



SOUTH MILWAUKEE PARKLET PACKET

Is A Parklet Right For Your Business?

This packet will provide all the information you need to get started on this exciting endeavor.

Parklet
Requirements

Parklet Guidelines

Forms You Will
Need

Parklet Checklist

Design
Requirements

CITY OF SOUTH
MILWAUKEE
2424 15th Ave
South Milwaukee, WI

414-762-2222

SMwi.org

Parklet/Pedlet Application Checklist

Step One: Applicants that wish to serve beer and/or liquor outside as part of their Parklet/Pedlet experience should submit a Class B combination license application to include a permit for consumption or possession of intoxicants on public property to the Legislation and Permits (L&P) Committee. The license application can be picked up at the City Clerk's office. The L&P Committee will determine if your establishment will be allowed to obtain this permit. If this permit is not granted, the applicant shall not serve beer and/or liquor outside of their premises.

Step Two: The Following items must be included with your application:

- ☐ Class B Combination license (described above). This includes Beer Garden and Consumption Permit (if applicant wishes to serve beer and/or liquor)
- ☐ Signed Neighborhood Consent Form
- ☐ Signed Indemnification Statement
- ☐ Certificate of Liability Insurance. All Insurance regulations must be complete
- ☐ Performance or Cash Bond for \$10,000
- ☐ Proof that all code compliance, taxes, and police citations are paid for or completed
- ☐ Written document from private contractor, approving the design guidelines. Parklet/Pedlet must meet all design guidelines
- ☐ Site Plan for the Parklet/Pedlet
- ☐ Photos of proposed location
- ☐ \$250 fee to be paid immediately after approval

Step Three: Turn in all required documents to the Engineering/Administration department at City Hall.

Step Four: City staff will review the Parklet/Pedlet application. If the application is complete, a Class B Combination license obtained (if serving alcohol), and the project is eligible; staff will recommend the Parklet/Pedlet application to the Public Works & Public Property Committee. The Committee will then recommend approval of the application to the Common Council or deny the application. If the Committee recommends approval, the Common Council will subsequently approve or deny the application.

Step Five: If a Parklet/Pedlet application is approved by the Public Works & Public Property committee and Common Council, the applicant is required to pay a \$250 fee to obtain the permit. The applicant is then permitted to install the Parklet/Pedlet outside their establishment. Once the structure is in place, city staff will inspect the Parklet/Pedlet to make sure all guidelines, safety and accessibility codes have been met. Failure to keep the Parklet/Pedlet compliant, could result in termination of the permit.

If the application is deemed ineligible or denied, the applicant may apply for the Parklet/Pedlet Program again, the following year.



Parklet Application

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email _____

Business Name: _____

Address: _____
Street Address

City State ZIP Code

Phone: _____ URL: _____

Parklet INFO

Street Where Parklet Will Be located: _____ Number of parking spaces: _____

I hereby acknowledge receiving and reviewing the City of South Milwaukee Parklet regulations and Section 24.066 of the South Milwaukee Municipal Code.

Signed: _____

Date: _____

Print: _____



NEIGHBORHOOD CONSENT FORM

Name of Applicant:_____

Address:_____

I have been notified that the above applicant is seeking to install a Parklet in front of the address listed above. I understand that the Parklet will take up parking spaces located in front of the address above, which will result in less overall street parking in the area of the Parklet.

I further understand that the purpose of the Parklet is to encourage outdoor dining on the sidewalk in front of the applicant's business, which is adjacent to my property. This may increase the level of outdoor noise in the area.

I have been notified that the Parklet will specifically be located on _____.
(Block Number and Street Name)

(Check One) I Do _____ I Do Not _____ have any objection to a Parklet being installed and operated as described above.

Signed this _____ day of _____, 201_____.

Name (Print):_____

Signature:_____

Address:_____

Circle One: Owner Tenant



Indemnification Statement

Applicant covenants and agrees that it will save and Indemnify and keep harmless the City of South Milwaukee, its officers and employees against all liability, judgments, costs and expenses which may in any way come against the City, its officers and employees in consequence of the granting of this application, or which in any way result in damages to any person or property caused in whole or in part by the use of the subject Parklet within the City of South Milwaukee. Applicant also agrees to reimburse the City, its officers and employees any actual reasonable attorney fees incurred by the City, its officers and/or employees in defending or responding to any action alleging damages caused in whole or in part due to any activities, placement, design, lighting or deterioration of the Parklet subject to the application dated _____.

Signed this _____ day of _____, 20__.

BY:

Signature:_____

Name : _____

Agent for: _____



PARKLET PROGRAM RULES AND REGULATIONS

1. PURPOSE:

To describe the procedures to be followed by City departments when Parklets in the City right-of-way are applied for.

2. ORGANIZATIONS AND PERSONS AFFECTED:

This policy applies to all City of South Milwaukee departments, boards, commissions, and the general public.

3. POLICY:

It is the City's policy to follow a uniform procedure in conformance with state law and City ordinances when granting privileges for Parklets.

4. DESCRIPTION

A Parklet is an extension of the curb that provides room for fixed and movable seating, plantings and dining.

5. RESPONSIBILITY

The Engineering Department shall be responsible for accepting applications for Parklets and determining if all criteria for granting a permit for a Parklet set forth herein have been met. The City Attorney shall determine if the insurance requirements set forth in section 5(a), bond requirements in section 5(b), and indemnification requirements set forth in section 5(f) have been met. Upon a determination by the City Engineer and City Attorney that all requirements below have been met, a Parklet permit shall be issued by the City Engineer.

6. APPLICATION REQUIREMENTS

The following are prerequisites to the issuance of a Parklet permit. The City Engineering Department will not order a Parklet inspection nor issue a Parklet permit until all of the following requirements are satisfied.

- A. Certificate of Liability Insurance in the amount of \$1,000,000, with a \$2,000,000 aggregate and a \$2,000,000 umbrella. “Such insurance shall name the City of South Milwaukee as an additional insured, waive subrogation, be primary, provide notice of cancellation to the City, 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, all in a form approved by the City Attorney.”
- B. 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.
- C. A one-time fee paid of \$250.00.
- D. Public Works and Public Property Committee/Common Council approval. The PWPP must consider and approve the proposed location of the Parklet within the City and recommend approval of the application to the Common Council. The Common Council must subsequently approve the application.
- E. A completed Neighborhood Consent Form containing the signatures of the owners of all properties adjacent to the applicant’s property. Whether neighbors have any objections to the application will be considered during the approval process.
- F. A signed document prepared by the City Attorney indemnifying the City of South Milwaukee from any liability arising out of any allegations of injury or damaged to persons or property pertaining to the Parklet.
- G. A written document prepared by a private certified general contractor that the Parklet meets the design standards in section 7, below.
- H. The bond and insurance requirements existing at the time the Parklet permit 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.

7. PARKLET GUIDELINES

A. GENERAL

- a. Permitted only for food and drink establishments. Applicants are required to have in place all relevant licenses for food and beverage service.
- b. Cannot extend beyond the width of the applicant's tenant frontage.
- c. Cannot extend into the street more than 7 feet 6 inches as measured from the outside edge of the curb. Parklets exceeding 7 feet 6 inches may be considered on a case by case basis.
- d. No advertising. Logos, advertising, or other branding is prohibited. A small unobtrusive plaque recognizing project sponsors and material donors may be acceptable at the discretion of the Engineering Department.
- e. Term of use March 1 through November 15.
- f. 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.
- g. Outdoor food and drink service is allowed during the business/applicants normal operating hours but not later than 10:00PM Sunday through Thursdays and 11:00PM Fridays and Saturdays.

B. PARKLET LOCATIONS

- a. Parking spaces. Parklets can be sited along the curb line on streets where on-street parking spaces exist. They can be considered in any location where there are or would be space(s) for on-street parallel, angled, or perpendicular parking.
- b. Corner locations. In general, Parklets must be located at least one parking space away from an intersection or street corner. Parklets close to corners can be more exposed to the risk of a collision by motorized vehicle. In some instances, a curb-extension (bump-out), or some other physical barrier that would protect the Parklet in a corner location may allow the city to consider a corner Parklet on a case-by-case basis.
- c. Driveways. Parklets may be installed in front of a driveway if the applicant is the owner of the driveway or 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 space, 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. Parklets may be permitted on streets with speed limits of 30 mph or less. Parklets proposed for streets with speed limits exceeding 30 mph may be considered on a case-

by-case basis.

- f. Street Slope. Parklets are generally permitted on streets with a running slope (grade) of five percent or less. Parklets may be permitted on streets with a grade exceeding five percent if the parklet design complies with accessibility requirements.
- g. Parklets are not permitted within bus zones.
- h. Parklets may not be constructed over utility access panels, manhole covers, storm drains, or fire hydrant shut off valves.

C. PARKLET DESIGN

a. Platform

- i. Surface. The platform's finish must be flush with the sidewalk. The maximum gap between the curb and parklet can be no larger than one half inch.
- ii. Elevated Platform. Most city curbs are approximately six inches tall. In some instances, the curb can be substantially taller due to unique site conditions. It is strongly recommended that the parklet operator work with a design professional and city staff when dealing with unusually tall curb or cases of bi-level curbs.
- iii. Attachment. The platform may be bolted to the roadway upon the submission of a restoration plan.
- iv. Drainage. The parklet cannot block street drainage. The platform design must accommodate water flow patterns unique to the street.

b. Enclosure

- i. The enclosure must be three-sided relative to traffic, minimum 36" tall and maximum 42" tall.
- ii. The enclosure design must allow for clear sight lines to and from the street.
- iii. Overhead elements will be considered on a case-by-case basis with a minimum vertical clearance of 84".

c. Amenities

- i. Integrated plantings must be pruned to maintain clear sight lines. Planters must be secured as necessary to remain upright and in place. Poisonous, noxious, or invasive vegetation must be avoided.

- ii. Lighting. Electrical connections to buildings will require a separate electrical permit. Solar-powered lighting may be considered.
- iii. Other amenities will be considered on a case-by-case basis.

d. Materials

- i. The parklet shall be constructed with materials that can sustain exposure to the elements, is easily maintained, and is slip resistant including wood, metal, concrete, or composite.

D. ACCESSIBILITY

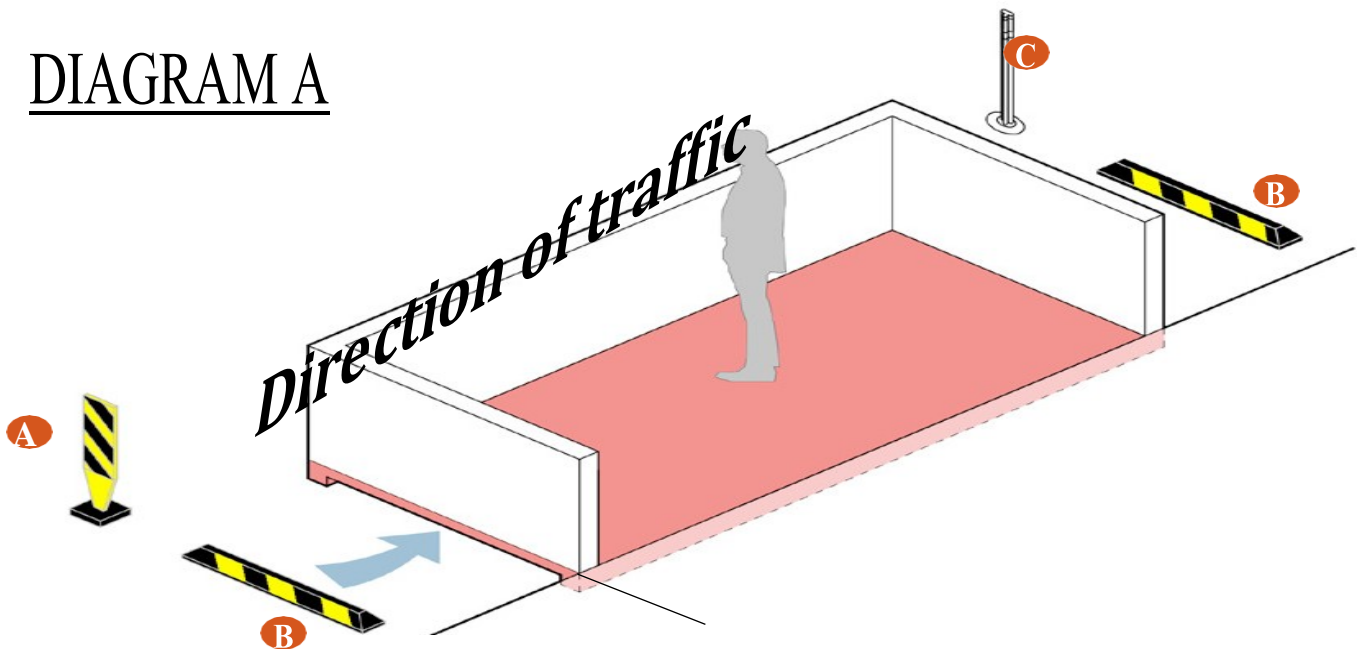
Parklets must be in compliance with the Americans with Disabilities Act (ADA)

- a. Accessible Entry. At least one accessible entry point must be incorporated into the parklet design.
 - i. The maximum vertical gap between the curb and parklet platform is $\frac{1}{4}$ ". Level changes exceeding $\frac{1}{4}$ " may require ramps.
 - ii. Wheelchair turning space. The parklet must meet ADA requirements for wheelchair turning movements.
 - iii. Wheelchair resting space. The parklet must meet ADA requirements for resting space of a wheelchair.
 - iv. Accessible Route. An accessible route must connect the sidewalk to the parklet entry, platform surface, wheelchair turning space, and wheel chair resting space. The path must be a minimum of 36" wide on the sidewalk and must not pass over grates containing openings that permit the passage of a $\frac{1}{2}$ " diameter sphere.

E. SAFETY

- a. Traffic Control Devices. Wheel stops ("B" 3 feet long, black rubber with yellow

DIAGRAM A



- b. Large decorative planters or other approved conspicuous barrier should be utilized on each end of the parklet to add protection and boundaries to the structure.
- c. Reflective elements at corners. 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.

F. OVERSIGHT

a) Enforcement

- i.) Parklets that are erected or maintained contrary to the requirements of this Policy shall be penalized in the following ways:
 - A.) Any applicant who violates Section 24.067 of the South Milwaukee Municipal Code, which codifies these regulations, shall, upon conviction, pay a forfeiture not to exceed \$525.00.
 - B.) Upon receiving 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 Public Works Department shall have the right to remove the Parklet, that portion of the Parklet, or any accoutrement(s) and place the item(s) into storage. Once in storage the applicant shall be notified of its location and it shall have 5 days to pick up the materials from the date of notification. If the applicant does not pick up the materials within that time period the Public Works Department shall recycle or discard the materials. Any holder of a grant of privilege for a Parklet who fails to remove the Parklet or accoutrements to the Parklet that is erected or maintained contrary to the requirements this Policy 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 City Engineer and/or the Board of Public Works as are needed to ensure compliance with the requirements of this section.
- b) Approval by the City Engineer of the Parklet structure and other related items outside of the structure shall be required prior to issuance of the permit. 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 (e.g. do "defacto" turn lanes/bypass lanes exist?), etc. are all important considerations to safety for the traveling public as well as the safety of those using 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.

ORDINANCE NO. _____

AN ORDINANCE TO CREATE § 24.066 OF THE MUNICIPAL CODE
AUTHORIZING AND REGULATING PARKLETS

WHEREAS, A Parklet is a structure which acts as a sidewalk extension beyond the exiting curb line. A Parklet is utilized to allow for a business to use the existing sidewalk as an extension of the business and the Parklet acts as a new route for pedestrians to circumvent the extension of the business on the sidewalk, and;

WHEREAS, Parklets must be subject to certain regulations to ensure public health, welfare, and safety, and;

WHEREAS, Parklets will provide for and enhance the quality and enjoyment of life by and for the People and further the Community's continuing goal of the city being a wonderful place to live, work and play.

NOW THEREFORE, at a regular of the Common Council of the City of South Milwaukee, held on the _____ day of _____, 2017, a quorum of the members of the Common Council being present and a majority voting in favor thereof, the Common Council does hereby ordain as follows:

1. Section 24.066 of the Municipal Code of Ordinances is hereby created to read as follows:

24.066 PARKLETS.

Definitions:

Parklet means a platform that is located in the parking lane of the street, is at the same level as the abutting sidewalk, and is intended to provide additional space and amenities for the adjacent business establishment and its patrons.

- (1) Notwithstanding sec. 24.06, businesses which are granted a Parklet license are exempted from the prohibitions required thereof, pursuant to the following conditions:
 - a. Parklets may only be located at food and drink establishments.
 - b. Food and drink may only be served to patrons seated at tables located on the sidewalk adjacent to the Parklet.
 - c. Food and drink may be served during the businesses normal business hours, except under no circumstances shall beer or intoxicating

beverages be served past 10:00PM Sunday through Thursday and 11:00PM Friday and Saturday.

- d. Tables and chairs must be secured or removed from the sidewalk when the Parklet is not in use.
- e. The business owner is responsible for removing from the sidewalk and/or Parklet any food, garbage, spills or other debris that accumulates daily.

(2) Penalties

- a. Anyone who violated Sub. (1), above shall, upon conviction, pay a forfeiture of no less than \$525.00

Passed and Adopted by the Common Council of the City of South Milwaukee
_____, 2017.

Erik Brooks, Mayor

James Shelenske, City Clerk

Date published: _____.



