

TO: Richmond Selectboard

FROM: Ravi Venkataraman, Town Planner

DATE: March 31, 2021

SUBJECT: Interim Bylaws for Parklets, Outdoor Seating, and Outdoor Displays

### Update

Based on discussions during the March 22, 2021 Selectboard meeting, I recommend that the Selectboard follow this line of questioning:

- Would parklets, outdoor seating, and outdoor displays for the summer months be in character of Bridge Street?
- Should allowances be rescaled to mitigate impacts?
  - In Montpelier, single parklets are not allowed to exceed two parking spaces, and no more than six parking spaces in total may be used for parklets.
  - Burlington has no limit to the size of the parklet, although it states that typically parklets occupy one to two parking spaces. However, Burlington specifies that no more than one parklet on a street per block is allowed, and no more than 10 parking spaces in total may be used for parklets. Burlington also requires a four-foot setback between the parklet and the adjoining parking space for parallel parking spaces, a three-foot setback between the parklet and the adjoining parking space for diagonal parking spaces (like the ones in front of the Bridge Street block), and a two-foot setback between the parklet and the travel lane.

### Background

Gabriel Firman and Lisa Curtis approached Town staff about converting parking spaces along Bridge Street into a parklet. This proposal for a parklet would occupy four parking spaces along Bridge Street in front of the Bridge Street Block, and would be in place from May 1, 2021 to November 1, 2021. Additional details about Firman and Curtis's proposal, including a drawing of the proposed parklet, are enclosed.

Highway Foreman Pete Gosselin and Acting Police Chief Kyle Kapitanski have reviewed the proposal. Both have recommended that a substantial barrier to protect pedestrians from vehicles should be established.

Otherwise, both did not note any glaring issues with the proposal. Their review is enclosed for your consideration.

In terms of planning and zoning, I have no major issues with the proposal. However, we currently do not have a permitting pathway to allow for temporary structures to be fixed within the right-of-way for months at a time. Generally, Use Within the Right-Of-Way Permits are for any work within a town right-of-way for a particular day, such as for laying cables or utility lines.

To circumvent this and allow for parklets and other structures within the right-of-way for a prolonged period of time specifically in response to COVID-19, municipalities had put in place interim bylaws to allow for parklets and/or for outdoor seating last summer. Stowe and Shelburne put in place interim bylaws to allow for outdoor seating without a permit and a fee for the summer and fall months. Montpelier put in place interim bylaws to streamline the permitting process for parklets and remove the application fee for the summer and fall months.

If the town would like to accept Firman and Curtis's proposal, I recommend that the Town adopt interim bylaws to allow for parklets, outdoor seating, and outdoor displays first. This would establish transparency in the

process with explicit rules for outdoor seating, parklets, and outdoor displays, and allow other business owners to create outdoor seating, parklets, or outdoor displays.

I have enclosed draft interim bylaws for parklets, outdoor seating and outdoor displays in public parking spaces on Bridge Street, Depot Street and Depot Street Extension. The draft interim bylaws would allow for the creation of parklets, outdoor seating, and outdoor displays along Bridge Street, Depot Street, and Depot Street Extension upon the issuance of a Use Within the Right-Of-Way Permit and approval from the Town Police Chief. Use Within the Right-of-Way Permit applications have to be reviewed and approved by the Town Highway Foreman, the Water Resources Department, and the Town Manager.

The Town has reached out to VLCT for guidance on certain aspects of the draft language. VLCT provided resources from Montpelier and Vermont Agency of Commerce and Community Development as models for draft language. Most of the draft language is based on these models.

To adopt interim bylaws, the Selectboard will need to warn a public hearing for the interim bylaws. After the public hearing—either during the same Selectboard meeting or any Selectboard meeting after the public hearing--the Selectboard may adopt the interim bylaws. Interim bylaws go into effect upon adoption.

#### Draft Motion

If you are satisfied with the draft interim bylaws, I have prepared the following draft motion to facilitate action:

*I, \_\_\_\_\_, move to warn a public hearing for these Interim Bylaws allowing parklets, outdoor seating, and outdoor displays in public parking spaces on Bridge Street, Depot Street, and Depot Street Extension on May 3, 2021.*

Please don't hesitate to contact me if you have any questions.



Josh Arneson &lt;jarneson@richmondvt.gov&gt;

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## parklet proposal

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**Gabriel Firman** <gabriel.firman@icloud.com>

Tue, Mar 16, 2021 at 10:51 AM

To: Ravi Venkataraman &lt;rvenkataraman@richmondvt.gov&gt;

Cc: Lisa Curtis &lt;lisa@sweetsimones.com&gt;, BOH Admin &lt;boh@hatchetvermont.com&gt;, Admin Foh &lt;foh@hatchetvermont.com&gt;, Josh Arneson &lt;jarneson@richmondvt.gov&gt;, Peter Gosselin &lt;pgosselin@richmondvt.gov&gt;

To whom it may concern,

We are submitting a proposal to install a seasonal parklet in front of our businesses, Hatchet (H) and Sweet Simones (SS), located at 30 & 40 Bridge St from May 1 thru Nov 1. Our hope is that by installing additional outside seating we will be able to accommodate our guests in a safe fashion as we transition back to seated service. We would find this immensely helpful as we continue to adapt in hope of finding ways to have our severely crippled businesses survive the pandemic. We have seen these types of additional seating arrangements ushered in by Burlington, Montpelier and many other towns and are hoping we could do this in Richmond as well.

We see this being helpful in a multitude of ways. First it will allow us to get closer to our allowed capacity as we are still limited to 50% of our original capacity. Secondly, as we start to begin our slow march back to "normal" we find that dining outside is safer and more comfortable for many people as the stigma associated with indoor dining continues to be prevalent and will likely be that way for quite a while. H & SS have alternating hours so this space could be cross utilized by both of us. In addition to seating we would also make this a visually vibrant area that will be surrounded by a bountiful greenscape of flowers, plants and the like. The proposed parklet would take up 4 parking spaces and add an additional 24 seats to our existing outdoor seating areas (which currently can accommodate +/- 15 ppl)

We have had a very challenging year. Last summer was especially hard with the road construction it made it impossible to even utilize what limited outdoor seating we had as the dust and noise made it impossible. We have very limited seating outdoors seating and indoor dining is still very limited. This proposed seating area would help our survival immensely. We hope you will be able to accommodate this request as quickly as possible with spring approaching rapidly. Thank you for your consideration.

Please let us know if you need further information.

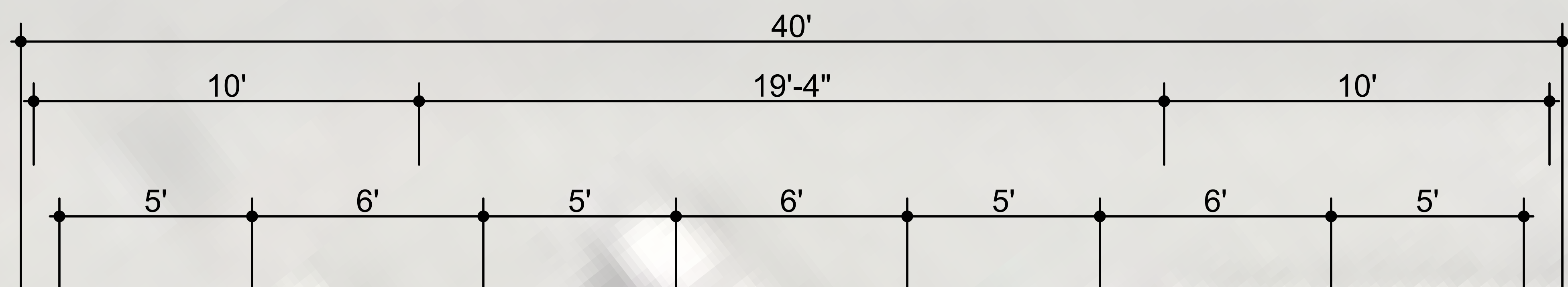
Best,

Gabriel Firman & Lisa Curtis

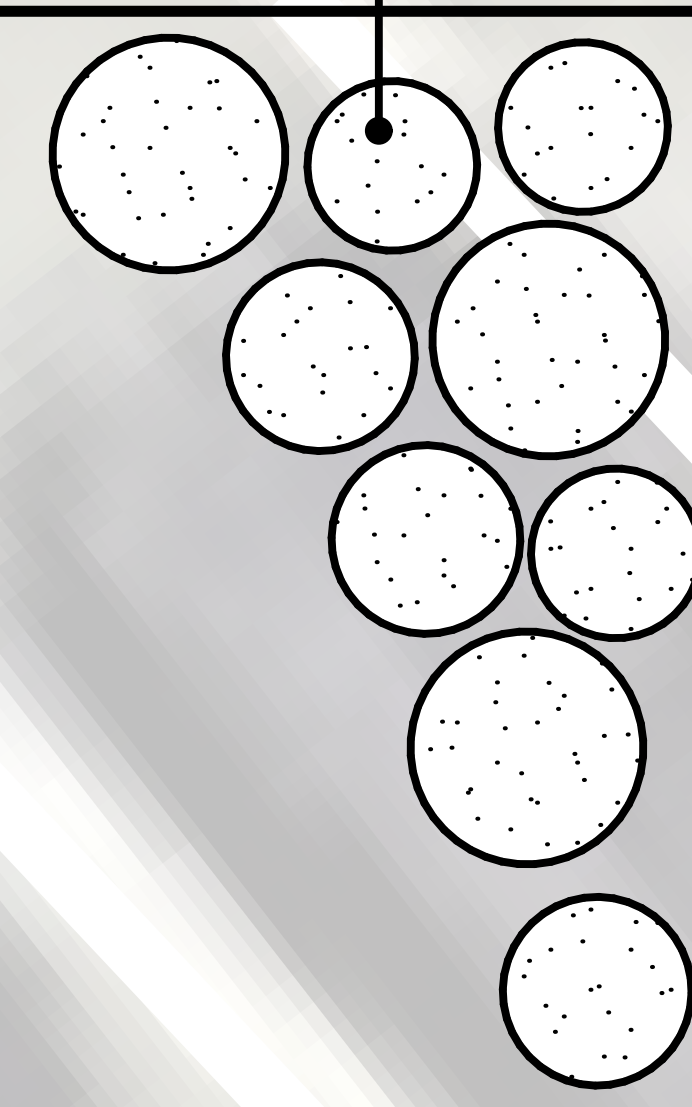
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← ROAD →



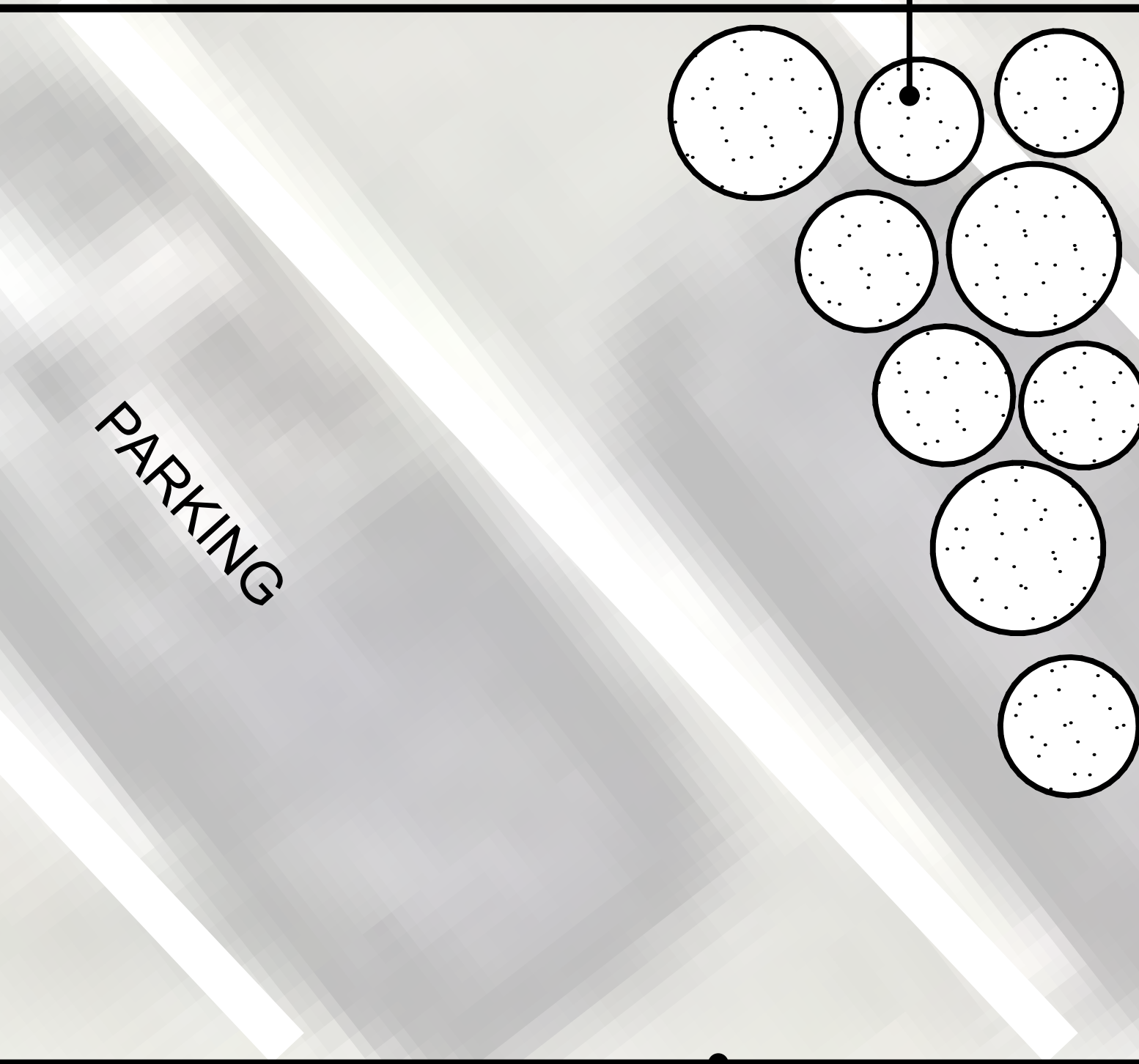
FLOWERS



FLOWERS & GRASSES

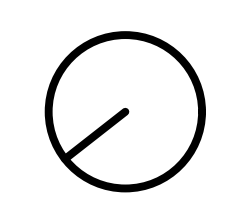


PARKING



CURB

← SIDEWALK →



HATCHET



SWEET SIMONES

## Feedback on parklets from Town Staff and PACIF

From Acting Police Chief Kapitanski

- From a traffic management and public safety standpoint, I don't see any issues with it.
- Veering outside of my lane a little, I will point out the obvious. We are already hearing from the public about the lack of parking town wide. This proposal seeks to take away four spaces on Bridge Street. I'd be willing to bet approval of this would not go unnoticed and without opposition.

From Road Foreman Pete Gosselin

- My only concerns are safe traffic separation. The sidewalk cannot be constricted to Hatchet and Simones business only. It must have a minimum clear lane of 5 feet for pedestrian traffic to travel through the area. Should a few concrete blocks be intermixed with the flowers for safety? I'm thinking maybe 3 concrete half blocks that measure 24" x24" x48"?

Following is feedback from our insurance carrier regarding insurance for the proposed parklet:

- The Town has liability for your roads and sidewalks in accordance with the terms, conditions, limitations and exclusions of the PACIF Coverage Document. However, the businesses that are installing these parklets should have liability insurance that protects the Town from liability directly related to the use of the parklets on town property. What you'll want to do is have the businesses provide you with a certificate of liability insurance naming the Town as an additional insured if their parklet will be placed on town roads/sidewalks.

## Interim Bylaw Amendments

### Town of Richmond

Adopted April XX, 2021

#### 6.13 Interim Zoning Regulations for Parklets, Outdoor Displays, and Outdoor Seating

6.13.1. Enactment and Authority. The Town of Richmond has adopted these Interim Bylaws in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, §4415, Interim Bylaws.

6.13.2. Purpose. The purpose of these Interim Bylaws is to pilot a temporary outdoor seating, outdoor display, and parklet program, to protect the general public health and welfare, and to provide for orderly physical and economic growth of the Town of Richmond during the current period of the COVID-19 pandemic. These bylaws are intended to facilitate businesses to promote their services and products, and to support social distancing during the period of time covered by these bylaws.

#### 6.13.3. Parklets and Parklet Features.

6.13.3.1 Parklets are public seating platforms that convert curbside parking spaces into gathering spaces for people. Most parklets have a distinctive design that incorporates seating, greenery, and/or bike racks. Parklets may also utilize a portion of a sidewalk. In locations without curbside parking, the same concept can be used.

6.13.3.2. Parklets may feature: Tables and chairs; benches; planters and landscaping features; and bike racks.

6.13.3.3. Parklets shall be considered accessory structures for a nearby use or uses.

6.13.4. Applicability. These Interim Bylaws shall apply to the following uses throughout the Town of Richmond:

- Brewery
- Business, Retail
- Restaurant
- Restaurant, Fast Food
- Pub
- Tavern

#### 6.13.5. Specific Provisions

6.13.5.1. The Town is authorized to issue Use of Right-of-Way (ROW) Permits for parklets, outdoor display, and outdoor seating in public parking spaces on Bridge Street, Depot Street, and Depot Street Extension, from the date of adoption of these interim bylaws until November 1, 2021.

6.13.5.2. The issuance of a Use of Right-of-Way Permit is required prior to the installation or construction of any outdoor seating, outdoor display, or parklet under this Interim Bylaw.

6.13.5.3. An applicant seeking to install or construct a parklet, outdoor seating, or an outdoor display shall submit a Use of Right-of-Way Permit application, the respective fee, and a site plan of the proposed development to the Planning and Zoning Office.

6.13.5.4. Prior to the issuance of any Use of Right-of-Way Permit, the permit application shall be reviewed and approved by the Town of Richmond Police Chief.

6.13.5.5. The applicant shall include details on the daily maintenance of the parklet, outdoor seating, or outdoor display with their Use of Right-of-Way Permit application. The applicant is responsible for the daily maintenance of the parklet, outdoor seating, or outdoor display.

6.13.5.5. Parklet applications will be evaluated by Town staff using the following criteria:

- (a) Suitability of location and placement;
- (b) Pedestrian access and ADA accessibility;
- (c) Material maintenance and installation;
- (d) Durability of design;
- (e) Safety considerations, including barriers, traffic signs, railings, wind stresses, traffic and pedestrian visibility;
- (f) Assignment of maintenance responsibility;
- (g) Access to public and private utilities; and,
- (h) Drainage management and access.

6.13.5.6. Technical standards. Parklets, outdoor seating, and outdoor displays shall:

- (a) Maintain paths of water drainage from centerline of road to curb and along the curb;
- (b) Have the finished surface of the parklet floor be flush with the curb; and
- (c) Have reflective soft-hit posts at each corner of the parklet-occupied parking space(s), or the like upon recommendation from the Highway Foreman.

6.13.5.7. The Town Manager is authorized to reserve spaces if needed to preserve public safety and accessibility.

6.13.5.8. The Town may allow parklets, outdoor seating, and outdoor displays covering up to eight parking spaces in total.

6.13.5.9. All parklets must comply with the guidelines issued by the Vermont Agency of Commerce and Community Development in conjunction with the Vermont Agency of Transportation.

6.13.5.10 All parklets, outdoor displays, and outdoor seating shall also be considered Temporary Structures and therefore must be removed within 180 days of installation or construction, or prior to the expiration of these Interim Bylaws, whichever is earlier.

6.13.5.11. Upon removal of the parklet, outdoor seating, and outdoor display, the applicant shall restore the areas to a condition at least equal to preexisting conditions.

6.13.5.12. Uses that are not permitted for outdoor seating or outdoor display may provide outdoor seating or outdoor display under this Interim Bylaw, and are not required to amend any prior permit approvals in regards to the number and type of seating.

6.13.5.13. Uses are not required to amend any prior permit approvals in regards to the number and type of seating in order to expand the number of seats through outdoor seating or a parklet.

6.13.5.14. Parklets and outdoor seating will be limited to two parking spaces or 400 square feet, whichever is less, per use.

6.13.5.15. Uses may share parklets and outdoor seating areas. Up to two uses may also combine allowances for parklets and outdoor seating areas to create a parklet or outdoor seating area of up to four parking spaces or 800 square feet, whichever is less.

6.13.5.16. Use of parklets and outdoor seating areas must comply with any licensing requirements associated with their respective use. Smoking is prohibited in all parklets, outdoor display areas, and outdoor seating areas.

6.13.5.17. Parklets, outdoor displays, and outdoor seating are exempt from the setback requirements of the underlining zoning districts.

6.13.5.18. Parklets, outdoor displays, and outdoor seating may use the public sidewalks, but shall not interfere with pedestrian travel by maintaining a five-foot-wide continuous pathway. Outdoor seating, outdoor displays, and parklets shall not interfere with pedestrian or emergency access.

6.13.5.19. Uses may erect an outdoor display of goods offered for sale outside a building within an outdoor display area designated on their Use of Right-of-Way Permit without a Zoning Permit.

6.13.5.20. Prior to the construction or installation of the parklet, outdoor seating, or outdoor display, the applicant shall provide the Town proof of comprehensive general liability insurance in a minimum of \$1,000,000 per occurrence, naming the Town as the additional insured.

6.13.5.21. All other provisions of the Richmond Zoning Regulations shall remain in effect during the period of these Interim Bylaws.

6.13.6. Effective Period. These Interim Bylaws shall remain in place from the date of adoption by the Selectboard until November 1, 2021.

6.13.7. Enforcement. Enforcement of these Interim Bylaws shall be as provided for in 24 V.S.A. Chapter 117, §4451, and Section 8.3 of the Richmond Zoning Regulations.