

OUR CHANGING REALITY

Community Adaptation Strategies and Best Practices: Part 1

The COVID-19 pandemic presents uncharted territory for communities and planning professionals. The American Planning Association (APA), Michigan Association of Planning (MAP), National Association of City Transportation Officials (NACTO), and the International City Managers Association (ICMA) are updating their resource libraries with a diverse set of tools and data to guide the reopening of businesses and the development of safe public spaces. Giffels Webster is tracking recommendations from leading case studies and land use organizations to help communities respond to the unprecedented times with resilience and equity. This newsletter is first in a series that summarizes these recommendations as strategies for today and ideas for the future. We will explore senior adult challenges, transportation and public engagement strategies in our next issue.

Communication is first and foremost. As your community begins to reopen, consider creating accessible space such as a dedicated webpage for the crucial, credible information that residents and businesses need. Posting regularly on social media in conjunction with a frequently updated webpage builds trust among citizens and instills a confidence in the community's preparedness.

Exploring our Changing Reality

Recovery Plans. The APA started a 'Road to Recovery' web series providing interviews with various community stakeholders. People experience the pandemic with a wide variety of hardships and perspectives. Small business owners and low-income people are disproportionately affected by the virus and its economic fallout and may require additional support. Typically, the primary source of income for communities is sales tax, gas tax, and property tax. Stay at Home orders and fears of contagion have severely decreased tax revenues while job losses have spurred spending on unemployment benefits. This is why creating a sense of safety by the leadership is essential for residents to contribute to economic growth.

Recovery plans vary. At Giffels Webster, we created two teams, short-term recovery and long-term recovery, to anticipate possible roadblocks and create a phased plan for getting back to "normal". The teams collected employee input through a brief survey and used feedback to lay out a plan to reopen in-office operations which included options for employees with different limitations and perspectives. This created a sense of overall comfort. The same would apply to communities.

Zoning Law Update

MMMA PRIMARY CAREGIVER

Recently, the Michigan Supreme Court has ruled in the case of DeRuiter v Byron Township that the 2008 Michigan Medical Marihuana Act (MMMA) does not nullify a municipality's ability to regulate medical marihuana primary caregivers under the Michigan Zoning Enabling Act, as long as municipalities do not prohibit or penalize the cultivation of medical marihuana, and as long as regulations are reasonable and consistent with those established by state law. This MI Supreme Court's ruling was a reversal of lower court decisions that local zoning regulations were preempted by the MMMA for otherwise compliant primary caregiver operations, finding that since enclosed, locked facilities may be found in various locations on various types of property, a zoning ordinance that limits the location of caregiver cultivation does not directly conflict with the MMMA.

This is an important law update for any community dealing with primary caregivers. As the MMMA is silent on zoning implications, many communities until now have understandably not pursued any significant land use restrictions on primary caregivers. This has left little in the way of these operations, which may have up to 12 customer patients, from locating in the middle of a residential subdivision with no local zoning consideration.

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Zoning Law Update

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This no longer has to be the case if desired. Now, communities that have been hesitant to regulate the location of primary caregivers can have confidence to pursue reasonable location-based regulations. What this looks like for individual communities is a policy decision and may range from allowing caregivers only in industrial areas, to requiring caregivers operate as a home occupation at a primary residence, as is required by Byron Township. At the very least, this is a reminder to verify that reasonable permitting and fee structures are in place to process and track the location of caregivers allowed by-right or with local restrictions.



Village of Milford, Dining Parklets to extend outdoor spaces to meet physical distancing protocols. (Source: Unilock)

Today. Each community should have a recovery team, adopt a recovery plan and provide clear guidelines to all businesses involved. As one example, the [City of Jackson, Mississippi](#) created a long list of guidelines and restrictions for each type of business and public gatherings. These include limits on occupancy, frequency for sanitizing, requirements for face coverings, among others. They also created standard signage for all local businesses, to use and to reopen with confidence. This clarifies expectations for residents in your community and ensures public health protocols are met.

Future Idea. Develop a community resiliency plan for future emergencies and shocks; these may include external shocks related to weather, public health or the economy. Communities should consider lessons learned to better prepare for the future.

Restaurants. As communities and businesses begin to reopen, restaurants have utilized new techniques to meet physical distancing protocols while accommodating on-site dining. Parking spot conversion is a popular tactic that allows local businesses to expand outdoor dining and retail sales into the street with proper buffering from vehicular traffic. Dining parklets offer restaurants the ability to safely serve customers in accordance to physical distancing while creating a more pedestrian-oriented experience. Legislative changes are in progress to amend liquor laws to help bars and restaurants hurt by the coronavirus. [HB 5811](#) allows licensees to fill and sell containers with alcohol for consumption off premises and allows delivery. [HB 5781](#) allows local governments to establish social districts for the sale of alcohol. Both bills have passed and have been signed by the Governor.

Today. Check out [NACTO's Guide to Parklet Design](#) or [Ground Play](#), and [Giffels Webster's recent blog post](#) to learn more about getting a parklet program started in your community.

Future Idea. Explore additional conversions of “automobile-spaces” to “people-spaces.” This type of transformation, especially near denser residential areas, can offer new places for people as well as mitigate the appearance of empty or under-used parking lots and businesses. It can also reset priorities for use of public right-of-way.

Giffels Webster News

2020 INSPIRING PLANNING PROJECT AWARD. Giffels Webster's ‘City of New Baltimore Wayfinding Sign Plan’ has won the 2020 Inspiring Planning Project Award from the American Planning Association's Planners Private Practice Division. Way to go Team!

CONGRATULATIONS MEGHAN CUNEO. This spring, our staff planner Meghan Cuneo graduated from Wayne State University with a Master's of Urban Planning (Housing and Community Development). Congratulations, Meghan!

WELCOME SRI RAVALI KOMARAGIRI. We're excited to welcome senior planner Sri Ravali Komaragiri to our planning team! Sri previously worked for the City of Novi's Planning and Community Development Department. Sri has Bachelor of Architecture and Master of City and Regional Planning degrees. Welcome Sri!

For more information, please contact Giffels Webster at 866.271.9663. www.giffelswebster.com



Basic Information and Questions

Dining platforms and parklets are activated spaces for people that are installed where parking was once permitted. For the duration of all COVID-19 related emergency orders issued by the State of Michigan, cities and other communities may consider permitting dining platforms or parklets to occupy public parking spaces or off-street parking lots. Approval can be valid through the fall or for extended seasonal use every year, depending on the community's preference. The purpose of permitting these platforms is to aid local establishments during the period when full occupancy of a restaurant's indoor space is not permitted. They can also be used to establish outdoor gathering places when limited sidewalk space is available. Transforming parking spaces to parklets and dining platforms shifts the focus from cars to people.

What is a dining platform?

A dining platform is a structure designed to provide outdoor space for restaurant seating.

What is a parklet?

It's similar to a dining platform but may be used for other small gatherings beyond dining. It may contain seating, waste receptacles, and seasonal plants. Parklets are great opportunities to add more "people space" to a street to create a sense of vibrancy and activity.

Can there be a dining area on the sidewalk and a dining platform in a parking space?

Yes. Local establishments may utilize sidewalk dining that is in accordance with the existing outdoor patio standards in addition to dining platforms in a parking space if the right-of-way is locally owned. Otherwise permits will be required from the applicable road agency.

Where can an outdoor dining platform or parklet be established?

Public parking or public on-street parking areas are the most common locations. The community can grant approval to dining platforms in public parking spaces within designated districts. If an establishment wishes to use more than one on-street parking space and one of these is not directly in front of the establishment, the consent of the owner of the property with frontage on the space is typically required. On private property, an establishment may apply for the use of one or two parking spaces as outdoor dining space for the stated period, provided that the property owner, if different from the applicant, supports the application.

Can alcohol be served on a dining platform?

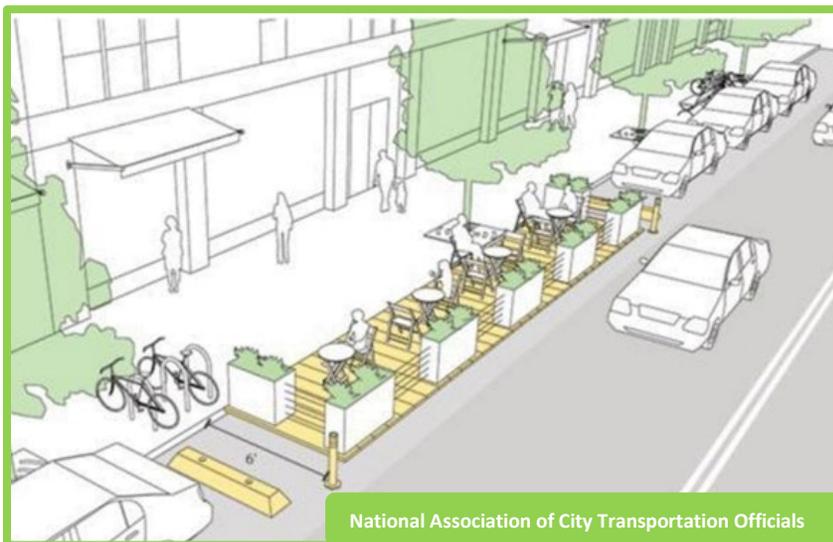
Establishments must apply to the Michigan Liquor Control Commission for permission to serve alcohol on the dining platform and furnish proof of said permission to the community.



Birmingham, MI



Northville, MI



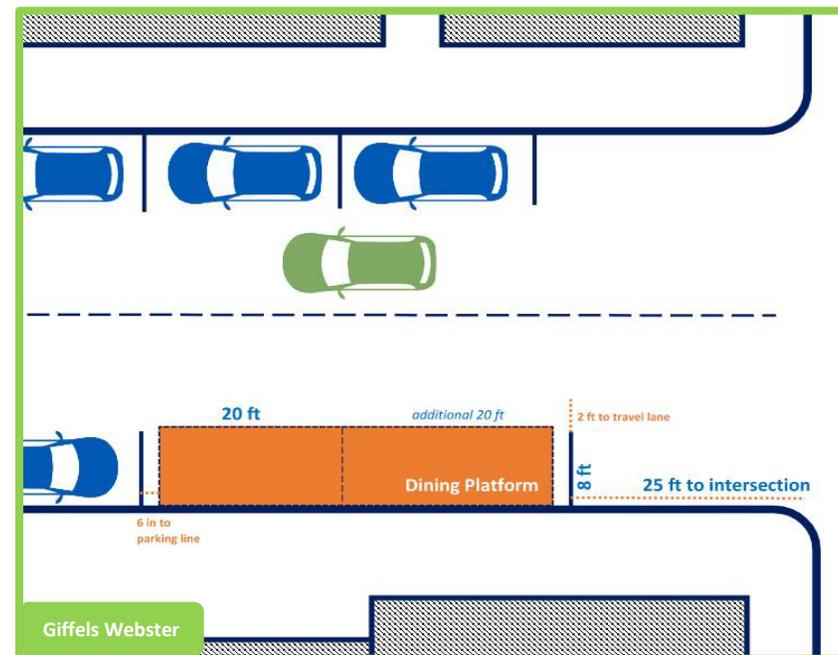
Parklet Design Guide from NACTO

- Parklets should have a **4 ft. buffer** from active parking spots using a wheel stop.
- Parklets should incorporate **vertical elements** to make them visible to traffic.
- The **minimum width** of a parklet should be 6 ft. Ideally, parklets occupy one or more parallel spots or 3-4 angled parking spots.
- Parklets should have a **flush transition to the sidewalk** to avoid tripping hazards.
- **Seating should be incorporated** into the design of the parklet.
- The sub-structure of the parklet should provide a level surface. “Bison pedestals” can be useful for sloping streets.
- Parklets should use **slip-resistant** surfaces to minimize hazards.

Platform Design

Sample Dimensional Requirements

- Dining platforms or parklets shall not be larger than 8 ft wide by **20 ft long**. A second 20 ft-long platform may be permitted.
- The dining platform shall be located a minimum of **2 feet from the adjacent travel lane**.
- A dining platform in an off-street parking space shall **maintain six inches of distance between the edge of the platform and the lines marking the parking space**. A dining platform or parklet shall also maintain one foot of unoccupied space at the end of the space closest to the maneuvering lane.
- A dining platform or parklet shall not be closer **than 25 feet to a street intersection or driveway**.





Milwaukee, WI

Sample Design Guidelines

The style of the dining platform or parklet may or may not be regulated. However, in the interest of maintaining an atmosphere of high-quality design in your community and promoting the comfort of visitors, the following design guidelines are suggested for all dining platforms or parklets:

- Materials used to construct a dining platform should be high **quality and durable**.
- **Green features**, such as planter boxes and potted plants, are strongly encouraged. On busy streets especially, planters on top of the safety fence will help to mitigate traffic noise and exhaust.
- Consider **overhead cover**, such as umbrellas or an open-sided canopy.
- **Matching furniture** is encouraged to achieve a coherent appearance.
- The incorporation of **public art** is strongly encouraged.
- The incorporation of **bicycle parking** is encouraged.
- The use of **very dark materials for the surface of the platform is discouraged**, as this contributes to a heat island effect.



Portland, OR

Recommended Minimum Design Requirements

- The area of the platform shall have a **ground cover**. The manner of cover is encouraged to be a deck with an elevation flush with the adjacent sidewalk. The gap between the deck and the sidewalk curb should not exceed one half-inch.
- The dining platform or parklet shall be **surrounded on all sides** bordering either a street or a parking space not occupied by a dining platform with a fence or other barrier a minimum of 36 inches and a maximum of 42 inches tall, as measured from the deck of the platform, or from grade where a platform is not elevated. In an off-street parking lot, the fence shall not be closer than 6 inches to the line marking the parking space. In an on-street parking area, the fence or barrier shall not project greater than three inches toward the street from the edge of the platform.
- The **spacing of seating** shall be in accordance with the state distancing orders in place at the time; the spacing of seating may be changed in accordance with new distancing orders, as they are issued by the state.
- **Street drainage** shall be maintained.
- The corners of the fencing shall be fitted with **reflectors**.
- Platforms shall **not interfere with utility access, bus zones, or curbside drainage**. Every platform shall meet construction standards of both the city's Building Code and the Americans with Disabilities Act Accessibility Guidelines.
- All platforms shall be located **at least one parking space away from an intersection or street corner** or shall be protected by a curb-extension (bulb-out) or some other physical barrier.
- All **additional appurtenances**, such as planters, landscape materials, umbrellas and the like shall be contained within the confines of the platform.

Elements to Consider for your Dining Platform or Parklet

- Buffers from traffic
- Decking material
- Tables
- Physical Distancing
- Seating
- Shade
- Vegetation and landscaping
- Amenities: Hand sanitizer stations, bike parking, trash, lighting, sound
- Public restrooms
- Liability insurance
- Input from local attorney, planner, and traffic engineer

Process for establishing a Dining Platform or Parklet in your Community

Similar to establishing an outdoor space for dining on a public sidewalk, your community can require an establishment to apply for permission to construct a dining platform or parklet using an **“Application for Outdoor/Sidewalk Cafes or Display Area Approval”** and pay a review fee. Some are waiving fees during COVID-19 restrictions. The application may include:

- Fully dimensioned illustrations showing the proposed platform and identifying the parking space or spaces to be used. Required dimensions include:
 - the height of the platform
 - height of railings
 - number of tables and seats to be accommodated and their distance from each other
 - the height of any appurtenances such as heat lamps or umbrellas
 - the slope and sidewalk encroachment of any ramp leading to the platform
 - the length and width of the platform
 - the length and width of the parking space
- An illustration identifying the parking space or spaces to be occupied by the platform. Aerial images are acceptable.
- If the use of a parking space on private property is requested, the signature of the property owner, if different from the applicant.
- Where the parking space requested for use is in a parking lot adjacent to a residential property, the distance from the proposed platform to the nearest residential property line.
- The proposed hours of operation of the platform.
- A brief description of the operations proposed on the platform.
- Proof of General Commercial Liability Insurance extending to operation of the platform. The city shall be named on such liability policies as "Additional Named Insured".



San Luis Obispo, CA



University City, PA



Vancouver, Canada



Santa Monica, CA