

Planning Commission Feedback:

On March 19, 2019, the Planning Commission strongly endorsed the proposed Amendment to the Code of Ordinances to Regulate Sidewalk Dining Activities. Their discussion of the item included the following questions and considerations:

- Suggestion: Consider widening the amount of clearance from 5 feet to 6 feet to increase accessibility.

Staff Response: The interest of the amendment is to offer more flexibility to the small business owner while also preserving the safety and accessibility of the public right-of-way. 5 feet of unobstructed paved sidewalk complies with American Disabilities Act and allows two people to walk side by side along the corridor. In cases where 5 feet would pose a safety concern, the ordinance allows the Town Manager to increase the minimum requirement for a clear passage width.

- Question: Does the 5 feet of clearance mean furniture has to be 5 feet from the front of buildings? Would Med Deli have to move the table and chairs next to their building?

Staff response: The 5 feet of clearance is meant to provide "at least 5 feet of unobstructed paved space of the sidewalk measured from any permanent or semi-permanent object." In the case of Med Deli, for example, this space can be measured from the tree planter as long as the five feet of paved space of sidewalk is provided. In other words, tables do not have to be 5 feet away from a building to comply with this language.

- Question: Can the minimum 6 feet from a travel lane be reduced on non-State streets?

Staff response: Yes. The Town can create independent regulations for non-state roads. At this time, staff recommends maintaining consistency with state regulations. If the needs of restaurants on other streets change, staff will bring them forward to the Council for consideration.

- Question: Can restaurants below or above street level perform sidewalk dining?

Staff response: The ordinance specifies that businesses must have street frontage to have sidewalk dining. At this time, staff recommends maintaining this requirement. If the needs of restaurants on other streets change, staff will bring them forward to the Council for consideration.

- Suggestion: Protect bus stop area access.

Staff response: Staff made added bus stops to the list of objects that must have ADA-level access in Section 17-86g.