

**CITY OF JOPLIN
COUNCIL AGENDA ITEM**

ITEM

Council Bill 2022-115 – adoption of a Standard Operating Procedure to allow Parklets in the City of Joplin Right of Way.

MEETING DATE

March 21, 2022

ORIGINATING DEPARTMENT

Public Works - Operations

ATTACHMENTS

Council Bill 2022-115 Ordinance, Standard Operating Procedure (SOP)

REVIEWED BY

Director of Public Works: David Hertzberg; Director of Finance: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nicholas Edwards.

SUMMARY

This Council Bill adopts a Standard Operating Procedure for allowing Parklets within the City limits.

BACKGROUND

Five years ago, City Staff was asked to place a Parklet in a parking stall along Main Street. Downtown Joplin Alliance has requested that the City allow parklets in the Right of Way (ROW) as part of a Downtown revitalization effort. Staff reviewed guidelines through the National Association of City Transportation Officials (NACTO) website while writing this SOP. Staff presented to City Council a draft SOP for consideration during a Work session to adopt a policy. Staff has received feedback from the Downtown Joplin Alliance and also from Council before bringing updating the SOP that is included in this Council Bill. Staff will need to be involved with issuing a permit, making inspections and also inspecting the area after a parklet has been removed.

FUNDING SOURCE

No City Funding

RECOMMENDATION

Staff recommends adoption of this Council Bill on First Reading.



Public Works
602 S Main Street
Joplin, Missouri 64801
417-624-0820

MEMORANDUM:

November 30, 2021

From: Assistant Director of Public Works for Operations
To: City Employees

Subj: POLICY CONCERNING PERMITTING PARKLETS IN CITY RIGHT OF WAYS

REF: (1) National Association of City Transportation Officials (NACTO)
(2) OSHA Rules & Regulations 1910.29 (f) (7) fall protection systems and falling object protection – criteria and practices
(3) Americans with Disabilities Act (ADA)
(4) Manual on Uniform Traffic Control Devices (MUTCD)
(5) Joplin City Code Manual

1. This memorandum states the policy for the proper handling of permitting Parklets before, after and during the emplacement into the City Right of Ways (ROW).
2. Parklets can easily convert curbside parking spaces into usable community spaces.
3. According to NACTO, Parklets should have a distinctive design that incorporates seating, greenery and or bike racks. This should meet the demand for public space in a thriving community or retail area.
4. Parklets will be allowed during the warmer months during the year, Parklets will not be allowed during the winter months because of snow plowing and removal. The season will normally be between March to November.
5. Parklets will meet the Americans with Disabilities Act (ADA) criteria while in the Public ROW.
6. Any damage to the Street, gutter, or curb caused by a Parklet will be paid for by the owner with the City either utilizing Street crews or the Restoration contractor to repair.
7. The Parklet will be limited to the parking space(s) assigned except when tying into the curb & sidewalk.
8. The Parklets must be attractive in nature and not be unsightly.
9. The Parklets must not have tripping or trapping hazards that may cause injuries.
10. Design and maintenance costs for the Parklet is borne by the owner.
11. The Parklet should be no wider than 8' and the length no longer than 25'.
12. The Parklet must have distinguishing reflective devices so that is easily identifiable by drivers.
13. The floor of the parklet must be able to hold the number of people it is designed for. Signage should state capacity.
14. There should be at least a four-foot buffer between the placing of the Parklet and the parking space behind and to the front of it.

15. Parklets will not be placed at intersections, street corners, alleys, or in areas that may cause a sight triangle issue.
16. Parklets will be placed in front of the business who sponsors it, as long as it meets all of the other rules contained within this Policy.
17. Some Parklet will be pre-fabricated per City Ordinances, these are acceptable.
18. Parklets will only be placed on streets that have a Speed limit of 25 miles per hour or less.
19. No alcohol will be consumed in a Parklet unless it is approved through a Picnic License permit through the City Manager's office.
20. If the parklet is being used as an extension to a Restaurant, the Health Department would need to inspect the facility. This would be in accordance with the City of Joplin Food Sanitation Ordinance and refers to operations that must meet the "Food Establishment."
21. No matter the slope of the street, the floor of the Parklet should be designed so that it is not more than 7 percent off level.
22. There should be either an open or closed railing (normally 36 to 38 inches in height) and able to withstand 200 pounds of horizontal force within the top 2" of railing. There must be a sign along the railing stating not to extend body parts past the railing into the street.
23. The parklet should not block access to Sanitary sewer manholes or Storm water inlets.
24. Parklets should not block any type of ADA access or electrical boxes or vaults.
25. Parklets will not extend past the parking space(s) into the driving lane or onto the sidewalk, except where the access ramp may be located.
26. City personnel Actions:

Step 1: A permit should be granted first, before a Parklet is emplaced into the City's ROW. This must be approved by the Director of Public Works or the Director of Planning, Development and Neighborhood Services, or one of the Assistant Directors of these two Departments. The Permit fee will be \$150.

Step 2: There will be an expiration date for the permit where the parklet is removed by the owner.

Step 3: The owner of the Parklet will furnish liability insurance for the Parklet for \$1,000,000 insured.

Step 4: The location must meet requirements listed above.

Step 5: The parklet must meet city specifications before being emplaced (quality, weight capacity, reflectivity, ADA requirements).

Step 6: After being emplaced and before any use of the Parklet, an inspection by the building inspectors should be conducted to ensure that it meets specifications.

Step 7: During the season, the Parklet should be inspected at least once every two months to ensure it still meets the requirements.

Step 8: Construction Inspectors must inspect the pavement where the Parklet was located after it is removed to ensure that there is no damage caused by the Parklet.

27. Parklets shall be removed by the owner, at their expense, no later than November 1st each year, and not replaced the following year until after March 15th. These dates may be changed by the City at its sole discretion.
28. The City of Joplin has adopted this policy as a pilot policy and reserves the right to suspend the use of parklets at any time. Upon written notice to the business, the parklet shall be removed no later than five (5) days after notice is given.
29. Any questions or comments concerning this policy can be addressed through the normal chain of command or through the Assistant Director of Public Works for Operations at (417) 624-0820 ext. 1560.

Lynden Lawson

COUNCIL BILL NO. 2022-115

ORDINANCE NO.

AN ORDINANCE adopting parklet policies and procedures.

WHEREAS, parklets are public seating platforms that convert curbside parking spaces into vibrant community spaces; and

WHEREAS, the City believes that authorizing parklets on City property would encourage investment and redevelopment, especially in the downtown area; and

WHEREAS, the City desires to authorize parklets on City property in accordance with the terms and conditions described in the policies and procedures attached hereto and incorporated by reference as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, as follows:

Section 1: The City of Joplin hereby adopts the Parklet Policies and Procedures attached hereto and incorporated by reference as Exhibit A.

Section 2: These policies and procedures are subject to change upon approval by the City Council.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of April, 2022, by a vote of _____.

Ryan D. Stanley, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney