



Board of Public Works and Safety

Agenda Item

Cover Sheet

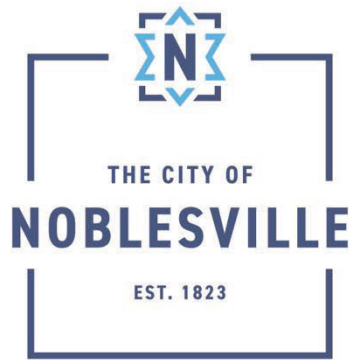
MEETING DATE: April 23, 2024

- Consent Agenda Item
- New Item for Discussion
- Previously Discussed Item
- Miscellaneous

ITEM #: 2

INITIATED BY: Aaron Head

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets



TO: BOARD OF WORKS AND PUBLIC SAFETY
FROM: AARON HEAD, COMMUNITY ENGAGEMENT MANAGER
SUBJECT: SEASONAL DISTRICT-WIDE ENCROACHMENT REQUEST
DATE: APRIL 15, 2024

This is a request for a Seasonal District-Wide Encroachment permit for outdoor dining and seating through Thursday, October 31, 2024.

The blanket encroachment allows businesses the opportunity to provide outdoor seating for patrons. Businesses will need to fill out an application and site plan that will be kept on file with the Planning Department and must follow the established guidelines, including providing a 48-inch passing zone, and all applicable ordinances.

If you have any questions prior to the meeting on April 23rd, please feel free to contact me at 317-776-6324 or at ahead@noblesville.in.us.



Seasonal District-Wide Encroachment

This seasonal district-wide encroachment permit extension expires at 11:59 p.m. on Thursday, October 31, 2024.

Businesses in the Downtown District may arrange and maintain tables and chairs to facilitate outdoor dining or outdoor seating for patrons and guests. Businesses may only put out seating areas directly in front of their business unless they have made arrangements with an adjacent neighboring business. **Each business that would like to participate must provide a completed encroachment application that includes a site plan with measurements to ensure that all requirements are met prior to using the public right of way.** The Community Engagement Manager and Code Compliance Manager will work with businesses throughout this process. These applications require businesses to follow all applicable ordinances and will be kept on file with the Planning Department.

Businesses must provide a 4 foot (or 48 inch) passing zone on the sidewalk outside of any arranged tables and chairs to maintain ADA compliance. This is obtained by measuring from the inside edge of the brick sidewalk ribbon 4 feet (or 48 inches) towards the business' building. See the example on page 2.

Square tables must be no larger than 36" on each side.

Rectangular tables must be no larger than 36" deep; length can vary based on individual businesses and space availability relative to adjacent businesses, alleys, and other obstructions.

Tables and chairs must be of a presentable aesthetic, consistent with the overall characteristics and appearance of the downtown district and its valuable businesses and stakeholders. Tables and chairs arranged for outdoor seating must also be of sufficient weight and resilience to withstand wind and weather conditions normally occurring in the area, or arrangements shall be made for removal in appropriate instances.

Any tables and chairs meeting the above specifications and facilitating compliance with the below requirements will be permitted. Examples of tables and chairs that would be suitable for these purposes can be found on pages 3 and 4.

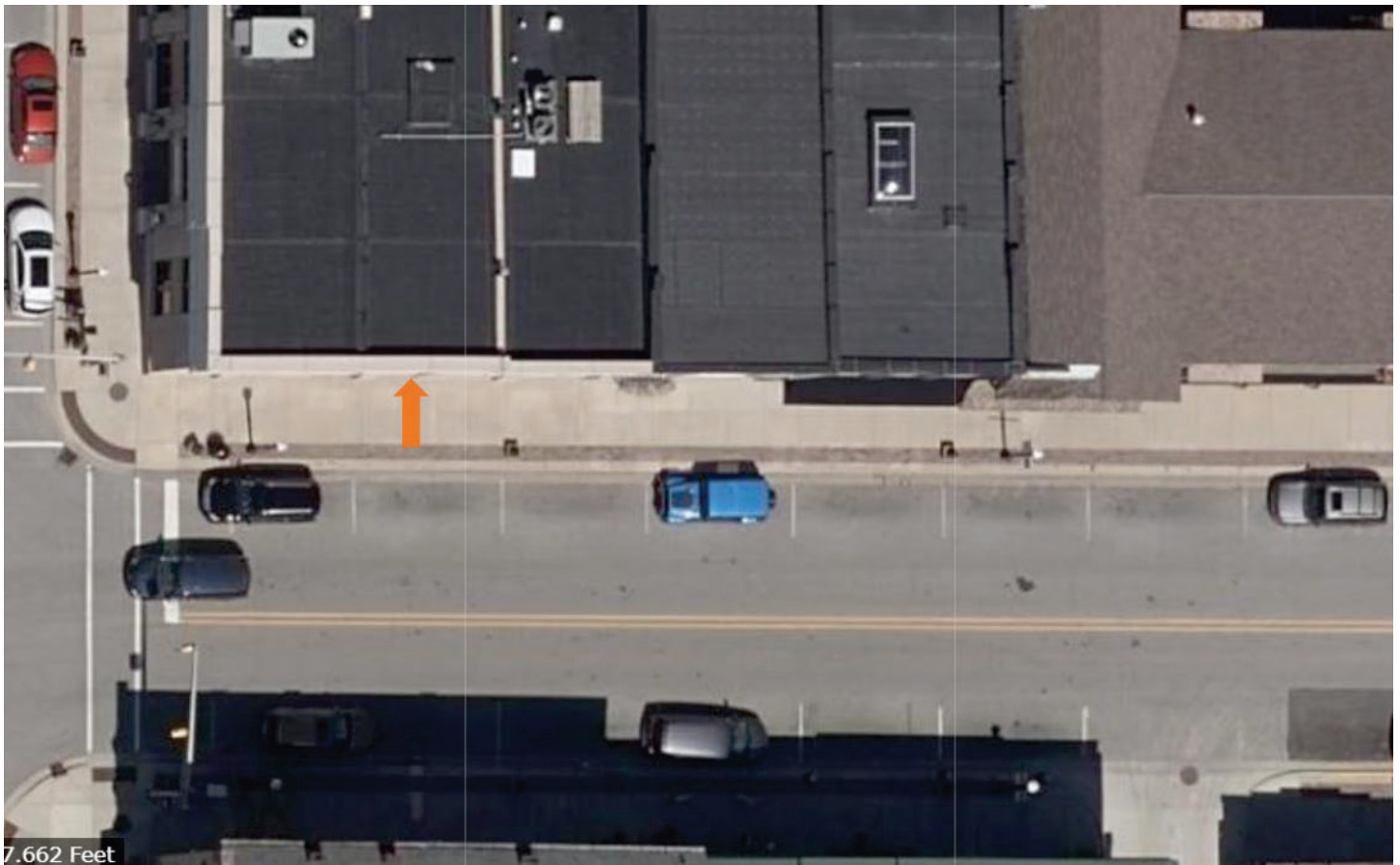
Businesses that would like to utilize furniture outside of the Downtown Streetscape Master Plan scope, including barriers, will be reviewed by the Downtown Aesthetic Review Panel, which incorporates a peer review process. More information can be found on page 5.

All Alcohol and Tobacco Commission (ATC)/Excise laws must be followed if the business has a wine/beer/liquor permit.

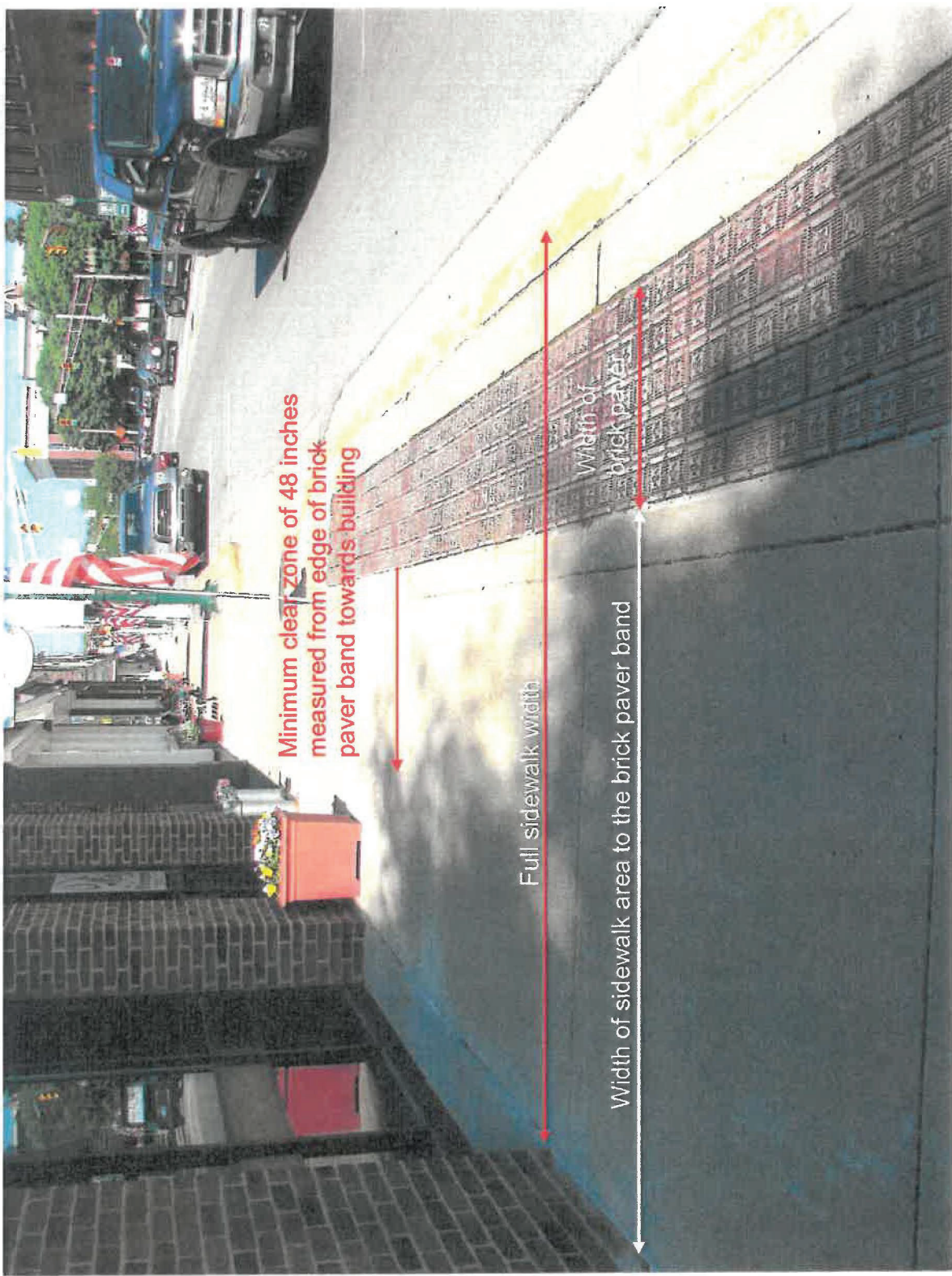
All additional signage, including A-frames, chalkboard signs and mannequins, must be placed within the brick sidewalk ribbon or against their building. All additional signage must be removed when the business is closed.

Businesses are responsible for cleaning and maintaining their tables on a regular basis, including trash pickup, and communicating to their patrons and guests, as appropriate, regarding sanitation measures that are maintained.

Measurement Example



Businesses must provide a 4 foot (or 48 inch) passing zone on the sidewalk outside of any arranged tables and chairs to maintain ADA compliance. This is obtained by measuring from the inside edge of the brick sidewalk ribbon 4 feet (or 48 inches) towards the business' building.



Minimum clear zone of 48 inches measured from edge of brick paver band towards building

Full sidewalk width

Width of sidewalk area to the brick paver band

Width of brick paver

Table Recommendations

Square Metal Table (36.5"; Black)



Rectangular Metal Table (47.2" x 23.6"; Black)



Round Metal Table Set (24"; Black)



Chair Recommendations

Metal Stackable Dining Chair (Black)



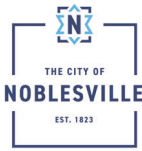
Metal Stackable Bar Stools (Black)



Downtown Aesthetic Review Panel

The Aesthetic Review Panel reviews referred applications for sidewalk encroachments to ensure that Noblesville remains attractive and maintains a “sense of place” which the Downtown Streetscape Master Plan sets forth. The panel review process encourages good design, including the use of harmonious materials and colors that are consistent with the Master Plan. Additionally, the panel review process incorporates “peer review” considerations to balance Master Plan goals and expectations with efforts to support creativity and resilience during this economic recovery timeframe.

The 3 member committee includes a Downtown District Committee Council representative and a member from the Noblesville Chamber of Commerce as well as Noblesville Main Street’s Board of Directors.



**CITY OF NOBLESVILLE
MAYOR'S OFFICE**

SEASONAL DOWNTOWN OUTDOOR SEATING APPLICATION

YOU MUST PROVIDE ALL REQUESTED INFORMATION ON THIS APPLICATION
BLANKS WILL DELAY PROCESSING OF YOUR APPLICATION AND ISSUANCE OF PERMIT

| | | |
|------------------|------------------------------------|----------|
| LOCATION | BUSINESS NAME: | PARCEL#: |
| | ADDRESS OF ENCROACHMENT: | |
| APPLICANT | APPLICANT'S NAME (CONTACT PERSON): | |
| | COMPANY: | |
| | MAILING ADDRESS: | PHONE: |
| | | FAX: |
| | PROPERTY OWNER'S NAME: | PHONE: |
| | PROPERTY OWNER'S MAILING ADDRESS: | |

DO YOU PLAN TO PLACE TABLES ON THE PUBLIC SIDEWALK YES NO DIMENSIONS of one table _____ X _____

DO YOU PLAN TO PLACE CHAIRS ON THE PUBLIC SIDEWALK YES NO DIMENSIONS of one chair _____ X _____

DO YOU PLAN TO PLACE MERCHANDISE ON THE PUBLIC SIDEWALK YES NO DIMENSIONS of intended area _____ X _____

DO YOU PLAN TO PLACE A SANDWICH BOARD SIGN ON THE PUBLIC SIDEWALK YES NO DIMENSIONS _____ X _____

PLEASE SPECIFY THE PRIMARY SIGN MATERIAL(S): _____

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH COMPLETED APPLICATION

1. Complete Property Owner Consent form if applicant is not the Property Owner.
2. A scaled drawing of the public sidewalk. Drawing shall include at a minimum the following information: Location of the front entrance to the building and any other entrances to other spaces within the building, width of the sidewalk from the building face to the brick paver band, minimum 40 inch clear zone, location and dimensions of any proposed tables and/or chairs, location and dimensions of any outdoor merchandise displays, location and dimensions of any other proposed encroachments, and location of proposed sandwich board sign.
3. Signed and notarized acknowledgment of Downtown Encroachment Regulations.
4. An application for renewal shall be submitted with proof of insurance for general liability that states the City of Noblesville, Indiana is an additional co-insured. A new application must submit proof of insurance for general liability within ten (10) business days. Must meet minimum amounts set by ordinance.

CERTIFICATION AND NOTICE OF INTENT TO COMPLY

I hereby certify that I have the authority to make the foregoing application, that the application and plans filed with the application are correct, and that the placement of all encroachments will conform to the regulations in the City of Noblesville, Indiana Code of Ordinances Section 94. I acknowledge that the Common Council anticipates that sandwich board signs will be designed to be relatively compatible with the color and design of the adjacent buildings.

Signature of Applicant

Applicant's Address

DO NOT WRITE IN THIS BLOCK-STAFF USE ONLY
See reverse side for terms and conditions of approval

| | | |
|-------------------------|-----------|--------------|
| PERMIT: APPROVED/DENIED | Permit #: | |
| Permit Reviewed by: | | |
| Date Reviewed: | | Date Issued: |

THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT THE FOLLOWING REGULATIONS ARE MET AT ALL TIMES. FAILURE TO MEET ANY OF THE FOLLOWING WILL RESULT IN THE DENIAL OR REVOCATION OF THIS PERMIT AND POSSIBLE ENFORCEMENT ACTION BEING TAKEN AS OUTLINED BY THE CITY OF NOBLESVILLE CODE OF ORDINANCES.

- (1) Encroachment permits are required for any activity, display, sale when placed in public right-of-way.
- (2) All applications for encroachments in this district shall be accompanied by a letter of consent from the building owner, if not the Applicant. This letter shall be notarized, and shall acknowledge specifically the extent of the encroachment.
- (3) An ADA clear zone of at least 40 inches must be maintained. Such clear zone shall be measured from the brick paver band on the sidewalk towards the building. If no such band exists, the clear zone shall be measured from the back of curb or an appropriate location as determined by the Designated Department. At intervals of no more than two hundred (200) feet, to be located at a minimum at the intersection of the streets and alleys, a clear zone of at least sixty (60) inches by sixty (60) inches shall be provided to allow space for passing, and ramps must be kept clear at all times. Merchants are also responsible for maintaining a clear means of egress from the entrance to their building to the clear zone on the sidewalk.
- (4) Sandwich Board signs (SB) are allowed with an encroachment permit and a temporary sign permit. Signs shall be sufficiently weighted to ensure stability during inclement weather conditions. Said signs shall not be illuminated or flashing. Only one sign (sandwich board) is allowed per each first floor business, and said sign shall be placed in the brick paver band perpendicular to the front door. Sign must be no more than 36 inches high and 24 inches wide and shall have a minimum height of 24 inches. The sign shall be wood or woodframe and may contain material inserts such as slate to allow a different interior material on the sign. Signs are subject to additional regulation contained in Article 11 of the Unified Development Ordinance.
- (5) Bicycle parking is permitted only at the bicycle racks that have been installed throughout downtown. No bicycles shall be parked on the sidewalk.
- (6) Merchants shall be responsible for keeping sidewalk in front of their business unobstructed and clear for pedestrian traffic. Merchants must keep walk surface clear of trash, debris, clutter, spills or items brought in by their customers such as strollers and shopping bags.
- (7) Tables and chairs for dining are allowed with an encroachment permit so long as a 40 inch clear zone from the brick paver band is maintained to allow pedestrians to utilize the sidewalk unimpeded.
- (8) Encroachment permits for merchandise display, seating, and sandwich board signs are issued on a calendar year basis. An encroachment permit is required for each business placing any type of encroachment in the public right-of-way.
- (9) Flags containing seasonal images or text and/or any attention getting displays on the sidewalk using the existing flag holder in or near the brick paver band are prohibited.
- (10) Flags attached to the building must maintain clearance from the sidewalk of at least eight (8) feet. These flags shall be limited to messages such as "open" and "sale" and seasonal images.
- (11) Sales, vending, seating or display must be located directly in front of the business and not overlap adjoining businesses unless written approval of the affected business is obtained. A copy of such written approval must be provided as a part of the permit application, and shall be provided each year.
- (12) No vending machines shall be placed in public right-of-way in the DT zoning district. Publication boxes exempt from this prohibition.
- (13) Non-compliance will result in revocation of the permit. Any activity at a location that has had a permit revoked shall not be eligible for an encroachment permit for a minimum of one year from the revocation date.
- (14) Any applications for encroachment under this section must include a site plan that details specifically the number and location of encroachments, and notes the required clear zones. Site Plans should also include identification of the uses on each side of their location.
- (15) All applications proposing the use of existing alleys in the downtown must be approved by the Board of Public Works and Safety. Such applications shall be subject to the conditions set out by the board, and are not eligible for an administrative approval.
- (16) All new Applicants shall be required to submit to the Designated Department proof of insurance for general liability within (10) business days that states that the City of Noblesville, Indiana is listed as an additional co-insured. An application for renewal shall be submitted with proof of insurance for general additional insured CG210. An application for renewal shall be submitted with proof of insurance for general liability. The minimum insurance requirement shall be \$1,000,000 per occurrence, \$300,000 per person, and \$50,000 for legal unless the Board of Public Works and Safety decided to reduce or increase such amounts.

DATE

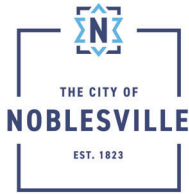
SIGNATURE OF APPLICANT

NAME OF APPLICANT (PRINTED)

SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this _____ day of _____, 20_____.

My Commission Expires:

Printed: _____
NOTARY PUBLIC
A resident of _____ County, Indiana



Property Owner Consent for Encroachment Permit

Department of Planning and Development

Property Address: _____

Contact: _____

Business Name: _____

Phone Number: _____

Detailed Description of the proposed encroachment: _____

Owner's Name: _____

Owner's Address: _____

Owner's Phone Number: _____

As owner of the property, I acknowledge that I am aware of my tenant's intentions to seek an application for encroachment at the above property and hereby grant my consent to the proposed use. It is my understanding that the tenant intends to request an encroachment permit to utilize the public sidewalk in front of the above property in a manner as listed above, and will obtain any required permits prior to the start of the encroachment in accordance with the provisions of Noblesville City Code § 94.

Owner's Signature

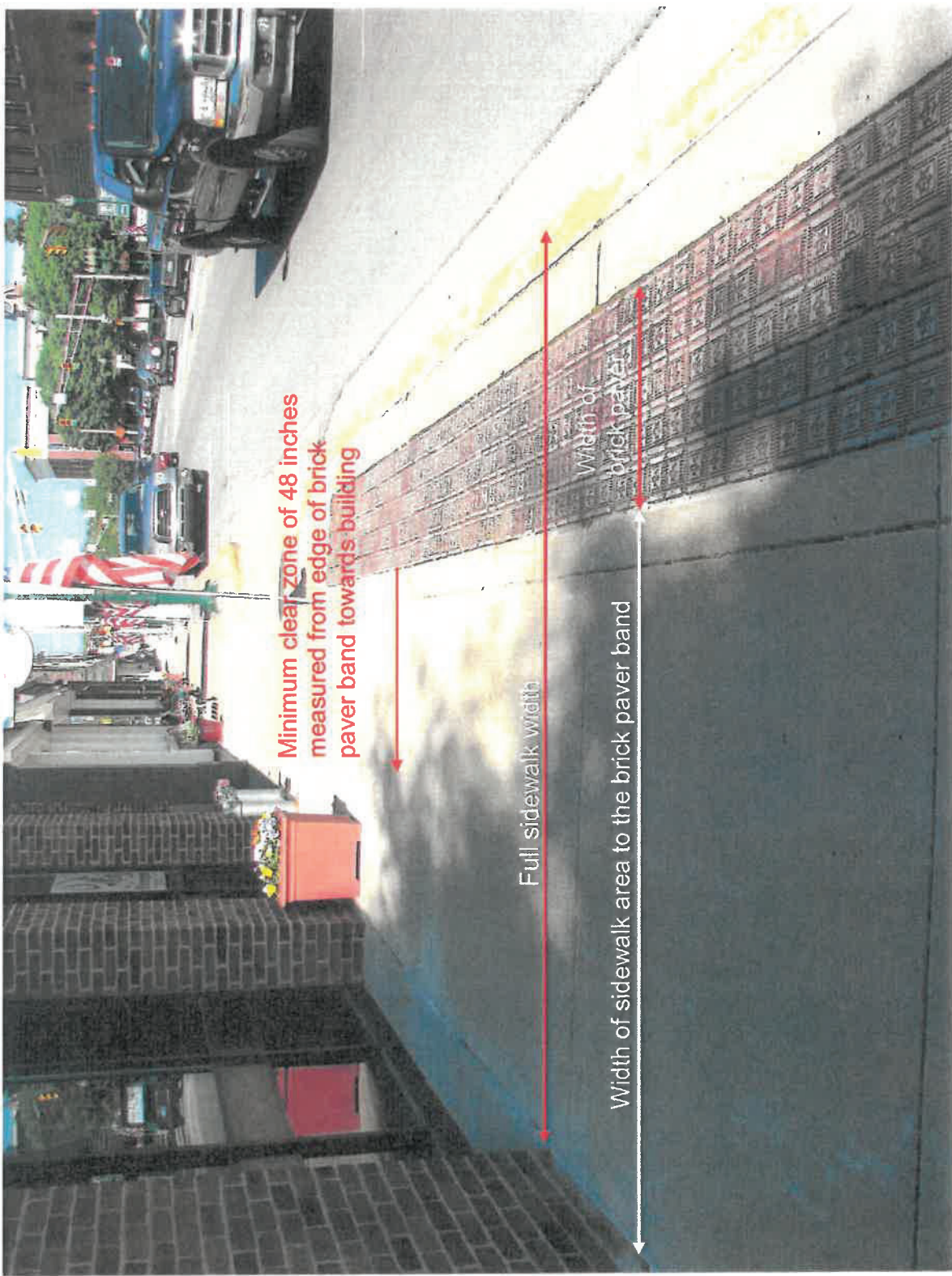
SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this _____ day of _____, 20____.

My Commission Expires:

Printed: _____

NOTARY PUBLIC

A resident of _____ County, Indiana.



Minimum clear zone of 48 inches measured from edge of brick paver band towards building

Full sidewalk width

Width of brick paver

Width of sidewalk area to the brick paver band