



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Heather R. Shank, City Planner

DATE: January 29, 2018

SUBJECT: Main Street Design Guide Draft & Proposed Regulatory Amendments

Recommendation:

Provide direction to staff on the draft of the Main Street Design Guide and proposed regulatory amendments.

Background

In the summer of 2017, staff was asked to develop guidance for the City with regard to features permitted within the reconstructed Main Street right of way, and the public and private use of the sidewalk areas. Planning staff held several work sessions with the Architectural Design Review Committee (ADRC) and the Planning Board to develop guidelines in response to this request. In addition to the proposed guidelines, several recommendations for regulatory changes arose during this process. This report summarizes the purpose and intent of the proposed Main Street Design Guide, as well as the recommendations for regulatory amendments.

Discussion – Main Street Design Guide

The Main Street Design Guide offers standards to coordinate the use of Main Street's sidewalks by businesses and pedestrians. It also provides guidance to applicants regarding signs, awnings, overhangs, lighting, public art, alterations to existing buildings, and design of new buildings. The guidelines are framed to ensure that changes to Main Street are made without adversely impacting its distinctive architecture and character.

The guide is intended for property owners, residents, business owners, and other tenants to assist with applications, projects, or uses that may affect the appearance or function of the streetscape. It is also intended for the ADRC, to use in conjunction with the Architectural Design Guidelines and other City standards to evaluate Architectural Design Review applications.

Staff notes that this document is unique in that it is intended to be used to assist with Planning Board applications and the development of Main Street, yet also pertains to use of the right of way, which is the purview of City Council. It is the intent of the Board to adopt the final guidelines as a Planning document and, along with an amendment to the Site Plan Regulations, to include it as part of the review criteria for ADR applications. However, the Board voted to first present this draft to Council for feedback. The Board also recommended that the City hold a public meeting with downtown business owners and members of the public if or when Council determines this to be an appropriate action.

Discussion – Recommended Regulatory Changes

During the discussion on proposed guidelines, the Board and ADR felt that certain items should have more authority than a guideline, and so recommended that these items be codified in either the General Code, or the Zoning Code.

The items recommended for zoning changes pertain to internal illumination of signs, projecting signs, and architectural illumination of buildings. Staff presented proposed sign amendments to the Board during their January meeting. These are anticipated to come before City Council for a public hearing in April.

The remaining regulatory recommendations pertain to the City right of way, and as such, would be codified in the General Code. These include:

Prohibit balconies within the right of way. To ensure the safety of pedestrians on the sidewalk and preserve the architectural integrity of the historic streetscape, balconies should not be permitted in the right of way, and should only be permitted if they can be inset without damage to historic structures, or if there is sufficient space on private property.

Require a minimum 5-6 foot wide pedestrian clear zone. To promote adequate ADA accessibility of the sidewalk, business owners utilizing the sidewalk right of way should maintain a minimum 5-6 foot wide linear pathway unobstructed by dining furniture, signage, planters, or any other private amenity. Staff recommends that this be clarified in the code with a diagram.

Require a minimum 3 foot wide clear area around public amenities. To ensure adequate access to public amenities including but not limited to benches, bike racks, waste receptacles and parking kiosks, business owners utilizing the sidewalk right of way should maintain a minimum 3 foot wide clear area around any public amenity. The clear area should be unobstructed by dining furniture, signage, planters, or any other private amenity.

Require all private amenities in the right of way to obtain a license/permit and liability insurance, including A-frame signs. Like current practice in the City regarding outdoor dining permits, the Board felt that business owners in the CBP should undergo a similar process for A-frame signs. A number of recommendations pertaining specifically to outdoor dining and signs were made, including:

- Picnic tables, including tables with attached seating should not be permitted in the right of way;
- A-frame signs should not be illuminated, should not be permitted during storm events, and should not exceed 3 feet in width or 4 feet in height;
- Only one A-frame sign should be permitted per business or building, which should be located within a certain distance of the business; and
- Other than A-frame signs, private signage is not permitted in the public right of way, including in planters or on benches.

During the process of discussion and review for outdoor dining and signage guidelines, the Board asked staff to investigate how other communities regulate these uses. Staff researched regulations from Portsmouth, Keene, Dover, Newmarket, Durham, Bedford, and Portland, Maine. Staff found that all of these communities, with the exception of Durham and Bedford, had adopted codes that require a license or permit, with liability coverage, for outdoor dining and A-frame signs. Bedford and Durham had codes requiring permits for A-frame signs, though staff could not confirm whether they also regulated outdoor dining similarly.

During discussions regarding these recommendations, the Board emphasized the benefit of not only having the ability to regulate the number, size, and location of signs in the right of way, but also of having the liability coverage to protect the City. It should be noted, however, that this recommendation has not yet been vetted by the Code Administration division as to practical feasibility.