



CITY OF MANITOWOC

WISCONSIN, USA

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Parklet Policy and Guidelines

1. **Policy:** It is the policy of the Department of Public Infrastructure to follow a uniform procedure in conformance with Wisconsin law and Manitowoc Municipal Code when granting privileges for parklets.

Parklets are only permitted for food and drink establishments upon satisfaction of all requirements set forth herein and written approval by the Department of Public Infrastructure.

Parklets may only be erected after April 1 and must be removed by November 15 of each year.

2. **Description:** A parklet is a structure that acts as an extension of premise into the City's right of way, beyond an existing curblin, and that is used by an adjacent business as an outside dining area, and that does not affect existing pedestrian sidewalk access.
3. **City Responsibilities:** The Engineering Division of the Department of Infrastructure shall be responsible for accepting applications for parklets and determining if all of the criteria for granting a privilege for a parklet set forth herein are satisfied. The City Attorney shall determine if the insurance and bond requirements set forth herein are satisfied. Upon a determination by the Engineering Division and City Attorney that all requirements are satisfied, a grant of privilege for a parklet shall be issued by the Engineering Division Manager-
4. **Approval Prerequisites:** The following are required before a parklet may be erected:
 - a. Major Grant of Privilege;
 - b. Certificate of Liability Insurance in the amount of \$1,000,000, with a \$2,000,000 aggregate, and a \$2,000,000 umbrella and alcohol liability whenever alcohol will be served. Such insurance shall name the "City of Manitowoc" as additional insured, shall have a 30-day notice of cancellation, and shall have an endorsement specifically stating that "the parklet and use of the sidewalk or other extended premises area are covered by the insurance," in a form approved by the City Attorney;

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- c. A performance bond in the amount of \$10,000 or a cash bond in the amount of \$10,000 in a form approved by the City Attorney;
- d. A one-time fee of \$50.00;
- e. A special use permit shall be required when parklets are utilized to accommodate outdoor dining or an extension of premise;
- f. Board of Public Works approval.
- g. Extension of Licensed Premises granted by Common Council whenever alcohol will be served.

The Engineering Division Manager shall ensure that the fee is paid and that the bond and insurance requirements are up to date. If any holder of an encroachment grant fails to meet the terms and conditions set forth herein, the Engineering Division Manager shall send written notice to such holder. Failure to cure all defects within 30 days shall be grounds for the Engineering Division Manager to refer the matter to the City Attorney who shall take all legal and equitable steps to obtain compliance. The Engineering Division Manager shall also review proposed parklet locations for potential conflicts with future programmed streetscape improvements and repaving projects. The City may reject parklet proposals that conflict with impending streetscape improvements. Parklets installed on streets scheduled for future improvements will likely need to be removed prior to construction of said improvements.

The bond and insurance requirements existing at the time an encroachment was granted shall continue, regardless of ownership change, unless proof of such requirements lapses or is not provided for a period of six months. Such lapse shall require full compliance with the terms of this policy as if the application is for a new encroachment. The City reserves the right to change the insurance requirements for an upcoming season at the discretion of the Common Council.

- 5. **Design Guidelines:** All parklets shall be constructed in accordance with the following guidelines:
 - a. May not extend beyond the width of the applicant's tenant frontage and be totally contained within a single parking space.
 - b. Large, decorative planters shall be placed on each end of the parklet to add protection to the structure, and shall also be totally contained within the same single parking space.
 - c. Reflective elements are required at the outside corners of all parklets. Soft-hit posts are a standard solution deployed at the outside edges; however the City will consider additional reflective elements incorporated in the parklet design.
 - d. Drainage shall be integrated into the design (usually a pipe at curb or some clearance to allow for surface runoff along curbline).
 - e. No advertising. Logos, advertising, or other branding is prohibited. A small unobtrusive plaque recognizing project sponsors and material donors may be acceptable.
 - f. Railings are required to be installed around perimeter to prevent people from walking off into street. Railing must meet City Building Code Requirements

and be constructed in a manner that would discourage children from being able to easily pass through or under them. See 8 (a) below.

- g. Design for easy removal. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, they need to be designed for easy removal in case of an emergency. No parklet component may weigh more than 200 pounds.
- h. The parklet shall be ADA accessible.
 - 1) Sidewalk Condition and Maintenance. The sidewalk abutting the parklet shall be in a state of good repair and maintenance, with a grade of no more than 5% running slope at the parklet entry. Sidewalk flags or cracks shall not exceed ½” in vertical change of elevation or in horizontal separation. Vertical changes between ¼” and ½” high shall be beveled. Tree well areas shall be filled level to the sidewalk surface.
 - 2) Parklet Path. A parklet path is an accessible route that connects the sidewalk to the parklet entry, deck surface, wheelchair turning space, and wheelchair resting space.
 - The parklet path shall under no circumstances be less than 48” wide. Once on the parklet’s deck surface, the parklet path shall be no less than 36” wide.
 - The cross slope along any portion of the path shall not exceed 1:48 (2%).
 - 3) The parklet entry, where the parklet path joins the parklet’s deck surface, shall be located in an unobstructed area where there is the least amount of running slope along the sidewalk and curb.
 - 4) Any openings between the sidewalk and the deck surface shall be flush without a horizontal or vertical separation that would allow the passage of a ½” sphere.
 - 5) Where the curb or a portion of the curb is damaged, has settled lower than the deck surface, or has a separation greater than ½”, a continuous threshold unit shall span from the deck to the sidewalk surface over the curb. Changes in level from the threshold's top surface material and the deck or the sidewalk shall not exceed ½” maximum. Changes in level of ¼” high maximum shall be permitted to be vertical, and changes in level between ¼” and ½” shall be beveled with a slope not steeper than 1:2.
 - 6) Where the Deck Surface edge abuts existing driveways or curb ramps, the driveway area or curb ramp shall be temporarily filled-in for the duration of the parklet’s installation.
 - 7) Deck Surface. The parklet’s deck surface shall be firm, stable, and slip-resistant.
 - i. The deck surface's maximum cross slope shall be no greater than 1:48 (2%) measured perpendicular to the sidewalk or curb. The parklet’s underlying frame or structure may need to be tapered or shimmed in order to accommodate the slope of the crown and the gutter in the street.
 - ii. The deck surface's maximum running slope (parallel to the curb) is 1:48 (2%) for the wheelchair turning space, the wheelchair resting space and the routes that connect them. For other deck surfaces, the

running slope may not exceed 1:20 (5%). The deck surface materials shall be installed with no gaps between them larger than would permit the passage of a 3/4" sphere. Elongated openings shall be placed so that the long dimensions are perpendicular to the dominant direction of travel.

- iii. The deck surface shall have no abrupt changes in level exceeding 1/2" along the parklet path. No changes in level (even if they are less than 1/2") are recommended at either the wheelchair turning spaces or resting spaces.
- iv. The deck surface shall all be on one level unless the change in level is served by a ramp, additional parklet entries, or otherwise permitted on a case by case basis. When stairs or ramps are permitted, they must meet all building code requirements for rise, run, width, handrails, and contrasting stair striping for the visually impaired.

6. **Location Guidelines**

- a. **Corners.** Parklets must be located at least one parking space away from an intersection or street corner because parklets close to corners may be at higher risk of collision by motorized vehicle.
- b. **Parking Spaces.** Parklets may be sited along the curb line on streets where on-street parking spaces exist. They may be considered in any location where there are or would be space(s) for on-street parallel, angled, or perpendicular parking.
- c. **Driveways.** Parklets may be installed in front of a driveway if the applicant is the owner of the driveway or the applicant obtains written permission from the property owner to install the parklet. If the driveway has been abandoned or no longer provides access to off-street parking, it shall be cleared and removed before the parklet is installed.
- d. **Other Locations.** Other locations adjacent to the curb will be considered on a case-by-case basis.
- e. **Street Slope.** Parklets are generally permitted on streets with a running slope (grade) of 5% or less. When installed on streets with running slopes of 3% or greater, parklets will need to include a wheelchair rest area. Parklets may be permitted on streets with a running slope greater than 5% if they can provide safe access and turnaround for wheelchair users. Parklets on streets with a running slope greater than 5% pose significant design challenges so any applicant for a parklet with this factor present should anticipate a longer and more robust review process and a slightly greater chance that the request will be denied.

7. **ADA Compliance**

- a. Parklet design shall be accessible and welcoming to all users, including those with physical disabilities, wheelchair users, and those with impaired vision. Inclusive design considerations will affect many aspects of the

parklet design ranging from how to allocate space within the parklet, to material selection. City staff will evaluate proposed parklet designs to ensure ADA compliance. Factors to consider include, but are not limited to:

- 1) Slip resistant surface materials
- 2) Ensuring wheelchair users can access and enjoy the parklet
- 3) Platform surface. The top of the parklet platform must be flush with the sidewalk with a maximum gap of ½". In the case of a sloping street, staff will work with the designer to address issues of access. The platform provides the structural base for the parklet. The City strongly recommends consulting a design or construction professional to ensure that the platform will be sturdy and safe.
- 4) Drainage. The parklet shall not impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the parklet with screens to prevent blockage from debris.
- 5) Street crown and curb height. Most streets are crowned (parabolic in cross-section) and typically edged with a six-inch-high curb. This is to ensure that storm water flows towards the curb and gutter during a rainstorm. The curb is intended to prevent water from jumping the curb and flooding adjacent buildings. This means that the elevation of the street rises the further you move from the curb, effectively reducing the amount of space to build the parklet platform. Whereas along the curb there may be 6" of clearance for your platform structure, clearance can be reduced to as little as 2" further into the street.

Furthermore, both curb heights and street crown heights vary with each street segment. Applicants and designers are strongly advised to take field measurements before beginning the design to make sure their proposed platform solution will fit within the allotted space and satisfy all slope and accessibility requirements.

- 6) Parklets should be designed as an extension of the sidewalk, with multiple points of entry along the curbside edge. This may not be feasible on steeply sloped sites.
8. **Positive Edge**. Parklets need a positive edge along the open sides of the deck surface that is parallel to the vehicular traffic lane, to inhibit people who, while lingering, may inadvertently wander into vehicular traffic. Positive edges serve to reduce potential tripping hazards at drop-offs along open sides of the deck surface.
- a. A positive edge along vehicular traffic lanes may be achieved by providing a railing at least 42" tall with openings no greater than 4", or by other means as described here. All railings must be able to withstand a 250 pound force anywhere and in any direction along the top of the rail from within the parklet. When using a horizontal cable rail or similar flexible design, the barrier shall have a solid cap rail at the top of the barrier, and a solid curb or barrier that is at least 5" high at the bottom of the barrier to provide warning to people who are blind or have low vision. Where a solid railing is provided at the top of the barrier, the railing must be constructed to withstand the forces of people leaning or sitting on it without structural failure. Top rail assemblies shall be designed to resist a load of 50 plf

(0.73kN/m) applied in any direction at the top and to transfer this load through the supports to the structure.

- b. Other means for achieving this positive edge may include raised planters no less than 17” high and 12” deep, built-in seating or other built-in furnishings no less than 17” high and no less than 12” deep, dense plantings that visually enclose the space and discourage pass through, bicycle parking arrangements that act to provide a positive edge, or some other such similar means. In some instances, such as residential streets, alleys, shared public ways or other non-arterial streets, other barriers may be considered on a case-by-case basis.
- c. At other areas, such as where the edge is perpendicular to the vehicular traffic lane, where any portion of the deck surface’s perimeter is ½” or more above the street, curb, or sidewalk level, the edge shall be positively marked by a vertical element or barrier that is at least 17” high. These vertical elements shall have visual contrast with the deck surface material.

9. **Oversight and Removal.** The Department of Public Infrastructure shall approve all items proposed to be placed on the parklets, including but not limited to: tables, umbrellas, chairs, signage, and hanging baskets. Staff shall have the right to ask the applicant to remove those items for safety or aesthetic purposes.

- a. Removal Procedure. Parklets that are erected or maintained contrary to the requirements of this policy shall be removed via the following process:
 - 1. The applicant shall receive a notice to remove the parklet or that portion of the parklet and/or accoutrements to the parklet within 24 hours. If the applicant has not removed the parklet, portion of the parklet, or identified accoutrement(s) within 24 hours, the Department of Public Infrastructure shall have the right to remove the parklet or offending component and to place the item(s) into storage. Once in storage, the applicant shall be notified of its location and shall have five days from the date of notification to pick up the property. Property not collected within five days shall be recycled or discarded.

Any holder of a grant of privilege for a parklet who fails to remove the offending parklet or accoutrements shall be banned from having a parklet the following permit season. Thereafter, such applicant and permit holder shall be eligible for a parklet but shall be subject to such other reasonable requirements and conditions as may be set by the Engineering Division Manager and/or Department of Public Infrastructure as are needed to ensure compliance with the requirements of this policy.

- b. Approval by the Engineering Division Manager of the parklet structure and other related items outside of the structure shall be required prior to issuance of the grant of privilege. The other related items shall include but not be limited to the following:
 - 1) Clear zones, distances from intersections for sight distance, operational characteristics of the roadway, etc., are all important considerations to safety for the traveling public as well as the safety of those using the parklets.

- 2) The document mentions decorative planters at protective barriers, but their sufficiency and locations should still be overseen by engineering for safety purposes to ensure they are a proper crash cushion.
- 3) Street signing, to ensure its continued visibility after the parklet is built.
- 4) Prior to placement or removal of the Parklet, the Operations Manager of the Department of Public Infrastructure must be contacted in order to coordinate Traffic Control