

TOWN OF HARDWICK

PARKLET ORDINANCE

Sec. -1. This ordinance is intended to regulate the temporary establishment, maintenance and operation of space within dedicated street and highway right-of-way limits for public, private, civic and commercial use as parklets. An parklet approved by the Selectboard prior to the enactment of this ordinance shall comply with the ordinance as enacted.

Sec. -2. Parklets are public seating platforms that convert curbside parking spaces into vibrant community spaces. Most parklets have a distinctive design that incorporates seating, greenery, and/or bike racks and accommodate unmet demand for public space on thriving neighborhood retail streets or commercial areas. (National Association of City Transportation Officials)

Sec. -3. The Selectboard shall designate the location and boundaries of space within one or more dedicated streets or highways as areas in which parklets may be established a maintained. Such designation will take into consideration impediment to public use of streets and highways, vehicular and pedestrian safety, congestion, noise, litter and public health.

Sec. -4. The Selectboard may allow parklets covering up to four parking spaces in total. No single parklet will exceed two parking spaces. Applications may be submitted between the dates of November 1 and April 1. Selectboard consideration of all submitted applications will be completed between April 15 and June 1 of any given year unless extended due to issues raised during the application process. The approved application will extend for up to two summer seasons with an expiration date of November 15 or prior to the season's first forecast snow storm of the applicable year; parklet owners may apply for renewal after expiration. Public notice of application shall be posted no less than 10 days prior to the Selectboard meeting when the application is being considered.

Sec. -5. A person seeking to install a parklet in a designated location shall submit a completed application form and parklet plan (architectural renderings & site plan) to the Town Manager or his/her designee between November 1 and April 1, and shall remit to the Town Clerk a non-refundable application fee of \$50.00 (or as may be amended from time to time). At the time of application, they shall also provide direct notice of their application to businesses within 150 feet of the proposed parklet location. The application will not be considered complete until applicant provides a list of businesses that have been provided notice and the dates and method by which such notice was provided.

Sec. -6. The Selectboard may, at its option in a particular instance, request advisory opinions from the Planning Commission and Town staff, including the Town Manager,

Public Works Department and the Police Department, assessing the following technical compliance criteria:

- . (a) Suitable location in central business district (Designated Village Center);
- . (b) Pedestrian access and ADA accessibility;
- . (c) Material maintenance, installation and removal portability;
- . (d) Attractiveness and durability of design;
- . (e) Safety considerations, including barriers, traffic signs, railings, wind stresses, traffic & pedestrian visibility;
- . (f) Assignment of maintenance responsibility – trash, etc;
- . (g) Drainage management & access; and
- . (h) Design and placement: Service access to public and private utilities, Maximum of 7-foot width,

Maintain paths of water drainage from center line of road to curb, and along the curb, Finished surface of parklet floor to be flush with curb, 1/2 inch gap max, 4-foot distance from parklet to wheel stop, 3-foot wheel stop installed 1' from curb,

Reflective soft hit posts at each corner of the parklet-occupied parking space, and Protected outside edge with Manual on Uniform Traffic Control Devices-compliant object inarkers.

Parklets may feature:

- . (a) Tables, chairs, and umbrellas
- . (b) Benches
- . (c) Planters, a trellis, and landscaping features
- . (d) Art Work and signage
- . (e) Bike Racks

While other features may be acceptable, the goal of these spaces is to enhance the pedestrian experience downtown by providing places for activities on the commercial streets of the Town. Parklets may only be restricted to use by patrons of a particular establishment or group of cooperating businesses during their operating hours, and otherwise must be open to the general public for their enjoyment. Parklets may be used as

an accessory space for a nearby business or businesses, but they may not be used as a stand-alone place of business. All parklets shall include signage which indicates the hours of private operation and states that the parklet is open to the public at other times.

Sec. -7. The applicant must secure any Town and State permits that may be required, including but not limited to floodplain approval under the Town's regulations and water/wastewater approval from the State.

The Selectboard shall consider the following when determining whether to approve a parklet application:

- (a) Impact on the residents and businesses in the immediate area
- (b) Public Comments
- (c) Comments from Town departments and boards including the technical criteria
- (d) Aesthetics
- (e) Applicant's experience with prior parklets including public health, public safety and utilization
- (f) Geographic distribution of parklets
- (g) Variety of parklets -- style and usage
- (h) In a conflict over available parking spaces, preference will be given to full public use parklets over privately owned and operated parklets.

After consideration of the above factors, the Selectboard-at its sole discretion - may approve or deny any application.

The Town reserves the right to order or undertake the immediate removal of a parklet in the event of an emergency or street maintenance or repair.

The Selectboard may terminate the permit prior to expiration based on violation of ordinances, improper use of the parklet or evidence of negative impact in the area. Prior to any formal termination action, the Selectboard will refer the issue to the Hardwick Area Restorative Justice Center (HARJC). In the event that the restorative justice process is not successful, HARJC may refer the matter back to the Selectboard.

Termination may only occur following a public hearing at a regularly warned Selectboard meeting. The Town will provide a 15-day notice of the hearing to the permit holder. Such notice will include the potential reasons for termination. The permit holder will be provided the opportunity to address the stated concerns. The hearing will be conducted in the same manner as regular Selectboard meetings. Termination will be at the discretion of the Selectboard, following the hearing. In the event that a permit is terminated, the Town will refund a prorated amount of fees paid based on the time of actual use.

Following Town staff report, Planning Commission advisory opinion, and approval by the Selectboard, each applicant shall enter into an agreement with the Town under which the applicant shall construct and operate the parklet, as well as provide specified daily maintenance. The applicant's failure to comply with said agreement shall result in the termination of applicant's approval to install and operate the parklet, and removal of said parklet immediately upon receipt of notice, and restoration of the area to a condition at least equal to pre-existing conditions. The Town reserves the right to take legal action to recover costs if applicant fails to remove parklet in a required time frame and the Town must handle removal. The applicant is responsible for all costs incurred by the Town in

remediating any non-conformance with the ordinance or the agreement, or for parklet removal and site restoration.

The applicant's interest in the agreement under Section 7 is not assignable without the prior consent of the Town.

Sec. -8. Prior to the construction, installation or operation of any parklet component, the applicant shall:

(a) Furnish the Town Clerk with proof of comprehensive general liability insurance in a minimum of \$1,000,000 per occurrence, \$2,000,000 aggregate General Liability coverage naming the Town as additional insured.

Sec. -9. At all times the parklet is in operation, smoking is prohibited and the applicant shall conform to all laws and regulations relating to the sale and consumption of alcoholic beverages and food safety within the parklet.


Sec. -10. Parklets may be maintained and operated only during the period commencing May 1st until November 15 of each year.

EFFECTIVE DATE: This ordinance shall be effective 60 days after its adoption by the Hardwick Select Board and shall supersede and replace all previous ordinances regulating the time, manner, and location of parklets. If a petition is filed under 24 V.S.A. 1973, the provisions of Title 24 Appendix, Section 123 (D) shall govern the effective date of this ordinance.

Adopted and signed this 6 day of June, 2019 by the

Select Board of the Town of Hardwick, Vermont:


Eric Remick, Chair

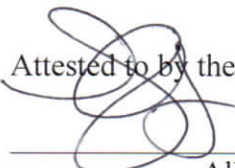

Danny Hale, Vice Chair


Shari Cornish


Elizabeth Dow


Lucian Avery

Attested to by the Town Clerk, Hardwick, VT

 assistant
~~Alberta Miller~~ Tania Gray