



City of Loveland Loveland Patio Program



The City of Loveland encourages retail businesses and restaurants to increase their capacity by embracing the public right of way adjacent to their business location. Expanded permits to use the right of way will be issued until September 12, 2020 and could be extended later into the fall by an order from the Governor's office or public health department. The **Loveland Patio Program** allows usage of public right of way between the hours of 7 a.m. and 10 p.m. We encourage you to think creatively to make this a welcoming and fun experience for the public while maintaining a safe shopping or dining distance for your customers.

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. 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 space with other businesses.

LOVELAND PATIO PROGRAM

Public and Private parking lots

Public and private parking spaces may be converted to outdoor dining when the lot is immediately adjacent to the property and near to the restaurant store front. The converted use must be in conformance with all Fire safety requirements for building accessibility and public health and governor orders for social distancing requirements. There must be at least six feet spacing between tables and pathways. 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.

Tents and Other Shade Structures on Public and Private Property

Tents that are less than 700 square feet may be erected in parking spaces to provide shade for the dining area. Any tent or air supported membrane structure greater than 700 square feet requires a tent permit. 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.

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 Dining in Public Rights-of-Way

Outdoor seating within sidewalks and public rights of way shall maintain adequate pedestrian flow of at least 48 inches (ADA 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.

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 48 inches (ADA requirement), shall be maintained for each outdoor restaurant 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 shall not be obstructed at any time. There should be a minimum of forty (40) inches in distance separating the edge of a table or chair to a fire department connection.

Construction, Signage, Maintenance and Umbrellas

- Appropriate lighting of the outdoor restaurant space is required if operating outside of daytime hours.
- 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.
- No heating, cooking or open flames are permitted in the outdoor restaurant space. However, space heaters are permitted provided that they are an outdoor approved type, 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 flammable object or material.
- No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way.
- 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.

Responsibility to Clear Right-of-Way

The City reserves the right to remove an outdoor restaurant 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 restaurant 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

Temporary barrier materials shall be provided by the business and be utilized to define boundaries of extended business operations. Any equipment or furniture placed in the parking space cannot be placed closer than 2 feet from the edge of the adjacent travel lane. 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 (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.

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

The following requirements shall apply to use of tents or shade structures within public spaces:

- The maximum size tents that may be placed within sidewalks and parking spaces will be 10-foot by 10-foot.
- No staking of tents is permitted in public rights-of-way.
- All tent legs must be weighted with a minimum of 40 pounds per leg.
- Weights must be securely attached to canopy roof and canopy leg 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, tents should be secured as soon as they are put up, and brought down as soon as weight is removed. Do not leave unsecured tents at any time.
- Heaters of any kind shall not be used under tents or umbrellas.
- Smoking is prohibited under tents and shade structures.
- Tents 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 tent weights.
- Sandbags or salt bags 40lbs or heavier

Loveland Fire Recue Authority oversees the use of vendor tents within City Limits. 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.



Temporary Modifications of Premises (COVID-19)

Emergency Regulation 47-302(F) and 47-1102 Guidelines and Application Checklist

These emergency regulations were adopted 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.

What types of licenses qualify to apply for a temporary modification?

Hotel/Restaurant - Brew Pub - Distillery Pub - Vintner's Restaurant - Fermented Malt Beverage - Beer & Wine - Lodging & Entertainment - Optional Premises – Club - Arts - Breweries (State approval only) - Wineries (State approval only) - Distilleries (State approval only)

What application form is to be used for a temporary modification?

State Form #8442 – Permit Application and Report of Changes (attached with areas required highlighted)

What documents are required to be submitted with the Permit Application and Report of Changes?

- Diagram of new, temporary area to be licensed that includes: a) dimensions of the new space; b) entrance/exit points; c) seating layout; d) boundaries (area may not block pedestrian movement and must provide for 52" of space to meet ADA requirements) **BOLD outline in red, the boundary of service.**
- Lease, deed, or other written permission to utilize the new space proposed for the temporary modification
- You must comply with building and zoning laws; contact Building and Fire to determine any restrictions:
Building: 970-962-2662
Fire: 970-962-2537
- Written Control Plan that includes: a) hours of operation; b) new signage plans; c) plan for music or entertainment; d) how service to underage individuals and intoxicated patrons will be monitored and prevented; e) security measures; f) description of barriers used to maintain boundaries of new space to be added; g) how overall area will be monitored to assure alcohol beverages do not come onto or leave the additional space; h) lighting plans
- If on a City-owned right-of-way, Certificate of Insurance naming the City as an additional insured in the amount of \$1 million dollars

Download the required application, guidelines, and emergency regulations found at <http://www.cityofloveland.org/government/city-clerk/liquor-licensing> and apply. Complete applications with all required attachments and documentation can be submitted via email at sarah.jacobsen@cityofloveland.org or you may call (970) 962-2324 for assistance.

What are the fees for a temporary modification?

The City of Loveland is waiving fees associated with Temporary Modification Applications, so no fees are required at the time of filing your application. There is a one-time fee of \$150 to be submitted to the Department of Revenue; pay online at <https://secure.colorado.gov/payment/liquor>

Does my premises need to be posted?

Pursuant to an order established by the Loveland Liquor Licensing Authority on May 21, 2020, all licensees applying for a temporary modification of premise must have their property posted for five days prior to approval by the Local Licensing Authority. Once a completed application is accepted by the City of Loveland, you will receive the information for posting of the premises.

When does the temporary modification expire?

Approved temporary modifications will expire in 120 days from the effective date of the emergency regulation, unless extended by subsequent State Rule or action.

How long will it take to process a temporary modification?

The City of Loveland and the State of Colorado will review these applications concurrently to help expedite approval and issuance of a temporary modification permit. A public notice will be required to be posted on the site provided by the City Clerk's Office. **Contact the Loveland City Clerk's Office at 970-962-2000 x9 for specific questions or clarification.**

Incomplete applications cannot be accepted in the spirit of expediency in approval for businesses!

Permit Application and Report of Changes

Current License Number _____
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee \$ _____

1. Applicant is a <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company	Present License Number
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2. Name of Licensee _____	3. Trade Name _____
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4. Location Address _____

City _____	County _____	ZIP _____
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SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
• License Account No. _____ <input type="checkbox"/> Manager's Registration (Hotel & Restr.)\$75.00 <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE	<input type="checkbox"/> Retail Warehouse Storage Permit (ea).....\$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) 100.00 <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) 50.00 <input type="checkbox"/> Change Location Permit (ea) 150.00 <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ <input type="checkbox"/> Duplicate License \$50.00	<input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period

The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE	\$.00
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Change of Manager	<p>8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8).</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only) Former manager's name _____ New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p>9. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____ _____ _____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>
Campus Liquor Complex Designation	<p>10. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Additional Related Facility	<p>11. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided Yes <input type="checkbox"/> No <input type="checkbox"/></p>

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature	Title	Date
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date