



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

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City Planner

TO: Planning Board Members
FROM: Heather Shank, City Planner
DATE: June 20, 2018
SUBJECT: Ordinance Amending the Code of Ordinances, Title I, General Code; Chapter 5, Public Works; Article 5-1, Highways and Sidewalks

Background

In the summer of 2017, Planning 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 met with the Architectural Design Review (ADR) Committee and the Planning Board to develop guidelines in response to this request. Recommendations pertaining to the use of private amenities in the public right of way were discussed during this process.

Staff presented a draft of the Main Street Design Guide, along with an outline for regulatory changes, to City Council during their February 12th, 2018 meeting. City Council agreed at that time that staff should hold a public meeting to present the proposed Guide as well as the regulatory changes to the Main Street business owners for feedback. A public presentation was held on May 2nd, 2018, at which time the business owners present expressed positive support for the Guide and the outline for the regulatory changes.

Staff subsequently drafted the attached documents to implement the recommendations. Staff worked with Code staff and the Legal Department to draft the attached amendment creating the regulatory framework for the process, and also to revise the existing Sidewalk Encumbrance Application.

Discussion

One of the central goals of the Main Street Design Guide was coordinating the use of the sidewalk for businesses and pedestrians to ensure that accessibility is maintained for all users. This was accomplished by designating “zones” in the right of way for various uses. “Zone A” may be utilized by a business owner for outdoor dining; “Zone B” is intended to remain clear of any object at all times for a width of six (6) feet to maintain accessibility for pedestrians; and

“Zone C” is the public furniture zone, which also may be utilized for outdoor dining provided no public amenity is blocked.

The intent of the proposed amendment is to formalize the regulatory process to allow staff to issue permits for outdoor dining as well as sidewalk signage and/or other amenities that a business owner may want approval for. Staff also recommended revisions to the current permit application and regulations to formalize the sidewalk zones and better accommodate the recommendations of the Design Guide to permit sidewalk signs.

Also recommended through the Design Guide discussions was to prohibit balconies in the public right of way. Specific recommendations for when balconies should be permitted were included in the Design Guide. Staff notes that minimal intrusion for the purpose of Juliet balconies (less than (8) inches) was not discussed during the process, though Juliet balconies are noted as acceptable solutions in the Design Guide. Staff proposes in the current amendment that minimal intrusions for Juliet balconies be allowed provided the issue is addressed to prevent objects from falling onto the sidewalk.

Staff also conducted research on area municipalities with outdoor dining and sidewalk sign regulations during this process. The results of the research are attached. Staff notes that all other municipalities charge a fee for the initial application and annual renewal of permits for outdoor dining and sidewalk signs. While not proposed in the current amendment, Staff recommends that the City adopt a similar policy of charging fees to cover the cost of review and administration of the permits, including the cost of stickers provided to business owners to document permit approvals. A fee of \$50 per year for outdoor dining and \$25 per year for sidewalk signs would be consistent with the lowest fees charged by the area municipalities.

Recommendation

Provide feedback on the amendment to the City Code to regulate the business use of the public right of way, including for outdoor dining, sidewalk signage, and other private amenities that may be located in the public right of way.