



INTERIM PLAZA PROGRAM



City of Milwaukee - Department of Public Works
milwaukee.gov/InterimPlazas



Milwaukee is a city of neighborhoods and a city of festivals. Gatherings at our lakefront and rivers, numerous neighborhood concerts, block parties, and downtown events, sharing food, dance, songs and stories with friends and neighbors are traditions central to Milwaukee’s history and character.

The Gathering Places Feasibility Study identified several opportunities to grow Milwaukee’s network of gathering places; interim plazas were one of those opportunities.

Learn about other opportunities:

milwaukee.gov/CORP

Interim plazas transform underutilized streets or areas of streets into public spaces using low-cost materials, such as paint, movable planters, flexible delineator posts, and seating. Interim plazas reconfigure space that might otherwise be underutilized or unnecessary for automobile traffic, or unsafe for people walking. Partnerships with business improvement districts or community groups are vital to the success and sustainability of these spaces. Interim plazas can range in complexity from eliminating a right turn slip lane to completely shutting down a section of street to through traffic. Interim plazas also serve as low-cost trials to evaluate more permanent changes to streets and right of way.

Application Process

Applicants should become familiar with these guidelines prior to submitting an application for the Interim Plaza Program. Permissions for interim plazas will be conditioned on compliance with these guidelines and failure to adhere to the guidelines will slow the review process and potentially result in denial of the application. Particularly with regard to site plans, it is important that applicants provide detail sufficient to enable City review.

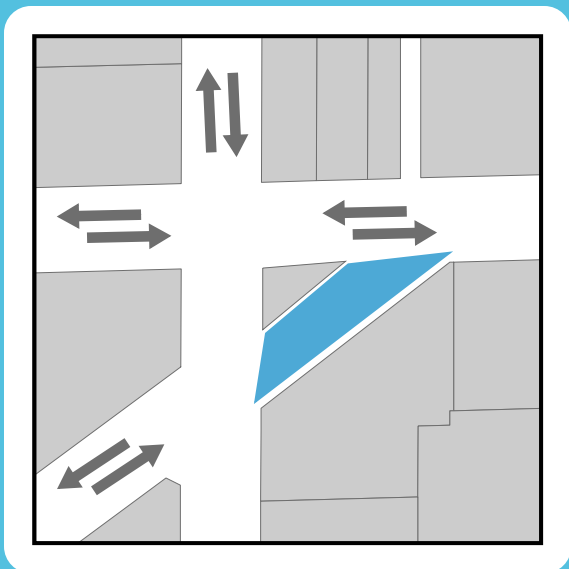
In 2023, Interim Plazas will not have a fee; review fees may be implemented in subsequent years. Applicants are responsible for obtaining and installing required traffic barriers as well as other costs of implementing the site plan and complying with the Interim Plaza Program conditions. Interim plazas may be subject to a field inspection by the City.

The City’s Interim Plaza Program application instructions begin on page 8 of this document. The application process can be completed entirely online to allow for electronic routing and permit issuance. Upon approval of the application, the City will email the applicant an approved Interim Plaza Program permit.

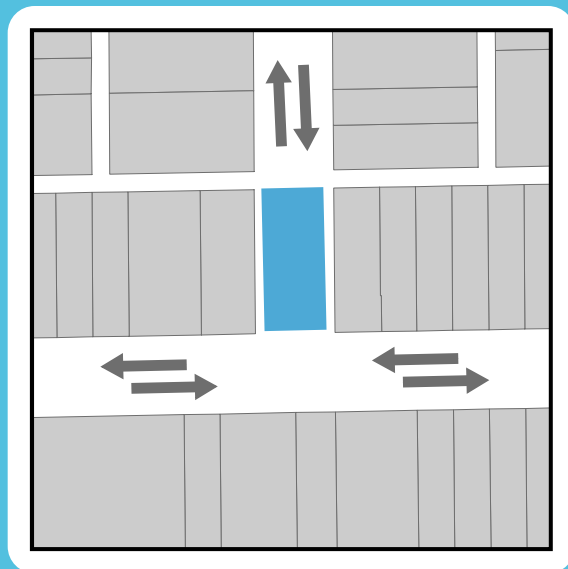
The Interim Plaza Program permit is an annual permit. Renewals are processed at the beginning of each calendar year.

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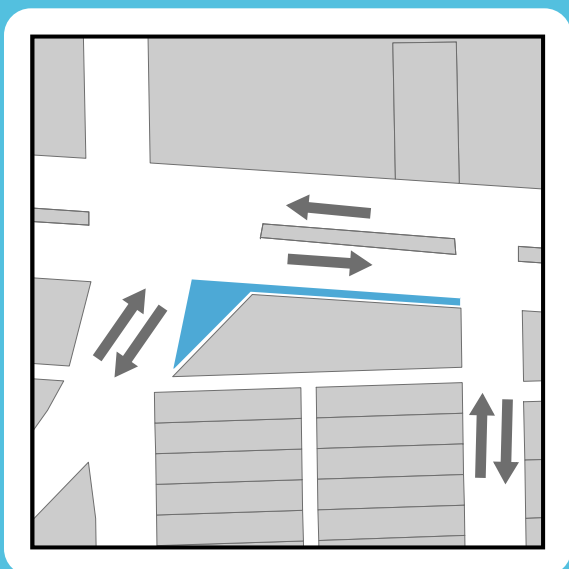
Example Interim Plaza Locations



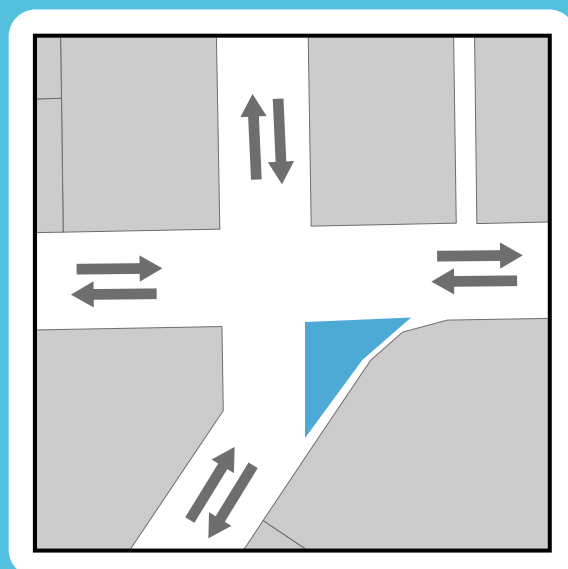
Repurposing an entire block of a street



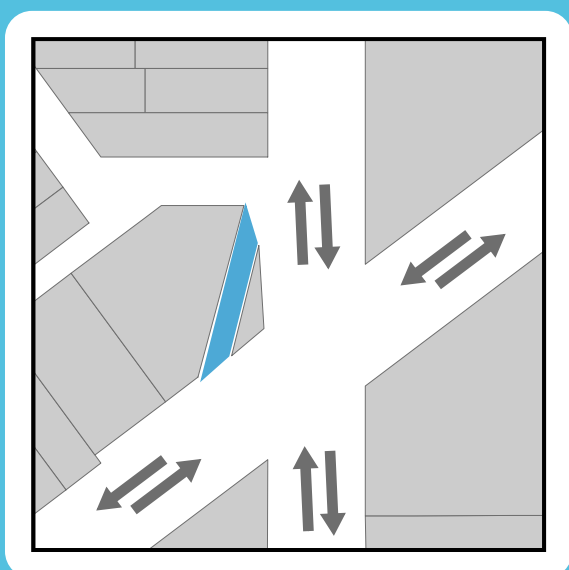
Repurposing a portion of a street



Filling in excess lanes



Squaring a corner



Closing right turn slip lanes

Note that these examples are for inspiration purposes only. They are not exhaustive and not every location similar to these examples will be eligible.

Applicant

Eligible applicants for the Interim Plaza Program must, at a minimum:

- Be or represent an adjacent property owner(s), a nearby business or neighborhood improvement district, or a nearby City-recognized non-profit community-based organization;
- Have their interim plaza location pre-approved by City staff before beginning their online application;
- Complete the City's online application;
- Attach a site plan to the application with the proposed layout of the interim plaza in accordance with the requirements set forth in Sections 4 and 5 below; and
- Agree to the City's terms and conditions set forth in Exhibit A, below, including insurance.



Site

Certain sites/locations may not be eligible for use as interim plazas due to safety, public health, or transportation concerns.

The factors below will be evaluated in determining eligibility. City staff may suggest measures to address concerns, but the City reserves in its sole discretion the ability to deny an application for one or more of the following reasons:

- Location required for traffic circulation;
- Adverse impacts on fire lanes, hydrant access, or other emergency vehicle response;
- Interference with access to private property (driveways, delivery/loading zones);
- Inability to maintain a required minimum clear path of travel for sidewalk users;
- Impacts to Milwaukee County Transit Service;
- Whether the use would facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, or any other factor that reasonably relates to the public health, safety, and welfare;
- Demonstrated opposition from numerous stakeholders, including but not limited to nearby property owners and/or elected officials

Note that the above list is not exhaustive. The City retains full authority in its sole discretion to deny applications for interim plazas. An explanation of the denial will be provided along with any mitigation or conditions that make the site eligible, if applicable.

Site Plan

As part of the online application process, the applicant must upload a detailed Site Plan. Applicants are encouraged to engage the services of an architectural or engineering professional for Site Plan development. Depending on the complexity of the interim plaza, City staff may require that the plan be professionally developed.

The Site Plan must meet the following general requirements:

1. Barricades for the street closure are required. Applicant must submit proposed barricade type.
 - a. Examples of acceptable barricades include:



Type III Barricade



Concrete Jersey Barrier



Water-Filled Jersey Barrier



Concrete Planter

2. Reflective tape on barricades is required to improve visibility. Red diamonds (MUTCD OM4-1) are required when planters are used.
3. Storm water inlets must remain open.
4. Include full dimensions showing location and the length/width of the proposed area.
5. Outdoor facilities, including railing post supports (feet/base) or planters, must be placed to provide at least a six-foot-wide area of continuous unobstructed walking space. This area must be free from curbs, poles, fire hydrants, pull boxes, news racks, tree wells, curb ramps etc. In areas of high pedestrian use, the minimum unobstructed width may be greater.
6. The tables, chairs and removable barriers must be placed in the street right of way and not on the sidewalk. Curb ramps must not be restricted.
7. Tables, chairs, and umbrellas are permitted. Any tables and chairs must indicate (through adhesive signage or another suitable method) that they are for use by the general public.
8. Include any potential impacts that your proposed interim plaza would have on the functions of other buildings, showing any doors, stairs and/or fire escapes.
9. List quantity of tables and seats and proposed layout. At least 5% but not less than one (1) ADA-compliant table must be included.
10. Show ADA access path from the sidewalk to and through the interim plaza. Access path must be at least 6 feet (72 inches) wide.
11. Show location of ramps to be installed if needed to provide access to interim plaza.
12. With the exception of bolting or adhering of temporary ramps, no drilling, adhesives or attachments are permitted in the street or sidewalk.
13. Decorative street painting may be allowed through the separate Paint the Pavement program (milwaukee.gov/PaintthePavement).

After applicant submits the interim plaza application and receives initial approval, applicant must meet with City staff to establish an acceptable snow removal plan, if applicable.



General Terms and Conditions

Applicants must comply with the General Terms and Conditions attached as Exhibit A. In addition, applicant must acknowledge that the permit is a revocable license authorizing temporary, revocable permissions to operate an interim plaza. This order does not create a private right to occupy the public right-of-way or diminish the Department of Public Works Commissioner's authority to oversee and manage the public right-of-way in the City's best interests. This Interim Plaza Program is subject to modification or revocation at the City's sole discretion.



Operating Terms and Conditions

The applicant shall agree to the following:

- Applicant acknowledges that the application will be rejected or the permit withdrawn if the City in its sole discretion determines that the site presents significant safety or traffic circulation concerns.
- Applicant agrees that it will be responsible for coordinating any issues or permissions required from curbside activities (e.g. valet parking, deliveries, pick-up/drop-off, etc) affected by the proposed site.
- Applicant agrees that no food preparation or food storage shall occur in the interim plaza area.
- Applicant agrees to clean and maintain the interim plaza daily.
- Certain activities, including planned/organized music or live bands, and anything using electricity or a generator, require a Special Event Permit; refer to the Special Events Permit website for more information on types of activities that require a permit: <https://city.milwaukee.gov/dpw/AdministrativeServices/SpecialEvents>

Exhibit A - General Terms and Conditions

Each applicant receiving permission to establish an interim plaza in the right-of-way ("Permittee") agrees to abide by the following terms and conditions of approval:

- 1. Health Requirements and Other Standard Conditions.** The Permittee shall comply and further shall cause its employees, agents, guests, invitees, and contractors to comply with all state and local orders addressing public health and physical distancing, including any joint orders issued by the Mayor of the City of Milwaukee and the City of Milwaukee Health Department concerning the establishment of outdoor street dining in the right-of-way. In addition, the Permittee shall comply and further shall cause its employees, agents, guests, invitees, and contractors to comply with these terms and conditions and any other rules or regulations established by the City of Milwaukee ("City") concerning the establishment of outdoor street dining space in the right-of-way, which the City may modify or supplement in order to protect and promote the public health, safety, and welfare.
- 2. Expenses.** All expenses associated with designing, constructing, and implementing the interim plaza in the right-of-way shall be borne by Applicant/Permittee, including expenses related to needed infrastructure changes in the interim plaza or caused by the presence of the interim plaza. This includes but is not limited to pavement marking, parking meter, and signage changes. All expenses associated with restoring the right-of-way to its previous condition upon any revocation or expiration of the interim plaza permit shall be borne by the Permittee.

- 3. Establishment of Interim Plaza.** In establishing an interim plaza in the right-of-way, Permittee shall not cause modify, alter, or demolish existing curbs, sidewalks, streets or other encroachments within or near the right-of-way or attach furniture or other fixtures using fasteners, adhesives, or other invasive means, unless specifically approved by the City as part of the City's approval of the Permittee's plans.
- 4. Maintenance of Interim Plaza.** Following the Permittee's establishment and operation of an interim plaza in the right-of-way, Permittee shall maintain the area in good, clean, and safe condition and repair and in accordance with applicable City rules and regulations. This Permittee responsibility includes snow clearing and removal for the Interim Plaza and any other nearby rights-of-way that are no longer accessible to the City's snow removal equipment, such as adjacent crosswalks. Existing City-maintained garbage cans must be accessible to City sanitation staff. If the Permittee chooses to take over maintenance responsibilities of City-maintained trash cans, Permittee must enter into a maintenance agreement with the City. If the City determines that the interim plaza poses a hazardous condition, has caused damage to City property, or is otherwise not being properly maintained, the City may require Permittee to immediately take such action as is necessary to rectify the situation to the City's satisfaction. If Permittee fails to correct the identified hazardous condition, improper maintenance, damage, or other problem caused by the interim plaza, the City may do so; whereupon Permittee shall pay all costs incurred by the City, together with interest thereon from the date that the City pays or incurs such costs at a reasonable rate of interest thereon from the date that the City pays or incurs such costs at a reasonable rate of interest determined by the City, within 24 hours after the City's demand communicated by electronic mail.
- 5. City's Right to Enter upon Right-of-Way Property.** Permittee acknowledges that the City and its authorized representatives have the unlimited right to enter upon the right-of-way at any time for any purpose, including without limitation to inspect the right-of-way and permitted encroachments.
- 6. Public Use and Access.** Permittee acknowledges that the interim plaza is required to remain open to general public use and may not be limited to patrons of a specific business. If permittee wishes to establish a portion of the Interim Plaza as open to patrons only, permittee shall apply for a separate Active Streets for Business permit.
- 7. Alcoholic Beverages.** As a public space, consumption of alcoholic beverages is not permitted in an interim plaza. If permittee wishes to allow consumption of alcoholic beverages in the interim plaza, an adjacent business with a liquor license must apply for a Temporary Change of Plan or Extension of Premises through a separate Active Streets for Business permit. A Temporary Change of Plan or Extension of Premises may only allow consumption of alcohol in a portion of the interim plaza.
- 8. Rights of Utility Companies.** All rights herein granted to Permittee to establish and operate an interim plaza in the right-of-way are subject and subordinate to the rights of any and all utility companies that may now or hereafter have utility lines and/or other utility installations within the right-of-way. Permittee shall not alter, relocate, or otherwise interfere with such utility lines and installations and shall not do anything that will impair such utility companies' right to enter upon the right-of-way for all purposes associated with the operation, maintenance, repair, replacement, removal, or installation of such utility lines and installations. Permittee shall ensure that such utility companies have continued access to the subject area, 24 hours per day, 7 days per week, 52 weeks per year.
- 9. Insurance.** During the period in which this revocable privilege is in effect, Permittee shall maintain a policy of General Liability insurance with respect to the right-of-way and the interim plaza in an amount not less than One Million Dollars per occurrence, combined single limit, naming the City as an additional insured. Permittee shall furnish to the City a certificate of insurance evidencing such insurance prior to commencing construction of Permittee's permitted encroachments, unless otherwise authorized by the City.

- 10. Waiver of Claims for Damage.** The City shall have no responsibility or liability for loss or damage to any permitted encroachments or theft of any permitted encroachments or any items of personal property that may at any time be on the right-of-way, including without limitation damage caused by the general public, trespassers, graffiti, thrown objects, wind, hail, fire, or other casualty, no matter how such damage is caused. As a material inducement to the City to grant this interim plaza privilege, Permittee hereby waives, as against the City and its employees, agents, guests, invitees, and contractors, all claims and liability, and on behalf of Permittee's insurers, rights of subrogation, with respect to property damaged or destroyed by fire or other casualty or any other cause, no matter how caused.
- 11. Indemnification.** Permittee shall indemnify, defend, and save the City, its employees, agents, and contractors harmless from and against any and all losses, damages, settlements, costs, charges professional fees, and other expenses and liabilities of every kind and character (including without limitation attorney fees) arising out of or related to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character in connection with Permittee's establishment and operation of an interim plaza in the right-of-way, use of the right-of-way, or violation of the provisions set forth in this outdoor dining privilege, including without limitation any of the foregoing that may arise or be claimed with respect to any death, personal injury, or loss of or damage to property on or about the right-of-way. Permittee shall assume the defense (with counsel acceptable to the City) and settlement of any and all such suits or other legal proceedings brought against the City and shall pay all judgments entered in such suits or other legal proceedings. The assumption of liability and indemnity obligations of Permittee under this outdoor dining privilege shall survive the termination of this outdoor dining privilege with respect to matters arising prior thereto.
- 12. Compliance with all applicable laws.** Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.
- 13. Adverse impacts on adjacent properties.** Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the permitted encroachments.
- 14. Accessibility.** Permission for an interim plaza in the right-of-way shall be conditioned on maintenance of accessible conditions to the interim plaza. Permittee shall maintain a minimum path of travel along any existing sidewalk areas of at least 72" in width at all points adjacent to the interim plaza. Ramps and accessible table(s) are required as long as the interim plaza is in place.
- 15. City's Right to Revoke.** The City shall have the right to revoke this interim plaza, for any reason, upon 72 hours prior written notice to Permittee. Within such 72-hour period, and unless otherwise agreed to by the City, Permittee shall remove the permitted encroachment and restore the right-of-way to a condition that is acceptable to the City.
- a. Obligation to Remove Permitted encroachment.** If Permittee fails to timely remove the permitted encroachment and restore the right-of-way as required under this interim plaza privilege, the City may do so at Permittee's expense. All obligations of Permittee hereunder that have accrued but have not been fully performed as of the effective date of the termination of this outdoor dining privilege shall survive such termination until fully performed.
- b. Non-transferrable.** This interim plaza permit is personal to Permittee and shall not be recorded in the public records. Permittee shall provide the City thirty (30) days' prior written notice of its intent to remove the interim plaza, at which time this interim plaza permit shall automatically terminate and permittee shall remove the permitted encroachments and restore the right-of-way to a condition that is acceptable to the City.

Application Instructions

1. **Before beginning an application, applicant must have their interim plaza location pre-approved by City staff.** Email location to plazas@milwaukee.gov. Approval must be uploaded in step 11 below.
2. Prepare a site plan that includes the following:
 - a. Length and width of the space to be occupied by the interim plaza.
 - b. Street names and north arrow.
 - c. Depiction of the entire sidewalk area adjacent to the interim plaza area from outer edge of sidewalk to the curb.
 - d. Depiction of all existing facilities or assets in the interim plaza area, such as fire hydrants, catch basins, and curb ramps.
 - e. Location, type, and dimension of barricades and/or other devices used to block the street.
 - f. Layout of tables, chairs, and any other objects to be placed in the interim plaza with dimensions that include the size of objects and the distance between seating groups. (Note: plans should provide 18 inches of space for each chair at a table. For example, a 30-inch table with a chair on either side would result in a seating group that equals 66 inches or 5 feet 6 inches long.)
3. If you have parking meters in the location of your proposed plaza space, please obtain the numbers for those meters. You will need the meter numbers available when you apply for the permit.
4. Visit: www.milwaukee.gov/lms and, if you do not have one, create an account.
5. Once you have an account and have logged in, click on the Public Works tab at the top of the page, then click on Create an Application.
6. Read the instructions and disclaimer on this opening page. Once you have read the information on this page, please click the box next to “I have read and accepted the above terms” and click on Continue Application.
7. Under Select a Record Type please select PWOR and click on Continue Application.
8. For Step 1: Address, only type in the street number, direction, and street name of the closest address to where the interim plaza area will be located. Leave other fields blank. Click the Search button. Choose one of the options that the system provides and click the Select button. Once an address is selected, the permit system will fill in the Address, Parcel, and Owner Sections. Click Continue Application to continue.
9. For Step 2: Contacts you can either click on Select from Account or Add New for each type of contact Applicant, Project Manager or Supervisor, and Field Contact. Please note that the Applicant and Field Contact types are required. Once contacts are filled in, click Continue Application.

10. For Step 3: Detail Data fill in the name of the establishment in Application Name box. Then, under ASI Reason for Occupancy, choose an option from the drop down menu; under ASI Parking Meters, click yes if parking meters are present in the interim plaza location or no, if there are no parking meters; and under ASI How Area Will Be Blocked Off, choose an option under the pull down menu for the type of Barrier to be placed around the interim plaza area. Click Continue Application.
11. For Step 4: Attachments, upload the approval you received under #1 and the plan you prepared under #2 above. For the Plan, select “Plans” from the Type pull down menu and provide a brief description of the document in the Description box such as site plan, barrier detail, etc. Click the Save button. Click Add and Click Add again. Add more files if necessary. Click Continue Application.
12. For Step 5: Review the information that you entered under previous steps. Click Continue Application to submit your application.
13. Once you have submitted your application, the system will provide you a record number, which should start with PWOR. Please email this record number to plazas@milwaukee.gov so that review of your permit can be started.

If you need assistance in navigating ACELLA/LMS, contact the Development Center Tech Team at 414-286-8208.

If you have questions about the Interim Plaza Program, contact plazas@milwaukee.gov.

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