

..Number
160379
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. WITKOWSKI

..Title
A substitute ordinance relating to the installation of parklets in the public right-of-way.

..Sections

81-83-4 cr
81-102-2 am
81-102-4.5 cr
115-35 cr

..Analysis

This ordinance defines a “parklet” as a platform that is located in the parking lane of a 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. It also identifies the various permits that are required for installation of a parklet, including a permit for occupancy of the public way (fee of \$200), and, if needed, a sidewalk area dining permit or an alcohol beverage license.

The ordinance also specifies other requirements for parklets, including:

- a. A parklet may be installed in the public right-of-way only between March 15 and November 15.
- b. The applicant shall pay the necessary fees, as determined by the commissioner of public works, for temporary removal of parking meters or hooding of meters.
- c. A parklet shall not project more than 6 feet into a roadway, as measured from the outside edge of the curb, unless otherwise approved by the commissioner of public works.
- d. A parklet may occupy only the portion of the roadway that is directly in front of the applicant’s property, building, or leased space or, in the case of a building with multiple first-floor occupants, in front of the applicant’s portion of the building frontage.
- e. The parklet shall comply with all parklet design requirements promulgated by the commissioner of public works.
- f. No building permit shall be required for the installation of a parklet.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-83-4 of the code is created to read:

81-83. Parking Meter or Parking Space Marker Temporary Removal or Hooding.

4. The fee for the temporary and seasonal hooding or removal of a parking meter for purpose of installation of a parklet shall be \$250 per metered space.

Part 2. Section 81-102-2 of the code is amended to read:

81-102. Public Ways: Permits for Temporary Occupancy or Use as Public Ways.

2. CALCULATION OF FEES. The fees charged in subs. 3 to 5 are charged for each area that is occupied. The fees shall be charged for every 30 feet of street front or fractional part thereof that is to be temporarily occupied or used. >>Fees for seasonal parklet occupancy of the parking lane shall be charged per 20 feet of street front or marked parking space, or fractional part thereof that is to be occupied.<< Fees for occupancy of parking lanes and traffic lanes are based on the classification of the street, as indicated on the street classification map maintained by the city engineer.

Part 3. Section 81-102-4.5 of the code is created to read:

4.5. PARKLETS. For the seasonal installation of a parklet in the public right-of-way parking lane, the fee shall be \$200 per 20 linear feet or per parking space.

Part 4. Section 115-35 of the code is created to read:

115-35. Installation of Parklets. DEFINITION. In this section, “parklet” means a platform that is located in the parking lane of a 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.

2. PERMIT REQUIREMENTS. No person shall install a parklet in the public right-of-way without first obtaining all of the following:

a. A permit for occupancy of the public way, as required by s. 115-10. The applicant shall also pay the applicable fees and deposits set forth in ss. 81-83, 81-102 and 115-10.

b. Any applicable alcohol beverage license, as required by ch. 90, including but not limited to a permanent or temporary extension of premises.

c. A sidewalk area dining permit, if required by s. 115-32.6. If a sidewalk area dining permit has already been issued for the adjacent business establishment, the permit holder shall report the appropriate changes to the permit or the plan or operation, as required by s. 115-32.6-5.

3. ADDITIONAL REQUIREMENTS. a. A parklet may be installed in the public right-of-way only between March 15 and November 15. However, the applicant may petition the commissioner of public works for permission to install the parklet before March 15, but no earlier than March 1, weather permitting.

b. A parklet shall not project more than 6 feet into a roadway, as measured from the outside edge of the curb, unless otherwise authorized by the commissioner of public works.

c. A parklet may occupy only the portion of the roadway that is directly in front of the applicant's property or building or, in the case of a building with multiple first-floor occupants, in front of the applicant's portion of the building frontage. A business improvement district or neighborhood association may petition the commissioner of public works for permission to install a parklet in its defined district or neighborhood with the permission of adjoining property owners.

d. The parklet shall comply with all parklet design requirements promulgated by the commissioner of public works.

e. No building permit shall be required for the installation of a parklet.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

..Requestor

DPW-Operations Division

..Drafter

LRB163194-2

Jeff Osterman

06/22/2018