



Outdoor Services Program

April 3, 2023

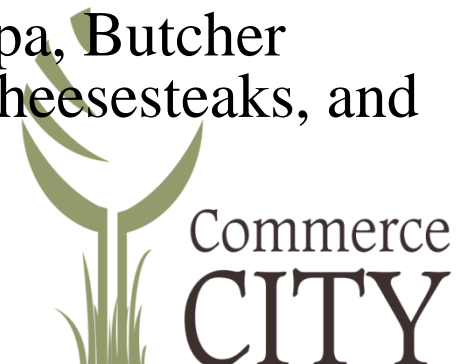
Purpose

- Review the expired Temporary Outdoor Dining Service Area Permit
- Discuss Pilot Outdoor Services Program
- Overview regulations
- Next steps
- Questions and discussion



Background

- Original emergency ordinance allowed restaurants and bars to temporarily expand their seating capacity to provide outdoor dining services
 - Implemented in June 2020 as the Temporary Outdoor Service Area Permit
 - All ordinances and extensions expired in September 2021
 - Ordinances 2282, 2298, and 2321
- The purpose of the ordinance was to assist businesses to remain operational during the pandemic
- By October of 2020, seven businesses had received the Permit
 - Pour Taphouse, El Camaron Loco, La Chispa, Butcher Block Cafe, State House 38, Ted's Philly Cheesesteaks, and Los Gallitos



2020 Temporary Permit

- No cost
- Use a portion of adjacent private property zoned commercial or industrial, if approved by property owner
- Use adjacent public property or right-of-way for outdoor services with a separate easement or license
- Cross public sidewalks to deliver food or beverages to the outdoor service area
- Serve alcohol in the outdoor service area with an approved temporary modification to the liquor license
- Use tents and heaters in compliance with the fire and building codes



Intent of Outdoor Services Program

- Accessibility and safety
 - Preserve mobility along the sidewalk for all
 - Ensure patios are accessible for persons with disabilities, and driver sight lines remain unobstructed
 - Maintain emergency access
- Placemaking
 - Activate the Right-of-Way with additional spaces for people and social gathering
 - Contribute to walkable and visually interesting streets
- Economic development
 - Promote flexibility for a range of patio options
 - Remain competitive with other front range cities



Pilot Outdoor Services Program

- Model after municipalities with successful, existing outdoor dining program
- Update LDC to create a Pilot Outdoor Services Program
 - Set pilot program to expire after five years with language for Council to make it permanent and extend the rights of existing permit holders
 - Amend fee schedule as appropriate



Pilot Outdoor Services Program

- Accept applications on a rolling basis; to be reviewed by Community Development

Eligible businesses:

- Restaurants, brewpubs, taverns, wineries, and distilleries
 - These establishments must have available public right-of-way or private property in front of their entrances or directly fronting the building they are located within

Eligible streets:

- Streets eligible for outdoor seating will be determined with Public Works and South Adams County Fire



Pilot Program Continued

- Permits would be valid for the duration of the Pilot Program
- Businesses would need to apply with information including:
 - Survey (or accurately dimensioned site plan)
 - Proposed outdoor expansion area diagram
 - Proof of ownership and permission from landlord
 - Certificate of liability insurance for any use of public right-of-way or public easement area
- Other materials, including a modified liquor license application would be required after an application is approved



Safety and Concerns

- Conditions of permit approval can include hours of operation, buffering or other design requirements, prohibition or limits on the use of sound speakers and amplification systems on the outdoor patio
- **Safety** –The level to which all people can access destinations and enjoy their use of the public ROW
- Installations of facilities (electricity, heat, and water) must comply with the City Code and International Fire Code, and may require a building permit or a permit from the applicable fire district



Licensing and Permitting

- If a business has a valid liquor license, a modification would be required for that business to serve alcohol outdoors
- Communal dining spaces could be established by businesses that are in proximity
- Right-of-way permit acquisition
- Accessibility requirements
- Aesthetic requirements, including fencing, street barriers, landscaping, waste receptacles
 - No closed in structures or roofs
 - Could offer financial assistance for restaurants needing to purchase “infrastructure” for outdoor dining



Examples of Outdoor Dining



Permitting Agencies

- Planning Division – Zoning
- Public Works – ROW permits
 - Also requires City Council approval if easement would be granted for more than one year
- Building Division - Electrical, outdoor structures, egress, and accessibility
- City Clerk's Office - Liquor licenses
- SACF and Brighton Fire - outdoor structures, heaters, safety
- Adams County Health Department – Sanitation



Next Steps

- Draft ordinance and solicit final feedback from internal and external partners
- Work with CAO to update the code
- Reach out to current business owners
- Bring back to Council in Q2
- Prepare a press release and website update





Discussion

