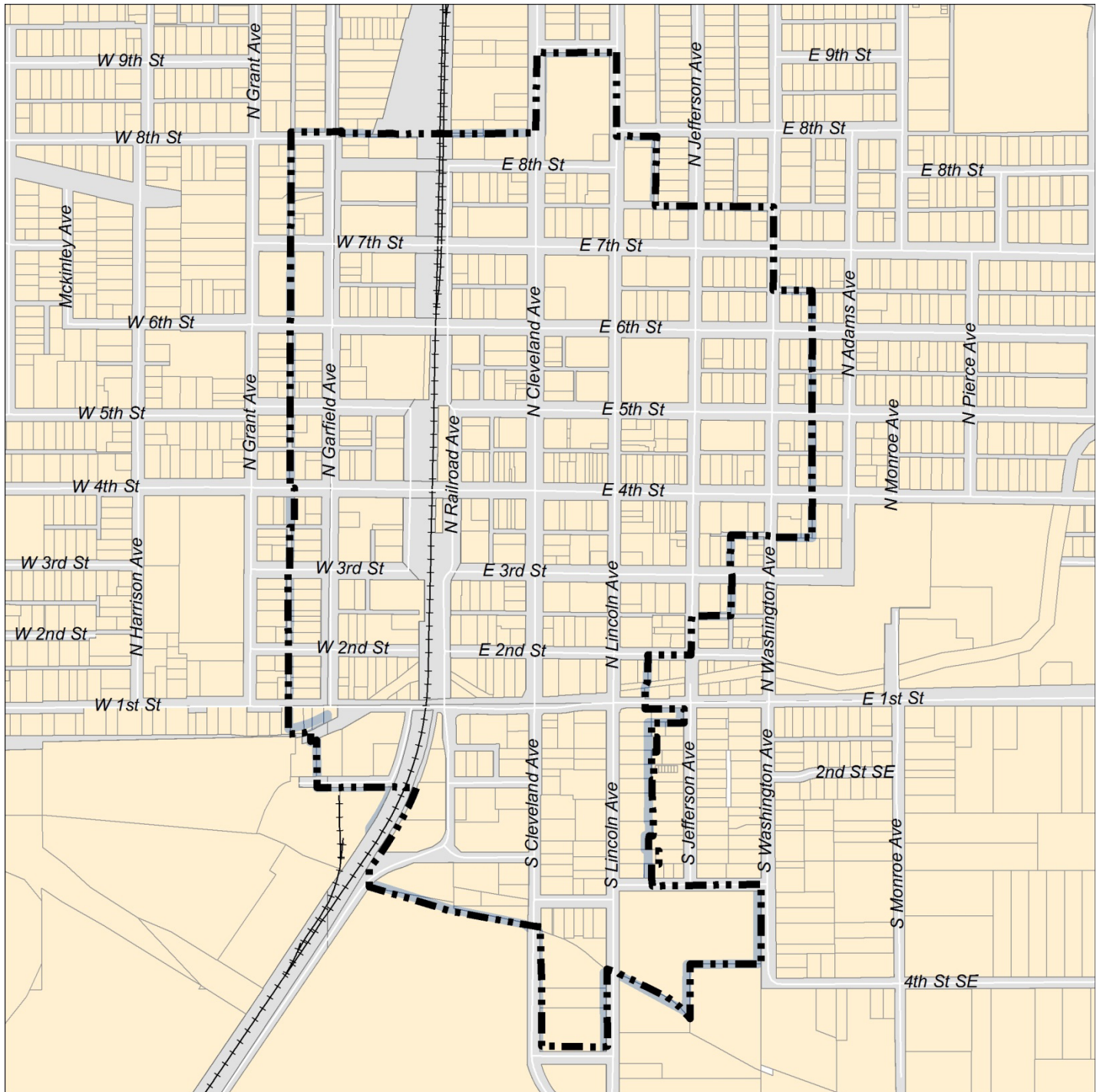


Encroachment Design Guidelines

DOWNTOWN LOVELAND, CO



An encroachment is the use of a portion of the public right-of-way (typically the sidewalk) for commercial purposes, such as for outdoor dining or display of merchandise. Encroachments in the Downtown BE-Zone must comply with these Design Guidelines (see boundary map above).

Allowable Encroachments

Vision

Outdoor dining, seating areas, and signage are integral to creating a vibrant and successful downtown. The City of Loveland offers restaurants and businesses the option of utilizing the public sidewalk in the right-of-way for these amenities. The material and design of the outdoor street amenities used to create these areas is important to establishing the image for the area in which they are located. In addition, the safety and flow of pedestrian traffic is an important consideration. The Encroachment Design Guidelines are intended to ensure that restaurants and businesses use the public sidewalk in a way that is safe for pedestrians and attractive to the downtown as a whole.

Outdoor amenities such as tables, chairs, awnings, umbrellas, planters, flower boxes, and lighting fixtures are allowed and encouraged.

Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture must be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials. ([Section 18.24.060.F.3.](#) of the Loveland Municipal Code)

Encroachment Permit Required

A City Revocable Encroachment Permit is required for any permanent item placed within the public right-of-way. This permit is required regardless of any other approvals, such as building permits or right-of-way work permits.

Non-fixed objects such as tables, chairs, and A-frame signs do not require a permit, but must comply with these design guidelines and placement must maintain adequate circulation flow. Non-fixed objects must be removed from the public right-of-way outside of normal business hours.

Circulation Flow

As established by Section 12.28.030 of the Loveland Municipal Code, all encroachments must leave at least 6 feet in width of unobstructed pedestrian space. These 6 feet must be clear of obstructions caused by trees, tree wells, posts, hydrants, planters, street signs, bike racks, newspaper boxes, or any other infrastructure. No part of any permitted encroachment, including planters and A-

frame signs, may extend into the 6-foot-unobstructed zone. In addition, at least 2 feet of area must be kept clear along the curb to account for vehicle overhang in areas with diagonal parking.

Furniture and Fixtures

All furniture and fixtures such as tables and chairs must be of high quality, durable and attractive, and must be consistent in color, style and type. Furniture should be commercial grade and manufactured for outdoor use.



Figure 1. High quality furniture

Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, utility boxes, bike racks, newspaper boxes, or any other street infrastructure at any time.

Planters

Planters are encouraged to provide visual interest and create a more attractive and welcoming atmosphere. All planters must have plants contained within them. If the plants within a planter die, the plants must be replaced or the planter removed promptly from the public right-of-way. Planters not featuring winter-hardy plants must be removed from the public right-of-way during winter months.



Figure 2. Planters are encouraged

A-Frame Signs

A-frame signs are allowed in the permitted encroachment area, but must not exceed 6 square feet and must have a maximum height of 4 feet (Section 18.50.070.D.1e of the Loveland Municipal Code). Placement of A-Frame signs must maintain adequate circulation flow.



Figure 3. A-frame sign

Awnings

Awnings must be attached to and supported from the wall of a building and held up by its own supports. Awnings attached to support posts and fixed to the ground are not permitted. All awnings require a building permit.

Allowable Encroachments

Umbrellas

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use in outdoor dining areas desirable.

Maintain Circulation Flow:

To ensure effective pedestrian circulation flow, the entire canopy of the open umbrella must leave 6 feet in width of unobstructed pedestrian space.

Minimum Height for Sidewalk Clearance:

When extended, the umbrella must measure at least 7 feet above sidewalk grade in order to provide adequate circulation space below. This measurement includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other ornamentation.

Maximum Height:

No part of an umbrella may exceed a height of 10 feet above sidewalk grade.

Railings

Materials:

Railings must be constructed of architectural or decorative metals designed for outdoor use only. The use of chain-link, cyclone fencing, chicken wire, corrugated metal, or similar materials are not allowed. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, tires, tree stumps, food containers, pallets, vehicle parts, etc.) may not be used as components of an enclosure, unless otherwise permitted in these Design Guidelines.

Color:

Acceptable colors for railings include black, dark brown, dark green, and naturally dark metal colors.

Structure:

A variety of styles and designs are acceptable for railing enclosures. Sectional railing (rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor seating areas as they are portable, but cannot be easily shifted by patrons or pedestrians.



Figure 4. Sectional railing

Railings may also be bolted to the sidewalk or installed in sleeves in the sidewalk. However, it is preferable to have railing enclosures with the flexibility to be temporarily moved. The location of sleeves must be coordinated with existing utilities prior to installation. Sleeves must be filled or plugged in a manner as to not cause a trip hazard when posts are removed.



Figure 5. Bolted railing



Figure 6. Railing installed in sleeves

Form:

No floor-type structure may be constructed over the sidewalk.

“Open” Appearance: Railings must be at least 50 percent open (see-through) in order to maintain the visual permeability of the streetscape.



Figure 7: Unacceptable 50 percent open appearance

Height: The maximum height of all railing enclosures must be 42 inches, not including the support posts or ornamental features. Posts or ornamental features must measure no more than 46 inches in height from sidewalk grade.

Access Openings:

Any access opening within the enclosure must meet ADA accessibility requirements. Opening widths will be determined by the Building Division based on the occupancy of the business establishment.

Encroachment Permit Application

Application and Approval Process

1. The first step in applying for a Revocable Encroachment Permit is to obtain the application. Please visit <http://www.cityofloveland.org/index.aspx?page=1791> or call (970) 962-2555 to obtain the application. All applications must include detailed drawings and photographs. If you have questions about any of the following matters, please contact the designated staff person:

FOR QUESTIONS ABOUT YOUR ENCROACHMENT PERMIT:

Dave DeBaere, Engineering Division: (970) 962-2510

To find out if your project requires an encroachment permit.

FOR DESIGN RELATED QUESTIONS:

Karl Barton (970) 962-2721 or Bethany Clark (970) 962-2745, Community & Strategic Planning

For questions about the encroachment design guidelines or the design of your project.

FOR BUILDING PERMIT RELATED QUESTIONS:

Tom Hawkinson, Building Division (970) 962-2509

To find out if your project requires a building permit, or to determine ADA accessibility widths for your enclosure. Approval of a Revocable Encroachment Permit does not preclude any required Building Permits.

Any one of the City's reviewers would be happy to meet with the applicant at any time in the process to discuss their proposal and compliance with these Design Guidelines.

2. The second step is to submit your application, along with the required drawings, photographs, and insurance to:

Dave DeBaere
City of Loveland Engineering Division
410 East 5th Street
Loveland, CO 80537
dave.debaere@cityofloveland.org

Insurance and Bond Requirements

All encroachment permit applications must be accompanied by the appropriate insurance requirements. An approved certificate of insurance must be on file with the City of Loveland and must be submitted annually with coverage as follows: 1. The permittee shall carry and maintain in full effect at all times a commercial general liability policy, including broad form property damage, completed operations contractual liability, explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, for limits not less than \$1,000,000.00 each occurrence for damages of bodily injury or death to one or more persons; and \$500,000.00 each occurrence for damage to or destruction of property; \$1,000,000.00 in comprehensive automobile liability and 2. Workers compensation insurance as required by state law.

3. The final step in the process is when the City circulates the application to all appropriate departments necessary for review and approval. Applications are typically processed within one week. If there are any issues with the application, the City's Engineering Division will contact the applicant to correct the issues.

Pursuant to Section 12.28.030 of the Loveland Municipal Code, these Encroachment Design Guidelines have been established by the city engineer for the purpose of issuing revocable encroachment permits to ensure that the proposed encroachment does not constitute a nuisance, impair the use of the right-of-way by the public, constitute a traffic hazard, or in any other way adversely affect the public health, safety, or welfare.



David W. Klockeman, City Engineer

Revised: January 16, 2013