



AGENDA ITEM SUMMARY

City Council

STAFF

Ginny Sawyer, Project and Policy Manager
Brad Buckman, City Engineer
Brad Yatabe, Legal
Aaron Guin, Legal

SUBJECT

Second Reading of Ordinance No. 112, 2022, Amending Chapter 23, Article III of the Code of the City of Fort Collins Regarding Obstructions and Encroachments to Allow for the Expansion of Outdoor Dining Areas onto City Property and Adopting by Reference the City of Fort Collins Outdoor Dining Design Manual.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 18, 2022, amends City code to allow outdoor dining areas on public property. During the COVID pandemic and declared local emergency, Emergency Orders were put in place to support hospitality businesses by allowing extended outdoor patios on public property. The extended patios have been popular and successful both economically and as a vibrant way to activate streets and sidewalks. Staff is proposing changes to the City Code obstruction and encroachment permit provisions and a framework, including the *City of Fort Collins Outdoor Design Manual* ("Design Manual"), to make these spaces permittable after the expiration of the Emergency Orders.

In response to Council feedback regarding concrete barriers, staff has replaced previous language on page 15 of the Design Manual, which said "Concrete 'Jersey Barriers' shall only be installed where required or deemed appropriate by the City Engineering Department" with "Crash rated barriers will only be required for safety or traffic volume. In those cases, the City will not allow a concrete "Jersey-barrier" style and will require a crash-rated barrier that meets the urban design standard of the location (Downtown, for instance)."

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

In 2020, as occupancy restrictions were put into place due to the COVID pandemic, the City enacted several Emergency Orders to support local businesses. Two Emergency Orders in particular, Temporary Outdoor Dining and Temporary Outdoor Expansion Permits, allowed for patios on sidewalks not connected to a building, patios in designated on-street parking spaces, patios in Right-of-Way space, and patios in private parking lots.

For the most part, these spaces have been well received and are an amenity that many community members would like to see going forward. The goals of the proposed changes to City Code to facilitate the extension of outdoor patio spaces onto public property for the purposes of food and beverage service through the existing obstruction and encroachment permits along with the Design Manual are focused on preserving the intent of street activation and vitalization, while considering safety and potential impacts to parking availability, non-hospitality businesses, neighboring businesses, and aesthetics.

A working group has created the Design Manual, referenced in the proposed changes to City Code, to guide businesses and staff in the implementation of extended patios based on the diverse streetscapes throughout the city.

Recommended code changes include:

- Adopting the Outdoor Dining Design Manual by reference.
- Changes to the encroachment permit language:

(c) The City Engineer may adopt such minor revisions and corrections to the Outdoor Dining Design Manual as may, in their judgment, be necessary to better protect the health, safety, and general welfare of the public, ensure the appropriate usage of City property or any street, avenue, alley, sidewalk highway or public right-of-way for which obstruction and encroachment permits have been issued, and facilitate allowed food and beverage service thereon in consideration of the aforementioned purposes. The City Engineer shall approve only those revisions or corrections that:

- (1) Do not result in significant additional cost to the persons affected by the revisions; and*
- (2) Do not materially alter the standards with which persons must comply.*

Upon adoption of any such revisions pursuant to the authority of this subsection, the City Engineer shall maintain written documentation of any revisions or corrections specifying the date upon which they shall become effective and such documentation shall be provided to the office of the City Clerk with an updated copy of the Outdoor Dining Design Manual reflecting the changes and available for public inspection.

- Creating “Parklets” under the City’s obstruction permit code to allow longer-term use of parking spaces for non-construction/demolition purposes, and establishing limits on Parklet use and duration:

Parklets: use of parking spaces adjacent to a licensed premises for the purpose of serving food and/or beverages for consumption within the Parklet obstruction area as an extension, accessory or complement to the licensed business.

These code changes allow for:

- Traditional patios that are attached to the business building.
- Patios/tables and chairs that are in the public right-of-way, within the associated business building frontage but not attached to the building.
- Patios in designated on-street parking spaces within the business’ building frontage.

These will be revocable permits issued by and through Engineering (encroachment) and Parking Services (Parklets) with potential routing and additional permits required by Building Services, Poudre Fire Authority, Storm Water, City Clerk and Liquor Licensing, and the Streets Department.

As proposed, Parklet patios could be year-round. The estimated cost to a business using a Parklet is \$700 per designated parking space per year.

There currently are fewer than 12 businesses with these types of patios in operation in City right-of-way. Staff anticipates the need to monitor and potentially adjust this program over time based on intensity of use and what we learn from site specific locations.

Unrelated to these Code changes, businesses that utilized the Emergency Order to operate patios in private parking areas and that wish to continue to do so will need to apply for and successfully complete the minor amendment process.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

City staff conducted two surveys in 2021 to gauge interest in the outdoor extended patios program, with results showing widespread support. Additionally, during the construction of the Linden Street project in 2021 and 2022, City staff engaged extensively with all the businesses in the affected section of Linden Street, and the project results reflect that outreach and design feedback.

ATTACHMENTS

First Reading Attachments not included.

1. Ordinance for Consideration
2. Ordinance Exhibit A
3. Revised Outdoor Dining Design Guidelines (redlined)