



City of Loveland 2022 Loveland Patio Program Overview



The City of Loveland encourages retail businesses and restaurants to safely increase their capacity by embracing the public right of way adjacent to their business location. The **Loveland Patio Program** allows businesses and merchants to apply for a **temporary and revocable expanded Patio Permit** to use the public right of way (sidewalks and parking spaces) adjacent to their business from May 30th to October 31st, subject to the restrictions listed below.

Businesses are encouraged to develop plans that use the public sidewalk space adjacent to their front door, public or private parking spaces adjacent to their business entrance or frontage of neighboring businesses with their permission. If public sidewalk and public parking spaces are proposed for use, a **Revocable License Agreement** is also required. Temporary usage of adjacent alley space may be considered in the application. However, this will be done on a case by case basis and the plan must include traffic safety measures and access for adjoining property owners. Retailers or restaurants can present a joint plan to share a right of way space, however, if a liquor license is involved, there can be no sharing of the expanded patio space with other businesses during the same operating hours. Only one permit holder may use a space for a set 8-hour time block at a minimum.

Completed applications **must be submitted by May 12.** Applications submitted after June will not be considered. Patios that are adjacent to vehicular traffic will require the coordinated installation and removal of protective jersey barriers by the City Department of Public Works and will be scheduled once at the beginning and once at the end of the season; new fees have been incorporated to cover these costs. We encourage you to think creatively to make this a welcoming and attractive experience for the public while maintaining a safe and pleasant shopping or dining experience for your customers. Please consider all of the regulations and guidance below when submitting your application. Questions may be directed to the Office of the City Clerk at clerk@cityofloveland.org or by phone (970) 962-2396.

LOVELAND PATIO PROGRAM REGULATIONS

Application Period

Application period begins April 17th.

All applications must be received by the City Clerk's office **no later than May 12th**. The City will assemble and submit applications that require liquor license modifications to the Liquor Enforcement Division to process prior to the May 30th expanded patio opening date. Separate forms and fees will be required as described below.

Permit Fee

The City will impose a \$500 fee per application for processing the permit for all Patios located out of a major thoroughfare. If a Patio is to be constructed on a major thoroughfare and located in parking spaces, jersey barriers must be used and installed by the City - the fee for jersey-barrier-patios is \$1000. The fee will be collected as part of the application packet that is submitted to the City Clerk's office. This fee is nonrefundable, even if the application is not approved or the permit is not granted.

If the business has an existing liquor license, and the expanded patio will be used for the sale of liquor, a separate fee will be collected by the City Clerk's office for the Colorado Department of Revenue, along with the State DR8442 – Permit Application and Report of Changes. The fee is currently \$300 and is required to be paid by check.

Approval, Revocation, and Enforcement of Regulations

The public right of way in the City of Loveland is governed by various departments and agencies. An application review team is assembled that includes representatives from Loveland Police, Fire, Traffic, Liquor Enforcement, City Clerk, Public Works, Economic Development and the Downtown Development Authority. The review team will analyze the applications and work with the applicant for approval. Expanded Patio Permits will be awarded or revoked at the sole discretion of any agency that governs the use of the public right of way. Any temporary permit granted under the Loveland Patio Program is revocable at any time.

Patio Inspections/ Violations

An initial patio inspection will be conducted and scheduled with the applicant prior to opening to the public. Additional patio inspections may be conducted by staff or members of the review team, without limitation, and without advance notice. Any life safety violations shall be corrected immediately. All violations of the Loveland Patio Program's regulations will be emailed to the applicant. If violations are not corrected immediately, or the applicant receives more than 2 violation notices, the patio permit will be revoked and the patio will not be allowed to operate the remainder of the season.

Location requirements

A clearly marked, unobstructed, and durable pedestrian right-of-way, also known as the "pedestrian path", that meets the required accessibility standards of 6 feet (Municipal Code requirement), shall be maintained for each outdoor patio area and shall adhere to the following standards:

1. The pedestrian path shall maintain a minimum of six (6) feet from large obstructions (bus stop shelters or any other object fifteen (15) square feet in area). No tables, chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut. For the purposes of this section, large obstructions shall be bus stops shelters, newsstands, existing planters or any other object greater than fifteen (15) square feet in area.
2. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. The fire lane (emergency-vehicle access) shall not be obstructed at any time and shall have a minimum unobstructed travel width of 20 feet. There should be a minimum of forty (40) inches in distance separating the edge of a table, chair or other objects to a fire department connection.

Public and Private parking lots

Public and private parking spaces may be converted to outdoor patios when the lot is immediately adjacent to the property and near to the merchant's store front. The converted use must be in conformance with all Fire safety requirements for building accessibility and public health, local and executive orders. Pursuant to ADA requirements, no parking for disabled persons may be repurposed or replaced in parking lots for restaurant use. If you have questions regarding the Fire Code requirements, contact LFRA at (970) 962-2537 or Eplan-Fire@LFRA.org.

Setbacks on Private Property

Any permanent structures being proposed to expand the seating area for outdoor seating must meet required setbacks. Temporary placement of equipment such as wash stations and hand sanitizing stations or stations for staff set up and service do not need to meet required setbacks.

Temporary Outdoor Patios in Public Rights-of-Way

Outdoor seating within sidewalks and public rights of way shall maintain adequate pedestrian flow of at least 6 feet (Municipal Code requirement); access to public utilities, building entrances, crosswalks, bus stops and transit entrances; and shall maintain pedestrian and traffic safety and aesthetic compatibility with the surrounding area.

Construction, Signage, Maintenance

- Appropriate lighting of the outdoor patio space is required if operating outside of daytime hours.
- The patio space **must be operated for a continuous 8-hour window** if jersey barriers are required.
- Solar lighting options are encouraged.
- Use of electrical cords is discouraged. Electrical cords are not permitted across any pedestrian path at the ground level. All electrical cords must be elevated at least 96 inches above the ground if they cross a pedestrian path. Electrical cords shall be listed for outside use. Overloading electrical cords is a fire hazard and is not allowed.
- Use of landscaping and planters is permissible, however these materials should not be permanently affixed to any public rights-of-way.
- All temporary signage must be submitted for approval
- Use of removable barriers to define the outdoor restaurant space is required. If the patio is adjacent to vehicular traffic, jersey barriers will be installed prior to opening the patio to the public and are subject to additional fees.
- No heating, cooking or open flames are permitted in the outdoor restaurant space, including under canopies or tents. However, space heaters are permitted provided that they are anchored appropriately, listed for outdoor use, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other combustible object or material.
- No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
- All decorative materials shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. Visual appeal of the expanded patio space is encouraged. The review team will work with the applicant to encourage the use of decorative elements, tables, chairs and materials that add to the retail ambiance.

General Requirements for Use of Umbrellas on Sidewalks, On-Street Parking Spaces, or Closed Streets

The Loveland Fire Rescue Authority (LFRA) has a policy which provides details for International Fire Code compliance and can be obtained at 410 E 5th St., or on line at <http://lfra.org/wp-content/uploads/TentandCanopyPolicy2016Rev.pdf>. The requirements listed under “General Requirements for Restaurants Use of Tents or Shade Structures” must be met.

- Only commercial grade umbrellas with proper anchors may be used for shade. **Tents, tops, sidewalls and drops are not allowed in the public right-of-way.**
- High wind events are common in Loveland, and umbrellas can be quickly closed and harnessed where the other shade structures cannot. It is the merchant’s responsibility to secure their entire patio area, and they are liable for property damage caused by unsecured items in the expanded patios.
- Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.
- The following requirements shall apply to use of umbrellas within public spaces:
 - The maximum size umbrella that may be placed within sidewalks and parking spaces will be 10-foot diameter.
 - All umbrellas must be weighted with a minimum of 40 pounds per leg.
 - Weights must be securely attached to umbrella legs separately
 - Ropes and straps should be high quality
 - Bungee or rubber straps are prohibited
 - Weights must be on the ground and not dangling.
 - Weights and lines must not pose a hazard and be clearly visible.

- For maximum safety, umbrellas should be secured as soon as they are put up, and brought down as soon as weight is removed. Do not leave unsecured umbrellas at any time.
- Heaters of any kind shall not be used under umbrellas.
- Smoking is prohibited under umbrellas.
- Umbrellas must not have closed walls in place while open to the public, and all sides should be open for air flow.
- Items that make acceptable weights:
 - 5-gallon bucket full of water, sand, or concrete.
 - 4" PVC pipe at least 36" long filled with concrete.
 - Large commercially available umbrella weights.
 - Sandbags or salt bags 40lbs or heavier.
 - Loveland Fire Recue Authority oversees the use of shade structures within City Limits and may have additional requirements during the review process and/or during inspections.

Fire and Life Safety

The Fire Marshal's office will have staff available to assist with ensuring life safety needs and can be reached by calling (970) 952-2537 or emailing Eplan-Fire@LFRA.org.

Responsibility to Clear Right-of-Way

The City reserves the right to remove an outdoor patio space or objects that create an obstruction to, or cause congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public. Any temporary permit granted under the Loveland Patio Program is revocable at any time.

Each business is responsible for the removal, temporary or permanent, of equipment in the outdoor patio space for street and parking lot sweeping, redevelopment of the street or sidewalk if utility repairs necessitate such actions. If the City is required to remove the equipment in the outdoor space, any costs incurred by the City for removal or storage of outdoor restaurant tables, chairs and other equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.

Temporary Removable Barrier Materials for Patios without Jersey Barriers

Temporary barrier materials shall be provided by the business and be utilized to define boundaries of extended business operations. Safe pedestrian pathways between barrier walls must be provided. For questions relating to barrier wall placement, please call Matt Ruder at (970) 962-2647 or email at matt.ruder@cityofloveland.org.

Business Responsibilities for Street Use

It shall be the responsibility of the business to activate the spaces with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials as needed per site specific conditions. Maintenance (daily upkeep, litter cleanup, etc.) associated with business operations is the responsibility of the business. If a site is not maintained and cleaned, the temporary permit may be revoked.

Alcoholic Beverages – Liquor License Temporary Modification of Premises (submitted through online portal but processed via separate application)

The State Liquor Enforcement Division established regulations to allow on-premises consumption licensed establishments to apply for temporary modifications in order to pre-plan for temporary outdoor seating areas to support social distancing requirements while complying with all public health orders and other liquor laws and regulations. See attached Liquor License Temporary Modification Information Sheet and Form DR8442 – Permit Application and Report of Changes.