



March 15, 2022

## Temporary Outdoor Expansions for Restaurants

### Purpose

This is a guide to assist restaurants and bars in the city to prepare and submit a plan for a temporary outdoor expansion. This process utilizes the temporary permit process and the city is willing to consider set ups that exist for multiple months. For a permanent addition of a patio, the process for the liquor license is very similar but you will need to contact the Planning Department regarding an amendment to your site plan at 303-739-7217.

### Submitting your Plan

The City is utilizing the temporary use permit process to evaluate requests for temporary outdoor dining. The process for submitting an application is through the following link:

[https://www.auroragov.org/business\\_services/development\\_center/permitting/temporary\\_use\\_permits](https://www.auroragov.org/business_services/development_center/permitting/temporary_use_permits)

### **YOU WILL ALSO NEED TO SUBMIT A SITE PLAN AND A MODIFICATION OF PREMISE FOR ALCOHOL – SEE BELOW:**

In addition to the temporary use permit you may need to submit all or some of the following with your permit. Note that you cannot modify your liquor premises until after approval of the modification by the City and State. Email these documents to [businesslic@auroragov.org](mailto:businesslic@auroragov.org) or to [liquor@auroragov.org](mailto:liquor@auroragov.org).

- Site Plan (Submit with liquor modification if liquor licensed):
  - A professional design is not required.
  - Please be as detailed and clear as possible so that review can be done as quickly as possible.
  - Read through the requirements in this document for clearances that may be required
  - Hours of operation
- Liquor License Modification of Premise Application (See Below)
- Permission of the property owner if required
- Permission of a neighboring business if necessary (using space or impacting access)
- Certificate of insurance if using the city right of way: See requirements at the end of this document
- Once the temporary use permit is approved. Post it in a visible location in the extended location.



### **Liquor Licenses Premise Modification**

[www.auroragov.org/liq](http://www.auroragov.org/liq)

[liquor@auroragov.org](mailto:liquor@auroragov.org)

303-739-7057

If you wish to extend your liquor license to an outdoor location, you will need to file for a Temporary Modification of Premises. These areas must be contiguous or adjacent to the licensed premises and appropriately monitored by the licensee. The cost is \$300 for the temporary modification which is \$150 to modify and then \$150 to remove the modification. This fee is charged by the State. The City does not charge for processing temporary modifications of premise. The State has also announced that the fee can be paid electronically. The city requires modification applications electronically to expedite approval. Note these applications require both state and city approval.

#### **Important considerations for liquor control**

- Follow all liquor service laws and best practices
- Barriers: ensure that there is adequate control of the service area so that customers are not leaving the designated premises with open containers. You will need to post signage indicating “No Alcohol Beyond this Point”. Barriers need not be physical if they provide adequate information to the customer that it is the end point of the service area.
- The area must be adjacent or contiguous to your business, if this involves a fire lane or right of way, take into consideration how to keep those open for emergency service and how you will adjust traffic flow.

The modification of premise checklist can be found here:

<https://www.auroragov.org/common/pages/DisplayFile.aspx?itemId=17798775>

Fill out form DR8442. The fee is \$300 (\$150 if permanent) payable to the state of Colorado.

[https://www.colorado.gov/pacific/sites/default/files/DR%208442\\_e\\_wo\\_2.pdf](https://www.colorado.gov/pacific/sites/default/files/DR%208442_e_wo_2.pdf)

### **City Right of Way**

The city right of way is the sidewalk or street that is owned by the city. Areas in parking lots are on private property. If you are interested in using the city right of way for your modification you will need to obtain insurance naming the city as an additional insured.

Note that for a permanent modification of premises that will use the city right of way. A license agreement will need to be applied for and can be obtained through the Real Property division of the Public Works Department.

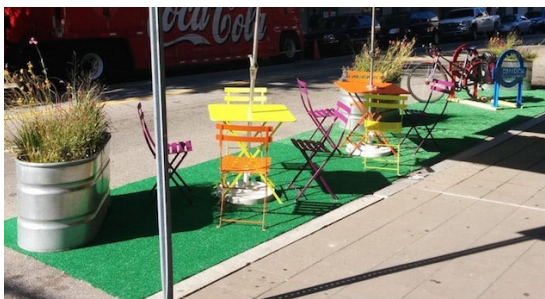
[https://www.auroragov.org/business\\_services/development\\_center/tools\\_resources/real\\_property](https://www.auroragov.org/business_services/development_center/tools_resources/real_property)  
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## **Parklets**

Enable temporary use of on-street parking or other ROW (private or public)

- Traffic operations unchanged
- May not use space designated for disabled-accessible parking stalls
- Subject to landlord/property management pre-approval
- 6-foot separation (backs of chairs) must be met.
- Must remove at closing time, or by sunset if no roadway lighting exists.
- Not within 15 feet of a fire hydrant
- Not within 5 feet of a driveway or disabled-accessible access ramp
- Must be 30 feet from crosswalks, stop signs or traffic signals
- Submit certificate of insurance with \$1.0 million of general liability and \$1.0 million of liquor license liability for use if proposing to use the city right-of-way (ROW) for liquor service. This requirement does not apply to private property such as retail centers.
- Consider speed of passing traffic and safety of patrons. Submit as part of your diagram how the area will be defined and protected. For example, will you use, planters, barricades, or decking.
- No obstructions shall be placed within the intersection sight triangles defined in section 4.04.2.10 Sight Triangles of the City of Aurora Roadway Design & Construction Specifications

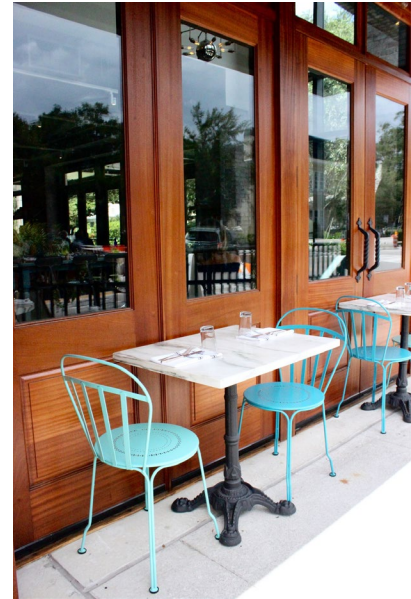




## **Sidewalk Activation**

Temporary use of sidewalk for restaurant seating or retail

- Pedestrian through traffic along sidewalks shall be maintained at all times.
- Limited to adjacent frontage
- Submit a site plan to indicate location of tables.
- Subject to landlord / property management approval
- All Americans with Disabilities Act (ADA) and other access standards and guidance apply with a minimum of 36 inches of lateral clearance.
- Maintain 48 inches of clearance on each side of door
- Submit certificate of insurance with \$1.0 million of general liability and \$1.0 million of liquor license liability for use if city ROW for liquor service.



## **Use of Parking Lots**

- Use of parking lots for outdoor dining is encouraged over parklets due to risks associated with higher speeds of adjacent motor vehicle traffic.
- The zoning code requiring a certain number of parking spaces is temporarily not enforced with this process.
- Submit a site plan to indicate location of tables.
- Subject to landlord/property management pre-approval
- May not use spaces designated for disabled parking
- Ensure fire lane and fire hydrants remain accessible at all times.
- Ensure disabled parking stalls and access aisles/routes remain open and accessible
- Follow any guidance on tents and canopies.
- Food must be prepared and finished inside of the restaurant
- Consider traffic flow in the parking lot and how vehicular traffic will be routed safely around the service area.
- Ensure proper barrier (pedestrian and vehicular) for liquor service and signage.
- Event area in parking lot should be secured from moving vehicular traffic.
- Provide a detailed diagram showing traffic flow and fire lane access.
- Event area in parking lot should be secured from moving vehicle traffic



## **Tents and Canopies**

- Obtain temporary use permit approval for a tent or canopy prior to installation. These are permitted for short term use but the city is willing to consider a long term use up to six consecutive months per year on a case by case basis.
- Tents over 400 square feet and canopies over 700 sq ft are prohibited without an Fire Operational Permit
- Operational permits are issued by Aurora Fire Rescue, submitted through the temporary user permit process and incur additional fees
- If your tent will exceed 400 sq ft, or canopy will exceed 700 sq ft, contact Aurora Fire Rescue at 303-326-8998 prior to installation for guidance on the operational permit process
- An operational permit safety inspection is required prior to use of tents over 400 sq ft
- Square footage of tents or canopies placed within 12 feet of each other are combined and must meet the above criteria
- Tents or canopies requiring an operational permit must be certified as fire-resistant
- All tents and canopies must be securely installed and maintained in good condition throughout usage
- Liquid or gas fueled, portable heaters are prohibited inside tents and canopies
- Ensure tent does not impact traffic visibility.
- Must be well maintained and made of fire resistant material.
- Submit a site plan to indicate location of tables.
- If occupant load greater than 10, then there shall be a minimum of two-6-foot-wide exits and shall be located so that all points within the tent are 100 feet or less from an exit.
- Guywires or other support shall not cross an exit opening at a height less than 8 feet.
- Ensure that utility location is performed for any staking of tents and canopies
- Tent or Canopy should be placed such that motorists and pedestrians view of other traffic is not restricted.



## **Fire Safety Guidance**

- Fire Hydrants / Fire Lanes cannot be blocked
- If you need to control and area for liquor service area that includes a fire lane, utilize cones or tape so as to not obstruct emergency access
- A designated fire lane must remain at least 23' wide
- Patio heaters that use combustible fuel shall not be closer than 10' to any entrance / exit of any structure.
- Heaters of any kind shall not be used under tents or umbrellas
- Smoking is prohibited in all temporary outside spaces
- Extension cords should be removed each night
- For additional questions regarding fire safety, contact fire inspections at 303-326-8998



## **Noise**

- Outdoor operations should not be located so close to residential as to have a negative impact on neighbors.
- Noise will be a consideration in permitting and allowing the outdoor extension to operate.

## **Resources**

City of Aurora Licensing: [BusinessLic@auroragov.org](mailto:BusinessLic@auroragov.org) -- 303-739-7057  
City of Aurora Fire Inspections: 303-326-8998  
City of Aurora Planning: 303-739-7000  
City of Aurora Building Division: 303-739-7420  
City of Aurora Real Property Division 303-739-7300



## INSURANCE REQUIREMENTS IF UTILIZING THE CITY RIGHT OF WAY FOR TEMPORARY OUTDOOR SEATING

You must call your insurance agent or broker to request a certificate of insurance specifically for the Temporary Use Permit; a copy of an existing certificate or a copy of your insurance policy declarations page, a "Certificate of Coverage" or insurance binder will not be accepted.

1. The certificate of insurance must show the **City of Aurora, Attn: Risk Management Division, 15151 E. Alameda Parkway, 3<sup>rd</sup> Floor, Aurora CO 80012** in the space identified for Certificate Holder.
2. The certificate must indicate that the City of Aurora is an additional insured under the permit holder's liability policy in the description of operations box.
3. The certificate of insurance (COI) must indicate a limit of at least \$1,000,000 (or more) per occurrence in liability insurance, and \$2,000,000 (or more) general aggregate.
4. The agent/broker **MUST** describe the activity (Name, location, and date) for which the Temporary Use Permit is being issued in the section of the certificate titled "*Description of Operations/Locations/Vehicles/Exclusions Added by Endorsement/Special Provisions.*"
5. The named insured and the person or business applying for the Temporary Use Permit **MUST** be the same or an explanation (e.g. DBA or description of the event and connection to the party requesting the Permit) must be provided.

**If alcohol is going to be served or sold, the liability policy must include and specifically reference liquor legal liability insurance of \$1 million, and it MUST include a description of the operations/location.**