

Public Works and Services Committee

of the City of Racine, Wisconsin

AGENDA BRIEFING MEMORADUM

AGENDA DATE:	Public Works & Services April 9, 2019 Common Council April 16, 2019
SUBJECT:	Proposed amendments to Chapter 82 of the Municipal Code related to encroachments on the sidewalk portion of the public right-way in pedestrian oriented business districts.
PREPARED BY:	Jeff Towne, Economic Development Specialist
EXECUTIVE SUMMARY:	Staff is responding to requests from business owners and the Business Improvement Districts (BIDs) to create standards allowing for the placement of temporary encroachments upon a public sidewalk in pedestrian oriented business districts having zoning classifications on B-2 or B-4.
BACKGROUND & ANALYSIS:	<p>The City currently allows sidewalk cafes to occupy portions of public sidewalks with a Sidewalk Café License. The proposed ordinance section would also allow small items such as benches, merchandise, planters, seasonal decorations and artwork to be placed on the public sidewalk directly in front of a licensee's building.</p> <p>The placement of items will be limited to pedestrian oriented business districts, which consist of properties with buildings fronting directly onto a public sidewalk in B-2 and B-4 zoning districts. Not all properties within these districts may be in a location that allows for the placement of items due to existing sidewalk widths and location of light poles, bus stops, loading zones, etc.</p> <p>The proposed ordinance language draws from the current code sections regulating sidewalk cafes and incorporates standards related to the placement of other items on a public sidewalk. The proposed standards will reflect the need to maintain safe clearance for pedestrians and for compliance with ADA standards related to issues such as mobility and visual impairment. Items shall not be placed in ways that can impede pedestrian use of the public sidewalk, and the standards are designed to strike a balance between business owners' requests and the public's access to the sidewalk.</p> <p>Several revisions have been made that differ from the draft ordinance that was scheduled to go before the PW&S Committee on March 26, 2019. The current draft states:</p> <ul style="list-style-type: none">• The annual license would run from March 1 through December 31.• The revised version of the ordinance removes language prohibiting fixtures from being attached to a building.• The required drawing part of an application will not need to be to scale, but approximate to scale of the area and items.• The ordinance specifies flags as being allowed provided that they are attached to a building at a height of no less than 5 feet, and do not obstruct the path of travel with a minimum clearance of 7 feet.• The trash removal provision has been simplified.• Language regarding distances and clearances has been clarified as well. <p>The proposed ordinance amendments do not preclude community projects, such as DRC's annual art projects from occurring. These will continue to be approved as they have been historically, with committee and Council approvals covering a designated area. Participants in these projects will be covered under any standards approved as part of the project and individual property owners will not have to obtain Temporary Encroachment Permits to participate in these projects.</p>

The City will maintain the right to access any portion of the right-of-way/sidewalk at any time. The Temporary Encroachment License may be revoked or suspended upon violation of the ordinance. Provisions to appeal any suspension or revocation will be included in the ordinance with these appeals going before the Public Works and Services Committee.

As with other street occupancies, an application form, a fee and a certificate of insurance will need to be filed by the applicant as part of the application process. The permitted encroachments are intended to be temporary in nature and in accordance with State Statutes regarding privilege in the right-of-way. The proposed fee for a Temporary Encroachment License would be \$20.00 for the initial application, and subsequent annual renewals would have no fee, unless changes that differ from the initial approval are requested.

BUDGETARY IMPACT:

N/A

RECOMMENDED ACTION:

This item move to Common Council on April 16, 2019 for approval.