



# CITY OF CONCORD

*New Hampshire's Main Street™*

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Councilor Erle Pierce, Chair of the Ad Hoc Outdoor Dining and Food Truck Committee

**DATE:** January 25, 2023

**SUBJECT:** Proposed Revisions to Outdoor Dining Permit Program Regulations

### **Recommendation:**

Accept this report from the Committee recommending changes to the City's Outdoor Dining Permit Program.

### **Background:**

The Committee recently met on December 6, 2022 and January 10, 2023 to review rules and regulations for the Outdoor Dining Permit Program, as previously enacted in spring 2022. The minutes of these meetings are attached to this report. The Program provides opportunities for restaurants to use public spaces for outdoor dining but with certain, important, limitations to mitigate for potential sprawl and ensure aesthetics and safety.

The Committee also discussed and reviewed the communication plan to further inform the public about the opportunity for food trucks to operate in the Downtown area. Staff will continue to market this opportunity to potentially interested parties.

### **Discussion:**

The Committee recommends the attached revised regulations be accepted by City Council. The salient points are noted below:

- Any outdoor amenities used to delineate an outdoor dining area must comply with the City's updated Main Street Design Guidelines, which are attached to this report. Pertinent updates are specifically noted on pages 6-7 of the attached Guidelines.
- Table umbrellas, as well as metal frame barriers with fixed canvas panels used to delineate an outdoor dining area, cannot be tattered, torn or faded in any manner.
- The process for completing an application has been updated to reference the online permitting portal, since paper applications are no longer accepted.

- The “outdoor dining season” continues to run from April 15 to November 15. However, the outdoor dining season may be permitted on a year-round basis on city-owned land in accordance with an applicable license agreement with no additional fee so long as all furniture and tents are adequately roped, braced and anchored to withstand prevalent weather conditions. The restaurant shall be required to maintain the outdoor dining area safe for public travel and use, which includes ensuring that it is free from snow and ice during operations.

Concerning no additional fee for extended dining season, the Committee felt this approach was appropriate as entities operating on fee owned City real estate via license agreements are subject to payment of property taxes for said City real estate in accordance with RSA 72:23.

By accepting this report, Council authorizes the City Manager to immediately institute the program as outlined.

w/att.:           Regulations to Permit Use of Public Space for Outdoor Dining  
                      Updated Street Furniture Guidelines  
                      Minutes of December 6, 2022 and January 10, 2023 meetings