



MEMBERS OF THE PUBLIC MAY ATTEND VIA ZOOM BY CLICKING ON THE FOLLOWING LINK:
<https://us06web.zoom.us/j/88310207699?pwd=cDU4RysyRVZBVXVaMTVxT081ZUsrdz09>
**OR BY CALLING 1-253-215-8782 AND ENTERING MEETING ID NUMBER 883 1020 7699
FOLLOWED BY PASSCODE 810513**

**MEMBERS OF THE PUBLIC CAN ALSO LISTEN TO THE MEETING BY LOGGING ONTO THE CITY'S
WEBSITE USING THIS LINK:** http://www.winslowaz.gov/government/agendas_and_minutes/index.php

**AGENDA
NOTICE OF WORK SESSION
OF THE WINSLOW CITY COUNCIL**

**APRIL 25, 2023 – 5:00 P.M.
DOORS OPEN AT 4:30 P.M.**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the City Council of the City of Winslow, Arizona and to the general public that the Winslow City Council will hold a work session on Tuesday, April 25, 2023 at 5:00 p.m. in the main hall of the Winslow Visitor's Center, 523 West Second Street, Winslow, Arizona. Members of the City Council will attend either in person or via Zoom.

- 1. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 2. ROLL CALL - EXCUSE ABSENT MEMBERS**
- 3. DISCUSSION AND DIRECTION TO STAFF REGARDING PROPOSED AMENDMENT TO CITY CODE RELATED TO PARKLETS**
- 4. ADJOURNMENT**

The City Council reserves the right to move into executive session for legal advice under authority of A.R.S. 38-431.03(A)(3) on any of the above agenda items. A copy of the agenda background materials already made available to the City Council is available at City Hall, 21 Williamson Avenue, Winslow, Arizona between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday and at the Winslow Public Library, 420 West Gilmore, Winslow, Arizona during regular library hours.

Pursuant to the Americans with Disabilities Act (ADA) the City Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. Assistive listening devices are available for the public's use for meetings. Reasonable accommodations will be made upon request for persons with disabilities or for those who speak English other than very well. If you need an accommodation for a meeting, please call the City Clerk's Office at 928-289-1416 TDD # 928-289-4784 at least 48 hours prior to the meeting so that an accommodation can be arranged.

Notice is hereby given that pursuant to A.R.S. 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602.A.9 have been waived.

**CITY OF WINSLOW
CHAPTER 12.09 PARKLETS
MAY xxxx, 2023**

SECTIONS:

12.09.010	Definitions
12.09.020	Purpose
12.09.030	Permit Required
12.09.040	Application
12.09.050	Design Standards
12.09.060	Operation and Maintenance
12.09.070	Revocation of Permit
12.09.080	Appeals

12.09.010 Definitions

“Parklet” refers to City parking space(s) that the City has authorized through a permit to be used to create public or private outdoor seating or dining spaces adjacent to a business.

“Applicant” means the persons who have applied for approval of a parklet permit. The applicant shall include, jointly and severally, both (i) the owner or operator of the qualifying business and (ii) the fee simple owner of the real property upon which the qualifying business is situated.

12.09.020 Purpose

The purpose of this chapter is to establish the manner by which on-street parking spaces can be converted into outdoor dining areas and community gathering spaces, known as parklets. The parklets will expand outdoor dining opportunities and create more vibrant commercial districts. This chapter seeks to protect and promote public safety, community welfare and preserve the City’s character and aesthetic quality.

12.09.030 Permit Required

- A. It is unlawful to construct, install, or operate a parklet without a permit to do so from the City. A parklet, permitted and operated in accordance with this chapter, shall not be considered an obstruction of a public right-of-way.
- B. The City has the discretion of whether to issue a parklet permit. The issuance of a parklet permit shall not be construed or interpreted to convey any vested property rights, leasehold rights, or interests to any person or business.

- C. Parklet permits are non-transferable and shall expire on transfer of ownership or after two-years from the date of issue, whichever is earliest.

12.09.040 Application

- A. An applicant requesting approval for a permit to construct, install, or operate a parklet shall complete an application and shall submit the application to the City. Such application shall include:
1. A completed application on the form provided by the City;
 2. Business license and TPT license;
 3. Detailed site plan;
 4. Photographs or illustrations depicting proposed parklet;
 5. A nonrefundable application fee. The application fee and annual permit fee for operating a parklet shall be determined by the City Council and set forth in a resolution;
 6. Applicant shall provide City with evidence of general liability and property insurance, with claim limits designated by the City Manager, in a form approved by the City, with an endorsement naming the City as an additional insured.
- B. Within thirty (30) days following the receipt of all application materials required by Section 12.09.040A, the City's Community Development Department shall either issue a parklet permit to the applicant or deny the application. Where a parklet permit is denied, the City shall notify the applicant of such denial in writing, including notice of the right to City review of such decision. Written notice of the denial shall be sent via U.S. mail.

12.09.050 Design Standards

- A. A parklet shall be installed and designed in accordance with all applicable City, state, and federal laws, regulations, or statutes.
- B. Parklets shall conform to the following technical standards:
1. A parklet must be placed directly in front of and adjacent to an applicant's business or property. Parklets shall be located within the boundaries of existing parking spaces.
 2. Does Winslow want to subject the parklets to a particular area (zoning district?), such as only Downtown Winslow? or limit by streets speed (other codes limited by streets of 25 mph or less)
 3. The parklet must have at least five (5) feet of unobstructed horizontal clearance from any parklet edge to above-ground utilities, including pedestals, transformers, and other surface-mounted facilities, loading zones or handicapped parking spaces.

4. Parklets shall not be placed within fifteen (15) feet of fire hydrants. Parklets shall not be permitted in areas designated for emergency or fire access. Parklets shall not be placed within five (5) feet of bike racks or pedestrian crosswalks. Parklets shall not block access to sidewalks, alleys or driveways.
5. Parklets shall not be connected to any utilities by any means. Parklets shall not obstruct the adequate drainage of stormwater runoff.
6. The parklet shall be constructed and installed to conform to all applicable codes, rules and regulations, including the International Building Codes, as adopted by the City, and relevant provisions of the City Code.
7. A parklet must comply with the Americans with Disabilities Act, as amended ("ADA"), and all applicable health and safety requirements. Parklets shall not be permitted in parking spaces marked exclusively for ADA use.
8. Any signs, graphics or other logos within a parklet shall comply with Chapter 17.80 of the City Code, any other applicable ordinances, and state law.
9. The serving and consumption of alcoholic beverages as part of the operation of the parklet shall be permitted subject to City and state liquor laws. An applicant may sell and serve alcohol in a parklet only if the applicant complies with all the requirements of obtaining a liquor license as required by the State of Arizona and the parklet is listed on the liquor license as part of the licensed premises.

12.09.060 Operation and Maintenance

- A. The applicant shall comply with the design standards of the parklet permit issued and shall maintain the parklet and the sidewalk adjacent thereto in a clean and safe condition for pedestrian travel. The area shall be cleared of debris at all times. No portion of any object placed within the parklet boundary shall extend into an adjacent sidewalk.
- B. General landscape maintenance attendant to the parklet should be performed regularly at the applicant's sole cost and expense.
- C. Parklet utilization shall be limited to the hours of operation of the applicant's business.
- D. Applicant shall be required to replace or mitigate entirely, at the applicant's expense, any damage to the public right-of-way or private property as a result of the parklet construction, installation, operation, or removal.
- E. Awnings, umbrellas and other decorative material accessory to the parklet shall be fire retardant, pressure treated or manufactured of fire resistive material. Tables, chairs, and any objects accessory to the parklet shall be maintained in a clean and attractive appearance, designed for outdoor use, and shall be in good state of repair at all times. Any and all objects accessory to the parklet shall not restrict the visibility of drivers.

- F. If necessary for the public's health, safety and welfare, to prevent a nuisance from developing or continuing, emergencies, and to comply with the City Code, or applicable state or federal law, the City may require the applicant to immediately remove or relocate any and all objects accessory to the parklet. If the applicant fails to remove or relocate the objects accessory to the parklet as requested within a reasonable time as determined by the City, the City may remove or relocate the items, and the applicant shall bear the cost thereof.
- G. Applicant agrees to indemnify the City against all claims arising from the parklet's use.

12.09.070 Revocation of Permit

The approval of a parklet permit is conditional at all times. A parklet permit may be revoked or suspended by the City if an applicant has been found in violation of this chapter. Applicant shall be required to vacate the parklet and leave space in a clean condition, clear of all property and debris, and restore the parklet area to the satisfaction of the City within thirty (30) days after revocation or suspension. Applicant is responsible for the costs associated with removal of the parklet and accessories. If the applicant fails to remove the parklet and accessories, the City may remove or relocate the items, and the applicant shall bear the cost thereof.

12.09.080 Appeals

Appeal shall be initiated within ten (10) days of the effective date of the denial or revocation of the parklet permit by filing a written notice of appeal with the City Clerk. The City shall place the appeal on the next available regularly scheduled City Council agenda. At the hearing upon appeal, the City Council shall hear and determine the appeal. The City Council's decision shall be final, binding, and effective immediately. The filing of a notice of appeal will not stay an order to remove a parklet and accessories.