

Sonja Birr

From: Greg Minikel
Sent: Thursday, May 20, 2021 3:32 PM
To: Sonja Birr
Cc: Dan Koski
Subject: FW: Parklets 2021
Attachments: Parklet Policy 2.0.docx; Res Creating Parklet Program .docx

Importance: High

This issue needs to be added to the June 9th PI Committee Meeting. Thanks.

From: Elizabeth Majerus
Sent: Thursday, May 20, 2021 3:25 PM
To: Mackenzie Reed-Kadow <mreedkadow@manitowoc.org>; Dan Koski <dkoski@manitowoc.org>; Greg Minikel <gminikel@manitowoc.org>; Adam Tegen <ategen@manitowoc.org>
Cc: Kathleen McDaniel <kmcdaniel@manitowoc.org>; Jane Rhode <jrhode@manitowoc.org>; Justin Nickels <jnickels@manitowoc.org>
Subject: Parklets 2021
Importance: High

Good Afternoon,

This Monday, I learned that the WI DOT decided to allow parklets on connecting highways after initially not. I reviewed our old policy and it doesn't conform to State requirements so I rewrote it. (Attached.) I also revised a resolution that is needed for state approval. (Attached.) This is a super time-sensitive project given that we're at the end of May, would need PI, Council and State approval in June before we can start accepting applications for our short permit season which must end by 10/15/21. Here's the link to the DOT page: <https://wisconsin.gov/Pages/doing-bus/local-gov/traffic-ops/parklets/default.aspx>. The jury is still out on whether this will be allowed in 2022.

Our next steps are:

1. Inter-department review of the proposed policy and then submission to PI and Council (CA, CDD, DPI, Engineering, Clerk)
2. Enter into a State-Municipal Parklet Agreement with DOT (CA but only after our draft policy is approved by staff)
3. Generate a Parklet Application form (DOT calls them Outdoor Dining Areas so the form should be called an Outdoor Dining Area Permit Application to conform) (Clerk?)
4. Generate a Permit form (Clerk?)
5. Press Release (CDD? DPI?)
6. Collaboration with State for each application and permit (Engineering, CA)

PI meets next on June 9th so we need to have step 1 complete by 6/4 to keep on track. And then we need to have the balance figured out before our first applicant seeks to apply which could be as soon as the day after Council approves.

So, if you didn't already have a full plate... I'm sorry but you might now. If a meeting is appropriate, let me know and I'll schedule one.

Thank you for your help!
 Liz



Elizabeth Majerus

Assistant City Attorney • City Attorney's Office • City Hall
900 Quay Street, Manitowoc, WI 54220-4543
(920) 686-6990 | (920) 686-6999 (fax)
(she/her)

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Parklet Policy and Guidelines

1. **Policy.** The City of Manitowoc shall follow a uniform process in conformance with state and federal law and municipal code when granting permits for parklets. Parklets shall be permitted for downtown businesses upon satisfaction of all requirements set forth herein and upon written approval of the Department of Infrastructure. The parklet placement period shall be April 1 through October 14. Parklets not removed by October 14 shall be removed by the City on October 15.

2. **Definitions.**

City means the City of Manitowoc

Outdoor Dining Area means a portion of ROW a Permitted Business is authorized to use through an Outdoor Dining Permit.

Outdoor Dining Component means any item placed on ROW by the Permitted Business, authorized through an Outdoor Dining Permit, to create an outdoor dining area in which to conduct outdoor food and beverage service, including tables, chairs, and refuse/ recycling containers.

Outdoor Dining Permit means a permit issued by the City to a Permitted Business for use of ROW for the placement of Outdoor Dining Components and the service thereto and maintenance thereof.

Parklet means an extension of a sidewalk or terrace adjacent to the travel lanes that provides additional space or amenities for businesses or the public. Parklets are typically installed in the parking lanes using all or part of the width from the curb and may not occupy more than a single parking space.

Permitted Business means a licensed food and beverage service establishment that is issued an Outdoor Dining Permit. All required permits to operate are the responsibility of the Permitted Business.

Right-of-Way (ROW) means the entire area of land that contains the highways, shoulders, curbs, gutters, drainage components, terraces, sidewalks, foreslopes, backslopes, etc., as depicted on official plats.

State means the State of Wisconsin, Department of Transportation

3. **Application for Permit.** Before the City considers any request for an Outdoor Dining Permit, the following shall be submitted to the City Clerk:

- a. Completed and signed Outdoor Dining Permit Application;
- b. Application fee of \$50;
- c. Detailed map identifying the location and boundaries of the Outdoor Dining Area for which a permit is sought, and the anticipated layout of the Outdoor Dining Area;
- d. Detailed diagram illustrating the proposed Outdoor Dining Area construction noting ...
- e. Certificate of Insurance evidencing coverage with limits not less than those described in Exhibit 1, attached and incorporated as if fully set forth, and

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identifying "The City of Manitowoc, its directors, officers, employees and agents" and "The State of Wisconsin, its directors, officers, employees and agents" as additional insureds. Applicant's insurance shall be primary with respect to all insureds and additional insureds; and,

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f. Performance bond in the amount of at least \$10,000.

4. **Application Approval Process.** Upon receipt of the application materials, the City Clerk shall refer same to the City Attorney who shall confirm whether the information provided is sufficient, and to the City Engineer who shall review the parklet design and proposed location for potential conflicts with future programmed streetscape improvements and repaving projects. The City may reject proposals that conflict with impending streetscape improvements or that do not meet the design requirements set forth in this policy. The City may require removal of Outdoor Dining Area prior to October 14 if necessary for scheduled street improvements.

After City Attorney and City Engineer approval, the application shall be submitted to the Board of Public Works and Common Council for final approval. The City Clerk shall notify the Applicant within ten business days of Common Council's decision. If approved, Applicant must collaborate with the City Engineer to:

- a. Ensure the proposed Outdoor Dining Area complies with State and Federal guidelines;
 - b. Obtain State approval of the Outdoor Dining Area design;
 - c. Obtain a State "Work on Highway Right of Way Permit" for installation, maintenance and removal of the Outdoor Dining Area;
 - d. Ensure adequate traffic control and nighttime traffic control is in place in conformance with the WMUTCD;
5. **Design Guidelines.** All Outdoor Dining Areas shall be constructed in accordance with the following guidelines:
- a. May not extend beyond the width of Applicant's tenant frontage.
 - b. May not extend beyond the boundaries of a single parking space.
 - c. May be located in front of a driveway if Applicant is the owner of the driver or has written permission from the driveway owner and if the driveway has been abandoned, or no longer provides access to off-street parking.
 - d. Shall remain at least twenty feet from a marked or unmarked crosswalk.
 - e. Shall not include any planters, portable heaters or other items that may become projectiles if hit by an errant vehicle.
 - f. Shall not block drainage structures or impeded drainage. Drainage shall be integrated into the design to allow for surface runoff along the curb line.
 - g. Shall not require digging or drilling into any hard surfaces (pavement, sub-grade, curb, sidewalk) without prior written State approval.
 - h. Shall not disturb the ground, including removing, cutting or clearing vegetation, without prior written State approval.

- i. Shall not cause or permit the deposit, disposal or discharge of any materials regulated or prohibited by any governmental or regulatory agency onto the ground surface, or through discharge that could enter into any body of water or into any container on the ROW. In the event of any deposit, disposal or discharge of materials, Permittee shall notify the City as soon as practicable in writing and shall be responsible for all costs associated with the clean up conducted in conformance with State and Federal laws and regulations.
 - j. Shall incorporate reflective elements on the outside corners of the structure. Soft-hit posts are a standard solution deployed at the outside edges however the City encourages additional reflective elements incorporated in the design.
 - k. Shall not including advertising, logos, or other branding. A small, unobtrusive plaque recognizing project sponsors and material donors may be acceptable.
 - l. Shall have railings around the structure perimeter in conformance with the City Building Code.
 - m. Shall be designed for easy removal in case of emergency. No component may weigh more than 200 pounds.
 - n. Shall comply with all Title II Americans with Disabilities Act (ADA) requirements, including but not limited to clear zones and reach, width and height requirements for accessibility. The Americans with Disabilities Act Accessibility Guidelines, 2010 Standard, shall be used as a reference.
 - i. An ADA pedestrian access route (PAR) of four feet for no more than 200 feet is allowed. If the PAR is reduced to four feet for 200 feet or more, a 5-foot by 5-foot turnaround/ passing space shall be provided.
 - ii. Maximum vertical surface discontinuity shall be a ¼ inch (or ½ inch if beveled at 1:2).
 - iii. The cross-slope of the PAR shall be 2% whenever possible and cannot exceed 3% at any point.
 - o. To increase safety and comply with ADA requirements, use of the sidewalk is strongly recommended for the Outdoor Dining Area while providing a pedestrian walkway in the closed off portion of the street. The detoured walkway shall be at least six feet wide.
 - p. Shall comply with Wis. Stat. § 86.19.
 - q. Concrete jersey barriers shall be placed between the Outdoor Dining Area and the nearest lane of travel.
6. **Oversight.** The Department of Public Infrastructure shall approve all items proposed to be placed on the Outdoor Dining Area including but not limited to tables, umbrellas, chairs, signage, and hanging baskets. Staff shall have the right to require the Permittee remove items for safety or aesthetic purposes.
7. **Removal.** Outdoor Dining Areas erected or maintained contrary to this policy shall be removed via the following process:

- a. The Permittee shall receive a written notice to remove the Outdoor Dining Area or component thereof within a timeframe specified in the notice. If not timely removed, the Department of Infrastructure shall cause the offending structure to be removed and shall place the item into storage. Permittee will be notified of the storage location and shall have an identified timeframe within which the item shall be removed. Such timeframe shall be no less than five business days. Property not timely collected and removed shall be recycled or discarded. All costs associated with removal, storage and disposal shall be the Permittee's responsibility. Permittees who fail to comply with removal notifications will be barred from having an Outdoor Dining Area during the following permit year. Thereafter, Permittee shall be eligible but shall be subject to such other reasonable requirements and conditions as may be set by the City Engineer to ensure compliance with the requirements of this policy.