



# Policy Recommendations For Use of Public Space | Outdoor Dining

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Economic Development Commission  
Outdoor Dining Working Group

August 2023

**DRAFT**  
**REVISED**



# Overview

## The EDC objective is to present recommendations on best practices for Outdoor Dining to the City Council

- Regulate the safety and flow of vehicular and pedestrian traffic
- Define a standard of visual appropriateness and streetscape conformity within historic downtown Portsmouth
- Create outdoor dining spaces easily usable by people with disabilities
- Create a framework for the fee committee
- ~~Provide opportunity for retailers to apply for usage of outdoor public space under program~~ *(the staff does not support the inclusion of this bullet point vs. purely making outdoor dining recommendations - in their mind there are different safety concerns for retailers to apply for use of public space i.e. parking spaces vs.. outdoor dining)*

# Traffic

Maintain current limitations on traffic flow as **recommended for in-2023 by city staff\*** ~~over staff objections~~ recommendations, including the following:

- ~~• One-way streets: Maintain at least one functional travel lane if to remain open\*.  
\* Allow for **temporary** closure of one-way streets if vehicles per day is < 1,000 cars per day~~
- Two-way streets: Maintain a minimum of two travel lanes in order to preserve existing traffic flow.**



# Abutter approval | Length of season

- Require **ground floor** abutter approval **annually** if seeking to expand beyond restaurant's front footage width.
- Season: May 1 to Indigenous Peoples Day
- *Staff requested/suggested application deadline of April 10<sup>th</sup> (except for new businesses who open post April 10<sup>th</sup>)*



# Fee considerations

- Fee to be determined on an annual basis by the City Council Fee Committee.
- **Uniform pricing per square foot of usable city space including sidewalk areas, parking spaces, loading zones and travel lanes. No fractional parking spaces allowed. EDC to discuss two tier approach: 1) sidewalk areas, and 2) on-street (parking, loading, etc.)**
- The EDC recommends the Fee Committee's consideration of **fully burdened cost recovery, inclusive of** lost parking revenue, cost of jersey barrier installation and storage, **administrative expenses incurred by City.**
- The EDC recognizes the City's overall parking revenues' continued growth and the economic stimulus created by providing additional seasonal capacity for restaurants.
- Using the city's calculations, the current May 1-Oct 9 parking space value would be \$3,517. The City recovers a portion of the lost revenue when the driver chooses an alternate City parking space.
- **2023: Outdoor dining permit fees estimated to be around \$80,000. Approximately 30 parking spaces are offline to accommodate dining permits.**

# Design Standards

Best practices for the design of outdoor dining. **EDC recommends City Council consults with Historic District Commission to obtain concurrence on design standards within the Historic District.**

## Objectives:

- Create an easy-to-modify document that can evolve as downtown needs change and future downtown master planning occurs.
- Regulate the safety and flow of pedestrian & *vehicular* traffic.
- Define a standard of visual appropriateness and streetscape conformity within historic downtown Portsmouth.
- Create outdoor dining spaces easily usable by people with disabilities.
- **Require annual application & applicable permits from to/from City to confirm compliance with required spacing, ingress/egress, pedestrian/patron flow, and accessibility and other safety requirements in order to obtain Certificate of Occupancy for usage of outdoor public space, issued following satisfactory inspection confirming compliance with design.**
- *Application required to include drawings and cut sheets, detailed plans and any power source requirements.*

# Furniture

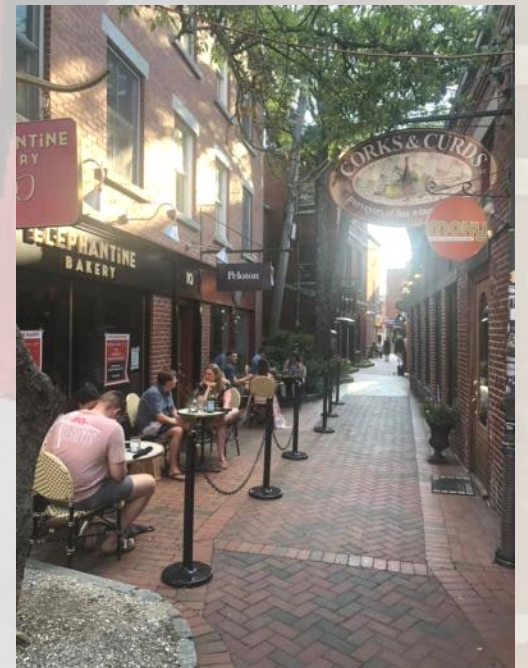
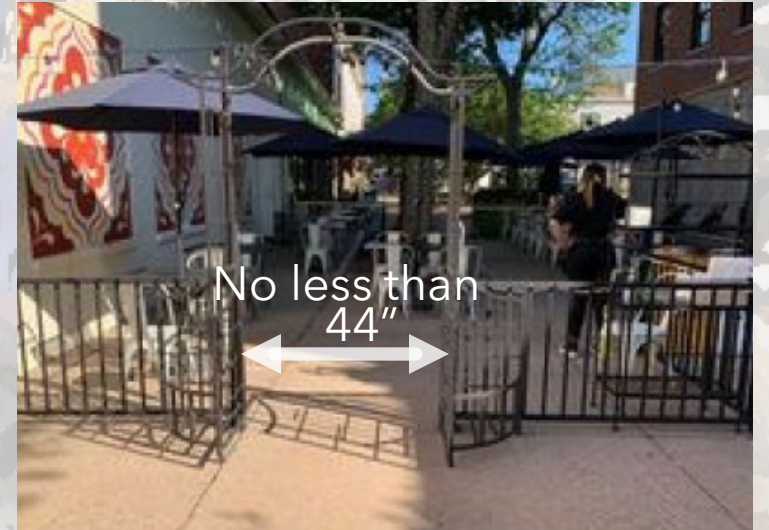
- Restaurants must provide sturdy tables and chairs suitable for outdoor use and capable of withstanding different weather conditions. Tables made of metal, finish grade wood and sturdy recycled materials are encouraged. Seating must be properly finished such that there is no rust, splintering or deterioration.
- *Details must be provided in advance for approval*
- Tables may not exceed 30" in height.
- Tables must accommodate people who use wheelchairs either by using movable seating, a 19" deep tabletop overhang, or a space for a wheelchair.
- No advertisements or logos on umbrellas.





# Barriers | Sidewalk

- **Sturdy barriers such as freestanding sectional fencing, rope or chain are acceptable, not to exceeds 72" in height. No advertisements are allowed on barrier fencing. Stanchions with rope or chain are permitted for sidewalk use.**
- **Entry access to dining spaces to be no less than 44"**
- **Materials not manufactured for fencing or pedestrian control, including but not limited to buckets, food containers, tires, tree stumps, pallets, etc may not be used as components of barriers. No chain link fencing, plastic, vinyl, chicken wire or cyclone fencing. Alternative materials may be used with City approval.**



# Barriers | Parking Space, ~~Travel Lane~~

- **No Travel Lane usage for Outdoor Dining as recommended by City staff\*.**
- Maximum barrier height 36"
- Planters may be used as part of or on top of barriers; plants / greenery are not to exceed 6' in height above the sidewalk. **Maximum total height not to exceed 3.5 feet within 20 feet of a crosswalk.**
- ~~Travel lanes with intersections should be limited from on-street usage within 30 feet of the back of the crosswalk if a traffic light or stop sign exists; this limitation should be reduced to 20 feet if a stop sign.~~
- City-provided jersey barriers will be used on the leading edge of dining areas, and may also be used on other edges for safety, to be determined by City.
- Alternate barriers require approval from the City.

**\* Refer to Traffic slide RE: temporary closure.**



# Platforms, Parklets

- Platforms or parklets must be used in all on-street dining **in both** parking spaces **and travel lanes**, unless the space is curbless.
- Platforms and parklets must be flush with the curb to create a seamless extension of the sidewalk.
- Platforms and parklets are limited to a maximum width *of the on street parking space so as to not encroach upon any travel lanes 10' from curb edge, or no more than 10' in the case of diagonal parking spaces.*
- Platforms and parklets will be built from durable materials such as wood or metal.
- Parklets may extend taller than 36". The space above 36" must be **primarily** transparent (see-through) to maintain visibility of street level activity. **In no case should height exceed 72".**

