

ORDINANCE STAFF REPORT



Sec. 601.33 Parklet Amendment

PC Date: 5/2/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Sec. 601.33 Parklet
Recommendation	APPROVAL

Issue Statement

For safety purposes, a life safety inspection by the Fire Department should be conducted prior to use of a parklet.

Proposed Changes

1. Add a requirement that an inspection be completed and passed before a parklet permit is issued, as follows:

(d) *Encroachment Agreement.* The Encroachment Agreement shall include the following:

(12) *Inspections.* The permit will not be issued until inspections are conducted and approved by all city departments. The establishment shall agree to periodic inspections by city staff for compliance with all regulations.

2. Add that the parklet must be designed and constructed to meet life safety codes, as follows:

(3) *Design Requirements.*

g. Life Safety: Compliance with life safety Codes is required for parklet use. Including but not limited to location, construction, operation and maintenance. Use of open flames, heaters, extension cords, awnings/canopies/shade sails, etc. is subject to approval by the Fire Department. The location of the parklet shall not impede access to fire lanes, fire hydrants, fire department connections (FDCs), or other fire protection equipment. Egress shall not be compromised by the location of the parklet or tables, chairs, planters, etc. If located with the City's established Fire District the parklet must be compliant with those specific restrictions.

ORDINANCE NO. _____
CITY OF BENTONVILLE, ARKANSAS

AN ORDINANCE AMENDING ZONING CODE SEC. 601.33 PARKLET TO
REQUIRE A FIRE DEPARTMENT INSPECTION PRIOR TO ISSUANCE OF A
PARKLET PERMIT; AND FOR OTHER PURPOSES

WHEREAS, a life safety inspection from the Fire Department is necessary to ensure parklets comply with all life safety codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1 – Amendment of Zoning Code, Sec. 601.33: That Zoning Code, Sec. 601.33 Parklet should be and the same is hereby amended with the following:

(d) *Encroachment Agreement.* The Encroachment Agreement shall include the following:

(12) *Inspections.* The permit will not be issued until inspections are conducted and approved by all city departments. The establishment shall agree to periodic inspections by city staff for compliance with all regulations.

(e) *Minimum Design Standards.* Establishment shall agree that the encroached premises, at the sole expense of the establishment, must be effectively blocked off and visibly marked in order to ensure safety of patrons from vehicles in the area. If table, chairs or other seating is being provided, the encroached premises shall meet the following minimum requirements. Additional elements may be allowed in the encroached premises if the design meets the guidelines of parklet design as established by National Association of City Transportation Officials (NACTO).

(3) *Design Requirements.*

g. Life Safety: Compliance with life safety Codes is required for parklet use. Including but not limited to location, construction, operation and maintenance. Use of open flames, heaters, extension cords, awnings/canopies/shade sails, etc. is subject to approval by the Fire Department. The location of the parklet shall not impede access to fire lanes, fire hydrants, fire department connections (FDCs), or other fire protection equipment. Egress shall not be compromised by the location of the parklet or tables, chairs, planters, etc. If located within the City's established Fire District the parklet must be compliant with those specific restrictions.

Section 2 - Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the

Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3 - Repeal of Conflicting Provisions: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4 - Effective Date: This Ordinance is necessary to preserve the public peace, health, safety and welfare and because of such an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk