occupied patio for life safety purposes.

- A patio shall maintain a clear path a minimum width of 3 feet from all tables and chairs to the Right-of-Way outside the occupied patio space. See Figure 5.

S.9 Patio Furniture: Ensure furnishings, umbrellas and other freestanding elements are secure and do not create an overhead conflict for a sidewalk user.

- Furnishings shall be designed to withstand strong winds and other weather events or be quickly secured during inclement weather.
- Shade sails or other overhead shade elements shall be a minimum of 8 feet in height above the Right-of-Way surface. (Additional vertical clearance may be required in some cases.)
- Minimum overhead clearance for stand-alone, single umbrella(s) may be reduced to 7 feet by the Program Administrator if the diameter of the umbrella canopy is 10 feet or less.

Relocation of Street Furniture

Relocation of existing street furniture (bench, bike rack, etc.) may be proposed by the applicant. Any changes are to be made at the applicant’s expense and relocation of the element may require an Encroachment Permit.
**Figure 5.** Mobility and Safety - 3D view (note labels correspond to numbered design standards in this section)
S.10  Delineating Elements: Ensure a Delineating Element maintains sight lines to and from the patio, is secure and can be easily detected by persons with a visual disability.

A **Delineating Element** can be a **Barrier** or a **Railing**.

A **Barrier** is a Delineating Element that has solid vertical surfaces. A rectangular planter is an example of a Barrier.

A **Railing** is a Delineating Element that is mostly transparent and typically composed of a mix of vertical and horizontal components. A low metal fence is an example of a Railing.

**Figure 6. Barriers and Railings Dimensions**

**Barriers**

24" Min

36" Max

**Railings**

24" Min

6" Max

36" Max

Note: Per Table 1, a Delineating Element within 14 feet of the Flow Line/curb shall not exceed 30 inches above the Right-of-Way surface. Illustrations above depict Delineating Elements greater than 14 feet from the Flow Line/curb.
A **Delineating Element** can be **Stationary** or **Fixed**.

A **Stationary Delineating Element** is not physically attached to the Right-of-Way surface, is movable by 1-2 people without specialized equipment, and is either lockable or heavy enough to avoid being tipped or blown over.

A **Fixed Delineating Element** is physically attached or anchored to the Right-of-Way surface with bolts.

A Delineating Element shall comply with the requirements in Table 1.

### Table 1: Delineating Element Design Standards

<table>
<thead>
<tr>
<th></th>
<th>Barrier (Stationary)</th>
<th>Railing (Stationary or Fixed)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Height</strong></td>
<td>Standard: 36 inches above Right-of-Way surface</td>
<td>Standard: 36 inches</td>
</tr>
<tr>
<td>(incl. plantings)</td>
<td>Within 14 feet of curb: 30 inches</td>
<td>Within 14 feet of curb: 30 inches</td>
</tr>
<tr>
<td><strong>Minimum Height</strong></td>
<td>24 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>(excl. plantings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Accessibility</strong></td>
<td>Shall have a continuous horizontal cane-detectable element within 6 inches of the Right-of-Way surface</td>
<td>Shall have a continuous horizontal cane-detectable element within 6 inches of the Right-of-Way surface</td>
</tr>
<tr>
<td></td>
<td>Color/material shall visually contrast with Right-of-Way surface</td>
<td>Color/material shall visually contrast with Right-of-Way surface</td>
</tr>
<tr>
<td><strong>Visibility</strong></td>
<td>When placed along the PAR, provide some space between each Stationary Delineating Element</td>
<td>The face of a railing shall be a minimum of 50% open/transparent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transparent/open areas shall be generally evenly dispersed across the face of the railings</td>
</tr>
<tr>
<td><strong>Security</strong></td>
<td>Shall be sturdy, stable and heavy enough to not tip over or be blown away by winds</td>
<td>If Stationary, it shall be sturdy, stable and heavy enough to not tip over or be blown away by winds, OR If Fixed, it shall be attached in accordance with railing attachment details in the Appendix to this document.</td>
</tr>
</tbody>
</table>

*Additional height up to 42 inches may be considered to integrate a bar height surface into a Delineating Element if the bar activates the Right-of-Way and the Delineating Element is greater than 14 feet from the Flow Line/curb.*
In addition to meeting all relevant provisions of the Fire Code, a patio shall meet the following design standards:

**E.1 Emergency Access:** A patio shall not cross or project over roadways serving as fire lanes or sidewalks serving adjacent rescue windows without Fire Department approval.

**E.2 Fire Hydrant and FDC Clearances:** Locate a patio to maintain adequate space for the Denver Fire Department to access fire suppression equipment.

- A patio shall be set back a minimum of 5 feet from a fire hydrant or a building’s Fire Department Connection (FDC).

**E.3 Heating Elements:** Locate and operate a heating element to reduce fire risk.

- Do not place a propane or gas-fired heating source under an overhead covering (tree canopy, umbrella, pergola, roof or shade structure).
- Heaters that are fixed require additional Encroachment review from DOTI (see Section D. Required Reviews and Permits).

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### Outdoor heating

An outdoor heating element, regardless of its fuel source, requires a Flammable Operational permit from the Denver Fire Department.

Where a Flammables permit is requested, DFD will likely conduct a site visit and work with the applicant to address site-specific fire and flammables safety concerns. For propane tanks, DFD will work with the applicant to address propane delivery, security and storage. Note that electric or natural gas heaters connected to the building’s utilities will require electrical permits.
Utility Access

A patio shall not obstruct stormwater drainage in and through the Right-of-Way or cause water to collect on the sidewalk, street or alley.

A patio shall not block access to, conflict with or damage existing above- or below-ground utilities.

A patio shall be designed to be removed easily to allow for maintenance, repair and replacement of below- or above-ground utilities. If removal of the patio is required, it shall be at the Permittee's expense.

A patio shall provide the minimum clearance from utilities prescribed by this document and/or by the utility provider (RTD, Xcel Energy, etc.).

A patio element shall not be placed on top of a utility access cover such as a manhole or meter pit cover.

Above Curb flooding
Certain areas in the city may have localized flooding above the curb. Applicants are encouraged to reference the City's Potential Inundation Area (PIA) Flow Depth Map below. These are localized flooding areas not within FEMA regulatory floodplains.

Potential Inundation Area Flow Depth Map >>

Coordination with Utility Providers
An applicant may be required to coordinate with utility providers to address potential conflicts. In these instances, the Program Administrator will help the applicant identify the property party to contact.

Excavation
If a proposed patio will require excavation or digging, applicants are encouraged to attain information on below-ground utilities in the area of the work. In some cases, a Utilities Locate, or a determination of the precise location of underground utilities on the site, may be required. Applicants are encouraged to contact Colorado 811 to attain information on below-ground utilities. Applicants should contact Colorado 811 prior to any digging or excavation. Use caution when digging. Hand dig when excavating within 18-inches of each side of the marked facilities, and be aware that all risk and responsibility for their request are unilaterally that of the Applicant.
Patios permitted under the Outdoor Places Program will prioritize access for persons with disabilities. A patio and its elements shall meet the requirements below. See Figure 7 for illustrations.

A.1 Accessible Pathway: Provide an accessible pathway to a designated accessible seating area. A required accessible pathway shall:

- Be a minimum 36 inches in width.
- Have a stable, firm, and slip resistant surface.
- Have a surface free of significant openings (pot-holes or large cracks).
- Not contain customary cracks, joints or openings that exceed ½-inch in direction of travel.
- Not exceed a ¼-inch vertical change of surface. Note up to a ½-inch vertical is allowed if a 1:2 beveled edge is provided per ADA Section 405 / ICC A117.1, Section 303.
- Not exceed a maximum slope of 1:20 in the direction of travel. Slopes greater than 1:20 and less than 1:12 are considered ramps and shall comply with ADA Section 405 / ICC A117.1, Section 405.
- Have a maximum cross-slope of 1:48.

A.2 Gates and Openings: Where a gate or opening is integrated within a Delineating Element, provide an accessible opening. An accessible opening shall:

- Have a minimum clear width of 32 inches per ADA Section 404 / ICC A117.1, Section 404.
- Have parts that are operable with one hand, without requiring tight grasping, pinching, or twisting of the wrist. The force required to operate the gate hardware shall not exceed 5 pounds.
- Not swing into the PAR.

A.3 Accessible Seating: Provide accessible seating within a patio.

- A minimum of 5% of the seating in a patio shall be accessible. At least one accessible seat shall be provided. Where more than one accessible seat is required, the seats shall be dispersed throughout the seating area.
- Required accessible seating shall be calculated separately for different types of seating (counter and table seating, for example).
- Accessible counter seating shall be a minimum of 60 inches in length, be mounted at accessible height (between 28 and 34 inches) and provide a minimum depth of 19 inches below the counter for knee clearance.
- If a patio provides seating in both Building Frontage and Amenity Zone locations with different seating experiences, each seating area must calculate accessible seating separately. If the experience at the seats in Building Frontage and the Amenity Zone are similar, then the required accessible seating can be calculated as one.
- Each accessible seat shall be accompanied by a 30 inch by 52 inch clear floor area in accordance with ICC A117.1, Section 305.
- Seating areas shall be relatively flat with slopes not steeper than 1:48 in any direction.
- The surface(s) of an accessible seating area shall be firm and stable.

A.4 Turning Space: Design a patio to ensure maneuverability for persons with disabilities that use a wheelchair or other device to move.

- A patio shall provide a circular or t-shaped turning space per ICC A117.1, Section 304. (A 67 inch diameter circular turning space is shown and is preferred.)

A.5 Accessible Table: For an accessible seat with a tabletop, ensure the table is accessible and meets ADA Section 902 / ICC A117.1, Section 902.

- A 30 inch minimum clear width for a depth of at least 19 inches shall be provided under the table (and between table legs).
- A minimum unobstructed height of 27 inches shall be provided under the table.
- The table-top surface shall be a minimum height of 28 inches and a maximum height of 34 inches.
Figure 7. Accessibility Diagrams

Outdoor Places Program Requirements
L.1  Do not remove or damage any street tree and do not remove any landscaping required by a site development plan, Transportation Engineering Plan (TEP), Infrastructure Master Plan (IMP), or other city approved documents entitling development.

- Do not attach a patio element to a street tree. This includes lighting, signage, shade devices, furniture and other elements.
- For a patio located near an existing tree, a pruning plan may be required to avoid tree branch damage and future conflicts between the tree and the patio.
- Depending on the scope of the patio, temporary tree protection measures, such as temporary construction fencing, may be required during construction.
- If a patio permitted under the emergency program resulted in removal of a landscape element required by a previously approved site development plan, such landscaping may be required to be restored upon application to the Outdoor Places Program.

L.2  Locate and design a patio to mitigate potential long-term impacts to any street tree and mitigate impacts to landscaping required by a site development plan (or other entitlement document).

- A patio element shall be set back a minimum of 5 feet from the trunk of an existing street tree.
- Where feasible, place a patio outside of the Drip Line* of a street tree. If a patio is placed within the Drip Line of an existing tree, mitigation measures may be required to avoid root damage and compaction issues that are detrimental to tree health.
- A patio design determined to potentially result in additional foot-traffic near a street tree may be required to integrate mitigation measures to protect the tree, such as installing low- scale barriers or strategic placement of patio elements to divert foot traffic to other areas.
- Avoid the use of a salt products in a softscape area that contains a street tree or required landscaping.

*Drip Line shall mean all the ground under the outermost edge of a tree’s canopy or branch spread.
L.3 Locate a patio to allow space for maintenance of a street tree.
- Maintain access to a street tree for maintenance activities, such as trunk injections, pruning or removal.

L.4 Maintain the permeability of a softscape area to the fullest extent feasible.
- Where a patio decreases the permeability of a softscape surface, additional irrigation may be required to address loss of water access for an existing street tree or required landscaping.

L.5 If any portion of a patio in the Amenity Zone is proposed to be placed on a softscape surface, it shall avoid conflicts with or propose modifications to existing irrigation.

City tree grate standard
Many existing tree grates in Denver are 5 feet by 5 feet, but the current standard is 5 feet by 15 feet. The Office of City Forester may require additional clearances or future modifications to a patio to allow for expansion of tree grates and/or planting space. An example of a standard tree grate is shown below.
D.1 Locate and design a patio to enhance the public realm.
- Place a patio to activate and add vibrancy to the public realm.
- Maintain visibility from the public realm to interior elements of the patio.
- Add elements to a patio that create visual interest. Examples include landscaping, accent lighting, articulation/detailing on a Delineation Element and other similar features.

D.2 Integrate landscaping into a Delineated patio.
Options include:
- Add landscape elements to a Railing.
- Use a planter as a Barrier.
- Place a free-standing landscape element(s), such as a planters or potted plant, inside a patio.

D.3 Use durable materials that are intended for outdoor use.
- Use materials that can withstand wind, rain, snow, and solar exposure. For example, metals shall be non-rusting and wood shall be finished.
- Consider using materials that are locally sourced and/or re-claimed/recycled materials.
- Avoid lightweight materials that appear temporary or will deteriorate quickly. Examples of materials to avoid include plastic chains, plastic buckets and other materials with similar qualities.

D.4 Consider locating a patio to relate to its context, such as the adjacent building wall, storefront, a separate patio space or other element. Potential strategies include:
- Locate the patio in proximity to the primary entry, windows, or existing permanent outdoor seating to maximize visual connection from the patio to the main building and generate activity.
- Locate a patio adjacent to a wall with art or other visually interesting features.
- Locate a patio along a blank wall or a wall with less activation to activate the public realm.
- Locate a patio to take advantage of shade provided by existing trees or buildings.

D.5 Consider integrating lighting.
- Use lighting to enhance user safety and add visual interest.
- Locate lighting to illuminate steps, entryways, pedestrian routes and dining areas.
- Lighting shall be contained entirely within the patio space and mounted solely to approved elements owned by the Outdoor Places Permittee (patio railings or permitted overhead structures, for example). String or holiday lighting may not extend over the PAR.

D.6 Signage and advertising are prohibited within a patio.
- Directional and informational signage (for example: to restrooms, to an entrance or exit, to an accessible seat, indicating alcohol shall not go beyond a certain point, etc.) is exempt from this prohibition.

Lighting and Encroachment Permits
Lighting that is integrated into other patio elements (railings, for example) are approvable in the Outdoor Places Program. Free-standing lighting (including poles or bollards with integrated lighting) will likely require an additional Encroachment Permit. See Section D. of this document for more information on Encroachment Permits.
Integrate landscape elements to create visual interest.

Integrate lighting

Treated wood and durable metal bindings ensure this Delineating Element will not deteriorate quickly.

Maintain visibility to the interior elements of a patio from the Right-of-Way.

Use color to add visual interest and vibrancy.
This section describes the day-to-day management requirements for operating an Above Curb patio.

### M.1 Removability
A patio shall be constructed to be easily removed to allow for emergency access, utilities access, Right-of-Way maintenance, public events and other temporary activities in the Right-of-Way.

- A patio shall be removable within 24-hours of notice. Additional advanced notice will be provided to the extent feasible for planned activities.
- Where a patio is located on a known parade route or other pre-existing public event within the Right-of-Way, the patio may be required to be removed when the event occurs.
- In cases of emergency, the City may require removal of a patio, or the patio may be removed proactively by the City, with no notice. The Permittee shall be responsible for repair, restoration and replacement of patio elements under these circumstances.

### M.2 General Maintenance
Maintain a patio in a safe and clean condition.

- A damaged patio element shall be repaired or replaced immediately upon notification by the city or discovery by the Permittee.
- Keep a seating area free of snow. Space may need to be identified within a patio for snow storage.
- Snow shall not be placed in the PAR, the street or on adjacent properties (unless permission is granted by adjacent property owner).
- Remove graffiti promptly.
- If landscaping is integrated, ensure landscaping is watered and maintained. (Artificial plants may be used, but may shall not be placed in an Amenity Zone where live landscaping is required by a site development plan.)
- If non-service animals are allowed on the patio, ensure they remain within the permitted patio space.

### M.3 Furniture and Equipment
Manage furniture and other equipment to ensure that it does not become a hazard while the business is closed.

- Furniture shall be secured during off hours.
- Umbrellas shall be closed when not in use.
- Busing/server stations and other similar equipment shall be relocated inside when the business is closed.
- Waste and recycling receptacles shall be movable and must be relocated inside when the business is closed.
- Any furniture that is stacked must not exceed height limits established by this document or other adopted regulations.

Special cases:

- If a patio is Open or Open to the PAR, patio furniture shall be removed from the Right-of-Way outside of operating hours. An exception may be granted for times where a business closes for a short time between day and evening shifts.
- Exceptions may be granted for heavyweight furnishings such as picnic tables. Any such furniture allowed to remain in the Right-of-Way shall be available for public use outside of operating hours.
M.4 Operating Hours: For a patio located between 50 and less than 100 feet of a Protected Zone District and located within one of the zone districts identified below, use of the patio shall cease at 10:00 p.m., except on Friday and Saturday nights when the use of the patio shall cease by 11:00 p.m.

- All RX zone districts
- All CC-3x, -3, 5x zone districts *
- All MX-2x, -2A, -2 zone districts
- All MX-3A, -3 zone districts *
- All MS-2x, -2 zone districts
- All MS-3 zone districts *
- All I-MX, I-A, I-B zone districts
- All M-RX, -IMX, -GMX zone districts

*Except when zone district abuts an Arterial Street as designated in Blueprint Denver

Distance from a patio to a Protected Zone District shall be measured according to Section 13.1.11 of the Denver Zoning Code. Protected Zoned Districts are defined by Section 13.3 of Denver Zoning Code.

Neighborhood Impacts Review

A Neighborhood Impacts Review may be required for a patio fully within the Right-of-Way and located within 50 feet of a Protected Zone District as defined by Section 13.3 of the Denver Zoning Code. See Review Process section of this document for more information on the process and requirements for a Neighborhood Impacts Review.

Denver Zoning Code

To see the zoning on your property or the properties that surround your property:

Find My Zoning >>

Find the full Denver Zoning Code here:

Denver Zoning Code >>
Structures

A structure encompasses anything constructed or assembled that requires a fixed position on the ground or attachment to a stationary support. This includes buildings, edifices, or any crafted creation composed of interconnected components assembled in a deliberate manner.

Intent

• Ensure a patio structure is visually subordinate and complements the streetscape.
• Preserve and maintain visibility and permeability through the patio space.
• Allow some passage of light from the open sky to the patio space.
• Complement the surrounding architecture.
• Maintain fire and emergency access to buildings and other occupied spaces.
• Ensure structures do not conflict with existing street trees or tree canopy.
• Maintain access to all surface utilities and access points.

Guidelines for All Structures in the Right of Way

• Limit the amount of impermeable covering.
  ◦ Detached structures must have roof structures that are at least 50% permanently open to the sky and openings shall be evenly dispersed across the surface of the covering. (See Figure 8)
  ◦ Exceptions include canvas awnings, umbrellas, or other easily movable or detachable elements used as shade devices.
  ◦ Posts or other similar vertical elements may be used within a patio to support a movable shade element such as a shade sail. Such vertical element shall not exceed 8 inches in width as measured in any direction and such elements shall have a minimum separation of 5 feet from any other such vertical element.
  ◦ Any coverings, roof structures or similar shall not encroach or drain into the PAR.
  ◦ If coverings are utilized that are not open to sky, maintain other areas within the patio that are fully open to the sky.
• Use a thin roof structure such that the structure remains visually subordinate to building architecture and maintains visibility across the streetscape.
  ◦ Limit the scale, width and bulk of a roof covering and its components.
  ◦ Consider the visibility of building signage and nearby traffic signs, including those across the street. Business addresses are required to be clearly visible from the street per Denver Fire Code. Traffic signs may need to be relocated only if approved; proposed structure may need to be altered so that visibility of sign is not obstructed.

For delineating elements, reference Above Curb Design Standards S.10 for more information.
• Utilize a patio coverage structure of materials and architectural style that are compatible with a building's architectural style.
  ◦ For a contemporary building, utilize a contemporary coverage structure with a simple design and limited ornamentation.
  ◦ For a traditional building with more detailing, a coverage structure with more ornamentation may be appropriate.
• A detached structure below the curb or in the amenity zone may not be enclosed on any side with walls.
• Provide a minimum of 8’ vertical clearance from the bottom of structural members to the patio surface.
• When a structure is located over an open tree lawn or planting area, irrigation must be installed or modified to ensure water availability is not changed for the existing trees and other landscaping. If pruning of existing Right-of-Way tree may be necessary, applicant should work with Office of the City Forestry.
• A tree shall not be included as part of a continuous structure.

![Figure 8. Open to the sky](image-url)
Guidelines for Structures Located in the Amenity Zone or Below Curb

- Locate and design a detached structure to maintain emergency access to adjacent occupied spaces and buildings beyond. (See Figure 9)
  - Engineering stamp is required for structures.
  - A Below Curb structure shall not exceed 20’ in length.
  - A structure shall not exceed 10’ in height.
  - An Above Curb patio shall maintain a clear path minimum of 5’ between structures for every 40’ of structure for emergency access. A Below Curb patio shall maintain a clear path minimum of 3’ between structures for every 20’ of structure for emergency access.
  - Detached structures shall not be allowed within the amenity zone or below the curb when there is less than 10’ wide clear zone between the building facade and the structure.
  - Above Curb structures may not extend over the PAR or the curb. For Below Curb Type 3 parklets, detached structures are allowed to span the curb but not extend over the PAR.
  - A structure must be removable with 24 hours. An explanation of your plan to remove the structure in 24 hours in case of emergency will be required as part of the application.
  - Below Curb and Above Curb (amenity zone) structures may not be bolted/fixed to the ground. An overhead structure bolted to a platform or a structure weighted by ballast is allowed.
  - Lighting elements, sun shades or other elements shall not be hung or attached to the structure unless approved through the permitting process.
  - Lighting, shade, and temporary holiday decor may hang from ceiling of structure no greater than 1 foot from ceiling with a minimum 7 feet vertical clearance from the patio surface.
• Ensure structures comply with all AASHTO sight distance standards. See Below Curb S.4 for more details.
  ◦ A structure shall not be located within a 30' intersection sight triangle or a 10' pedestrian sight triangle.

Figure 9. Emergency access

Detached structure allowed when distance between building facade to the structure is greater than 10'

No detached structure shall be permitted when distance between building facade to the structure is less than 10'

No part of the detached structure shall extend over the PAR
A patio shall maintain a clear path with a minimum of 5 feet between structures for every 40 feet of structure. Maintain visibility of building signage and business addresses from across the street. Additional setbacks of up to 36 inches from the face of curb shall be necessary depending on the adjacent street condition, for example if there’s a bike lane or bus route, or if there is adjacent parking to accommodate loading and unloading. More information on street facilities may be found in the Denver Complete Streets Design Guidelines and Denver Bikeway Design Manual.

Figure 10. Above Curb detached structure in amenity zone

**RECOMMENDATIONS**

Consider creative cover patterns and textures that result in visually interesting shading patterns on the surface below.
A structure shall not exceed 10’ in height.

Provide a minimum of 8’ vertical clearance from the bottom of structural members to the patio surface.

Lighting, shade, and temporary holiday decor may hang from ceiling of structure no greater than 1 foot from ceiling with a minimum 7 feet vertical clearance from the patio surface. No other objects may be hung on structure due to visibility and safety considerations.

Maintain visibility of building signage and business addresses from across the street.

A patio shall maintain a clear path with a minimum of 3’ between structures for every 20’ of structure.

A structure shall not exceed 20’ in length.

*Figure 11. Detached structure in Below Curb parklet*
Enclosures

A patio fully or partially closed in on any of the sides and above the railing by fixed or removable material such as fabric, plastic, wood, or glass to separate the patio area from being fully open to the ROW.

Intent

• Design and locate an enclosure to be visually subordinate to the overall site and buildings.
• Complement the surrounding architecture.
• Provide visibility into and through the enclosure.
• Add visual interest and a sense of place.
• Maintain the outdoor nature of the patio as much as possible.
• Provide accessibility for all.
• Maintain fire and emergency access to buildings and other occupied spaces.
• Ensure structures do not conflict with existing street trees or tree canopy.
• Maintain access to all surface utilities and access points.

Guidelines for All Enclosures in the Right of Way

• Enclosures shall only be located in the Building Frontage location(s). They may not be located in the Amenity Zone or Below Curb.
• Locate an enclosure to maintain visibility to windows, entries, and other critical architectural features of a building.
• Where possible, locate an enclosure to activate spaces that otherwise lack visual interest, such as a blank wall of a building.
• Design an enclosure to remain visually subordinate to the street level architecture.
  ◦ Limit the height, scale, width and bulk of the enclosure and its components.
• Maximize transparency on all sides of the enclosure to maintain visibility into and through the structure, with a minimum of 50% transparency on all sides.
• Use transparent elements that are rigid enough to retain shape and visual permeability.
• Maintain transparent materials to prevent fogging and clouding over time.
• Provide a minimum of 8’ vertical clearance from the bottom of structural members to the patio surface.
• Shall meet all building/structural/life safety code requirements.
• Denver Fire Department (DFD) shall review and approve of all heating elements in enclosures.
**Additional Permitting Requirements**

All Enclosed Patios require an Encroachment Permit. Additionally, enclosed accessory structures typically require additional permits from Denver’s Building and/ or Fire Departments. The separate building and fire permits process could address a variety of topics including, heating, electrical, utility connections, wind load, carbon monoxide mitigation, fire extinguishers, anchoring, structure materials, snow loads and other similar technical topics.

*Figure 12. Enclosure*

Snow globe type enclosures are permittable if they meet all the guidelines.

Maximize transparency on all sides of the enclosure to maintain visibility into and through the structure.

A structure shall not exceed 10’ in height.

Provide a minimum of 8’ vertical clearance from the bottom of structural members to the patio surface.
Review Process

This section outlines the 4-step process required for approval of a revocable permit for a typical patio or parklet. In some cases, additional steps may be required to address site-specific issues, coordination with utility providers or other unique scenarios.

**Step 1: Mandatory Pre-Application**

In this initial phase, applicants partake in a mandatory pre-application session, which will provide essential insights into the Outdoor Places Program, equipping applicants with the information and resources needed for a well-prepared application process.

**Step 2: Application and screening**

In this step, the applicant submits an Outdoor Places application. Once a formal application is received, the Program Administrator will determine if the general location and scale of elements are consistent with the Program Requirements. If the proposal is found to be generally consistent with the Program Requirements, the Program Administrator will route the application to the appropriate agencies for review. If the proposal is inconsistent with key requirements, resubmittal may be required prior to Step 3.

**Step 3: Formal review**

In this step, City agencies and the Program Administrator will review the outdoor place to ensure it is consistent with the Program Requirements in this document. In some cases, additional design or operational features may be required to address impacts specific to your outdoor place.

Denver Department of Transportation and Infrastructure (DOTI) Right-of-Way Services will review the final outdoor place design as required to authorize its installation and occupancy of the Right-of-Way. This review will be conducted according to the Above Curb Outdoor Patio Places Permit Entrance Requirements. Depending on the extent of temporary installation activities, a Revocable Street Occupancy Permit may be required for temporary work outside of the patio and issued at this stage.

**Step 4: Permits issuance, installation and inspections**

In this step, the Program Administrator will issue to the applicant an Outdoor Places Certificate, which will serve as a single package of permits and approvals. The Certificate authorizes installation of the outdoor place. Note that on-site inspections may be required by agencies depending on the characteristics of the outdoor place.
Required Reviews and Permits

Required Reviews
The location and design of an Above Curb patio and Below Curb parklet will dictate the level of review, including which agencies issue approvals and the permits required. This section identifies the required and potential reviewers based on the characteristics of the proposed outdoor place.

ALL Above Curb patios and Below Curb parklets will require review and approval by the following agencies/departments:

- **Outdoor Places Program Administrator** will review all outdoor places to confirm consistency with these Program Requirements.
- **DOTI – Right-of-Way Services (ROWS)** will review all outdoor places for consistency with the Above Curb Outdoor Patio Places Permit Entrance Requirements.
- **Human Rights and Community Partnerships – Division of Disability Rights (HRCP)** will review all outdoor places for consistency with Americans with Disabilities Act requirements.
- **Denver Department of Public Health and Environment (DDPHE)** will review all outdoor places related to food safety and public health issues. DDPHE reviews will be more significant if non-service animals are proposed to be allowed on the outdoor place or where outdoor food service or facilities (bars, ice machines, etc.) are proposed.

SOME outdoor places may require additional review and approvals by the following agencies/departments:

- **DOTI – Sewer Use and Drainage Permitting (SUDP) team** will review outdoor places that would increase the capacity of an establishment by greater than 20% and in areas with flood risks.
- **DOTI – Engineering and Regulatory (ER) team** will review outdoor places that require an Encroachment Permit or that are in areas that present flood risks.
- **CPD – Development Services** will review outdoor places that are located within 50 feet of a Protected Zone District and therefore require a Neighborhood Impacts Review.
- **CPD – Building Department** will review outdoor places that would increase the capacity of an establishment by greater than 20%, if a structure is proposed or if a hardwired electrical connection is proposed from a building to the outdoor place.
- **CPD – Landmark Preservation** will review outdoor places that are located within a Landmark Preservation District or associated with an individually landmarked property. This may also include review by the Landmarks Preservation Commission or the Lower Downtown Design Review Commission.
- **DFD – Denver Fire Department** will review outdoor places that include outdoor heating elements and where fire and life safety risks are present.
- **DPR – Office of the City Forester (OCF)** will review outdoor places proposed in the Amenity Zone where a street tree is present and where an outdoor place is proposed to be located within the Drip Line (generally underneath the canopy) of a street tree.
- **DPR – Planning, Design, and Construction** will review outdoor places that are located on a Designated Parkway per Denver Parks and Recreation Rules and Regulations.
- **EXL – Department of Excise and License** will review any outdoor place where alcohol service and consumption is proposed.

Landmark Review
Where Landmark review is required, it will be based on the Design Guidelines for Denver Landmark Structures and Districts or other design guidelines adopted by the Landmarks Preservation Commission or the Lower Downtown Design Review Commission.

Landmark Review >>
Required Permits and Approvals

DOTI Required and Potential Permits

- **Right-of-Way Places Permit.** DOTI will issue a revocable permit for the outdoor place, including furnishings, Delineating Elements and other features to occupy the public Right-of-Way with a focus on topics related to mobility, safety, maintenance, utilities access, management and other similar topics.
- **Revocable Street Occupancy Permit.** Required if a portion of the Right-of-Way beyond the area of the permitted outdoor place is needed temporarily for installation activities.
- **Floodplain Permit.** Required if the proposed outdoor place is located within a regulatory floodplain.
- **Sewer Use and Drainage Permit (SUDP).** May be required if the proposed outdoor place increases the capacity to an extent that grease interceptors must be upgraded.
- **Encroachment Permit.** A proposed outdoor place containing an element that requires an Encroachment Permit will require such a permit for that element only.

Flammables Permit

- Heating elements utilizing propane tanks will require a Flammables Permit issued by the Denver Fire Department.
- Heating elements permit:
- Tents & Canopies also require a Flammable permit for use up to 180 days issued by the Denver Fire Department.

Building Permit

- A building permit may be required for some structures, electrical connections from a building to an outdoor place or an outdoor place that increases the occupancy of the establishment by greater than 20 percent if it is determined that the increase in occupancy would trigger a requirement for additional plumbing fixtures.

Modification of Premise (liquor license)

- If a proposed outdoor place will include consumption and/or service of alcohol, a Modification of Premise will be required.

Outdoor Places Certificate (permit package)

- A final document certifying that all required permits and approvals have been issued will be provided by the Program Administrator. This certificate will document any conditions of approval issued by any reviewing agencies. Issuance of the Outdoor Places Certificate will authorize setup and use of the permitted outdoor place pending.
- If a Revocable Street Occupancy Permit is required, such permit may be applied for and obtained after the Outdoor Places Certificate if additional time is needed by the applicant to determine installation specifics and timing.

On-site inspections

- On-site inspections by some or all agencies may be required prior to granting the applicant authorization to begin use.
Neighborhood Impacts Review

For a patio located less than 50 feet from a Protected Zone District and located in one of the zone districts identified below, a Neighborhood Impacts Review is required. This includes a mandatory Pre-application meeting, informational posting, and public comment period. Distance from a patio to a Protected Zone District shall be measured according to Section 13.1.11 of the Denver Zoning Code. Protected Zoned Districts are defined by Section 13.3 of Denver Zoning Code.

- All RX zone districts
- All CC-3x, -5x zone districts
- All CC-3, -5 zone districts*
- All MX-2x, -2A, -2 zone districts
- All MX-3A, -3, -5 zone districts*
- All MS-2x, -2 zone districts
- All MS-3, -5 zone districts*
- All C-CCN zone districts
- All I-MX, I-A, I-B zone districts
- All M-RX, -IMX, -GMX zone districts

*Except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

Distance from a patio to a Protected Zone District shall be measured according to Section 13.1.11 of the Denver Zoning Code. Protected Zoned Districts are defined by Section 13.3 of Denver Zoning Code.

A Neighborhood Impacts Review requires the following:

**Pre-application stage**

- **Pre-application meeting.** A pre-application meeting is required. This pre-application meeting will include a preliminary review with CPD staff of potential neighborhood impacts and overview of required outreach efforts.
- **Neighborhood Impacts Review notice.** The applicant shall post a sign on the property identifying the details of proposed patio and provide opportunity to collect public comment using a template provided by the Outdoor Places Program Administrator. Community Planning and Development Staff will send an email notice to City Council members and Registered Neighborhood Organizations (RNOs) informing them a pre-application has been received.
Formal application stage

- **Neighborhood Impact Review Summary Report.** At formal application to the Outdoor Places Program, a summary of comments received for the Neighborhood Impacts Review shall be submitted. The Applicant may provide additional information about how or whether the formal outdoor patio application addresses the comments received from the Neighborhood Impacts Review.

- **Neighborhood Impacts Analysis.** CPD will review and analyze the formal proposed patio for possible adverse impacts on nearby properties within a Protected Zone District, taking into account comments received from such property owners or residents.

- **Conditions of Approval.** A Neighborhood Impacts Review may result in Conditions of Approval placed on the Outdoor Places permit to mitigate impacts on nearby properties within a Protected Zone District. Potential Conditions of Approval may include, but are not limited to:
  - Limitations on hours of operation
  - Mitigation measures such as buffering or other design features
  - Prohibition or limits on use of sound speakers and amplification systems on the outdoor patio

- **Factors Considered.** In determining Conditions of Approval, CPD will take into account the following:
  - Neighboring uses
  - Seating capacity of the patio
  - Type of food or drink being served
  - Ambient noise generated by activity on the patio
  - Desired use of outdoor speakers
  - Serving patterns and arrangement of elements within the patio
  - Other contextual, operational or design factors as appropriate

Encroachment Permits

Certain elements within a proposed patio may require an Encroachment Permit through DOTI's Encroachments and Encumbrances in the Public Right-of-Way process. Encroachment Permits are required for elements in the Right-of-Way that are more permanent in nature or that have greater potential adverse impacts. Patios that trigger an Encroachment Permit will be required to meet the standards of the Outdoor Places Program (this document) and the Encroachment Rules and Regulations.
Appendix: Other Requirements

This section provides additional information and requirements related to application submittal requirements, insurance, fees and other similar topics.

Outdoor Places Submittal Requirements

The following documents shall be submitted with the Outdoor Places application:

- Outdoor Places Program Application (Right-of-Way Patio Permit Application will be generated by DOTI/PA based on OP Application)
- Site plan showing the location and dimensions of all patio elements, the Pedestrian Access Route (PAR) and nearby obstructions such as trees, tree grates, benches, planters, parking meters, curbs, curb ramps, manholes, utility boxes, Fire Department Connections (FDCs) etc.
- Dimensions indicating the setbacks of the proposed patio from nearby obstructions and elements
- Adjacent and nearby doorways (within 6 feet of the proposed patio) including the extent of the projection of doors when open
- Photos of the patio area (applicants are encouraged to provide photos of the proposed patio location from multiple angles and directions, including from the street, sidewalk and private property)
- A list of all proposed furnishings and elements to be used within the patio, including specifications, materials information and dimensions of such elements.
- Existing permitted occupancies, including permitted indoor and outdoor areas.
- Number of seats to be added with the proposed patio.
- A Certificate of Insurance showing minimum coverages and the City and County of Denver as Additional Insured.
- Landlord or property owner letter of approval. Strongly recommend property owner is applicant or co-applicant.

Authority for the Program Requirements

The requirements of this interagency Program Requirements document are authorized by DOTI's authority over activities in the Right-of-Way as detailed below under Right-of-Way Patio Permit and by reference in DOTI's Right-of-Way Patio Permit Entrance Requirements.

Right-of-Way Patio Permit

A patio partially or fully located within the Right-of-Way will require a revocable Right-of-Way Patio Permit issued by DOTI. Key requirements and information related to the Right-of-Way Patio Permit are included in this section for quick reference. Other required permits (for example Flammables Permit or liquor license) are determined by the agency that issues the permit and may differ from DOTI's Right-of-Way Patio Permit fees, renewal cycles and other elements. Find the entire Right-of-Way Patio Permit Entrance Requirements document here:

Right-of-Way Patio Permit Entrance Requirements

Authority

Under the authority of the Denver City Charter, Article II; the Denver Revised Municipal Code (DRMC), Chapter 49; and by other City ordinances and regulations, the City and County of Denver Department of Transportation & Infrastructure (DOTI) manages the Public Right-of-Way. The DOTI Right-of-Way Services (ROWS) Division is the assigned City and County of Denver division of authority to administer and regulate the Right-of-Way (ROW) Patio Permit process. ROW Patio Permits are administered on an annual basis and are revocable by the City at the City’s discretion. A ROW Patio Permit confers no rights to the Right-of-Way.
Insurance and Indemnification

Pursuant to and not superseding any general terms and conditions, as a condition for placement of a patio in the ROW, the permittee shall hold the City and County of Denver harmless from all loss or damage to persons or property on account of injury arising from the construction, repair, or maintenance of the patio; and

Obtain and Maintain a Commercial General Liability insurance policy with limits of $1,000,000 for each occurrence, $1,000,000 for each personal and advertising injury claim, $2,000,000 products and completed operations aggregate, and $2,000,000 policy aggregate. The City and County of Denver, its Elected and Appointed Officials, Employees and Volunteers shall be included as Additional Insured.

Subcontractors and Subconsultants: All subconsultants, subcontractors, independent contractors, suppliers or other entities providing goods or services required by this ROW Patio Permit shall be subject to all of the requirements herein. Permittee shall require all of its subcontractors and subconsultants to provide insurance coverage in types and amounts required by the Permittee, but in amounts of at least $1,000,000 Commercial General Liability, and $1,000,000 professional liability for any subcontractor performing design or engineering work. Permittee agrees to provide proof of insurance for all such subcontractors, subconsultants, independent contractors, suppliers or other entities upon request by the City.

Permit Requirements

- Every Outdoor Places patio and parklet must have a Right-of-Way Patio Permit. Right-of-Way Patio Permits are tenant specific, cannot be shared with another tenant, and are non-transferable.
- The patio can only extend the length of a property and cannot extend in front of another property.
- The Right-of-Way Patio Permit is revocable and may be revoked at any time without notice.
- Permittee is fully responsible for any and all damages incurred to facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver due to activities authorized by the Right-of-Way Patio Permit(s). Should the relocation or replacement of any drainage facilities for water and sewage of the City and County of Denver become necessary as determined by the Executive Director of the DOTI, in the Executive Director’s sole and absolute discretion, Permittee shall pay all cost and expense of the portion of the water and/or sewer facilities affected by the patio. The extent of the affected portion to be replaced and relocated by Permittee shall be determined by the Executive Director of DOTI. Any and all replacement or repair of facilities of Denver Water and any other Utility Company, and/or drainage facilities for water and sewage of the City and County of Denver attributed to the Permittee shall be made by Denver Water, Utility Company, and/or the City and County of Denver at the sole expense of the Permittee. In the event the Permittee’s facilities are damaged or destroyed due to Denver Water’s, Utility Company’s, or the City and County of Denver’s repair, replacement and/or operation of its facilities, repairs will be made by Permittee at its sole expense. Permittee agrees to defend, indemnify and hold the City harmless and to repair or pay for the repair of any and all damages to said water, storm, sanitary sewer facilities or other Utility Company facilities, or those damages resulting from the failure of the water, storm, sanitary sewer facilities or other Utility Company facilities to properly function because of the patio.
- A patio must be removable within 24 hours.
- Above Curb Patios are limited to the area between the property line and the street (flow line/curb).
- In no case shall a patio encumber or preclude the minimum Pedestrian Access Route (PAR).
- A patio may not block access to or damage utilities. A Utilities Locate may be required if digging or other similar activities are proposed.
• If the streetscape is 21 feet wide or greater, a minimum of 8 feet of clear sidewalk must be provided.
• If the streetscape is less than 21 feet, a minimum of 5 feet of clear sidewalk must be provided.
• Structures, including decks, buildings, and stages will not be permitted with a Right-of-Way Patio Permit. Any such element will require an Encroachment Permit per DOTI's Rules and Regulations for Encroachments in the Right-of-Way.
• Right-of-Way Patio Permittees are required to maintain clear and clean streetscapes, sidewalks, and tree lawns within the patio area, including removal of snow and ice immediately after every snowfall. The requirements of D.R.M.C. Sec. 49-551 Cleaning Sidewalks are applicable to the entire permitted area.
• The City and County of Denver may require an Encroachment Permit for any proposed element in the ROW patio area as required by the Rules & Regulations for Encroachments & Encumbrances in the Public ROW.

Permit Issuance Dates
• Right-of-Way Patio Permits expire annually on October 31 of each year.
• Reapplication is required on an annual basis.
• Renewal may occur as early as 30 days prior to expiration date.

Affiliated Departments and Approvals
• DOTI - Right-of-Way Services - Permit Operations issues the Right-of-Way Patio Permit.
• DOTI - Right-of-Way Services Inspections performs the inspection of the premises in alignment of site plan. An inspection will be performed after the application has been processed. The applicant must comply with the inspector and make any necessary corrections (if applicable).

Right-of-Way Patio Permit Fees
Application fee: $600
Annual renewal fee: $300

Note 1: The City and County of Denver is currently conducting a comprehensive study to develop a fee structure for the Outdoor Places Program. The Preliminary Fees identified above may change upon finalization of the comprehensive fee structure. Final fees are anticipated to be available by summer 2023.

Note 2: Additional permit fees may also be required for some patios depending on their characteristics. For example, a Flammables Permit for an outdoor heating element has an associated fee separate and additional to the fee described above.

Anchor Specifications for Railing Attachment
If a Fixed Railing is utilized, it must be anchored to concrete using a steel drop-in anchor. The steel drop-in anchor is an all steel, machine bolt anchor available in carbon steel and two types of stainless steel.

The steel drop-in anchor is an internally threaded expansion anchor, complete with pre-assembled integral expander plug. The anchor is expanded with a matching setting tool, designed to protect the internal threads while driving the prefitted plug to the end of the anchor. The tapered plug is precisely matched to the internal configuration of the anchor body to develop maximum expansion against the walls of the hole. Each steel anchor has 4 slots on the leading end, which allows it to expand. During installation, as the steel plug is driven into the bottom of the anchor, the steel shell is forced outward in four directions compressing against the walls of the anchor hole.

• Installation Procedures. Drill a hole into the concrete to the depth of embedment required. The tolerances of the drill bit should meet the requirements of ANSI Standard B272.75. Do not over-drill the hole. Blow the hole clean of dust and other materials. Insert the anchor into the hole, and make the top flush with the surface. Using a power awl setting tool, set the anchor by driving the tool into the anchor until the shoulder of the tool is sealed against the anchor.
**Anchoring Requirements.** Each item is required to be anchored into the concrete. Use a minimum of two anchors, placed diagonally to each other. The minimum size anchor allowed is 1/4-inch diameter. The drill bit diameter associated with that anchor is 3/8", and a minimum depth of 1inch must be drilled. The maximum size anchor allowed is 1/2-inch diameter. In no case will 3/4-inch or greater holes be allowed in concrete areas or pads on public Right-of-Way. All anchors must be placed flush with the surface as stated above. A bolt with a fender washer that resists rusting must be used to anchor the item. The Engineer must approve variations of this requirement.

1 [Ord.49-509 (6), 49-550.17 (6), etc. for violations]
Figure 14. Accessibility Diagrams
FURNITURE INFORMATION

Please list patio furniture information, including dimensions and materials of tables, chairs, umbrellas, railings, planters or barriers, and any other furniture elements.
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