



## PARKLET APPLICATION

Check off each box to indicate that the required items have been included in your submittal. **Incomplete applications will not be accepted.** Please submit completed application to the Planning Department. (Return pages 1, 2, 7 and 8)

**Applications are due no later than February 15**

- ☐ Completed and signed Parklet application, including signed acknowledgement of the Parklet Ordinance (page 7)
- ☐ Application fee (License fees will be effective July 16, 2022)
- ☐ New applications and renewals with changes to their approved furniture layout and/or materials must submit 6 copies of **complete and stapled** plan sets folded print side out to approximate 8 ½ X 11. Plan sets must include the following items:
  - ☐ Diagram of the parklet, clearly noting the parking spaces it intends to occupy
  - ☐ Street location, width, and curbing location
  - ☐ Building, adjacent properties, and building entrances
  - ☐ Existing sidewalk width
  - ☐ Existing parking spaces, with dimensions
  - ☐ Adjacent bike lane or auto traffic lane
  - ☐ Other existing sidewalk features: trees and tree pits, refuse containers, fire hydrants, streetlights, utility access panels, manholes, bike racks, etc.
  - ☐ Existing utilities in the streets, on the sidewalk, adjacent to the proposed parklet, with dimensions
  - ☐ Access points and traffic circulation
  - ☐ Dimensions of proposed parklet area and its components:
    - ❖ Total square feet dimension of the parklet
    - ❖ Setback dimensions: 48 inches from existing parking spaces and 24 inches from adjacent bike or auto traffic lane.
    - ❖ The number and location of tables and chairs, noting the separation distance between the tables and the aisle widths
    - ❖ Location of equipment and accessories
    - ❖ Location of pedestrian access points (must be a minimum of 44") and sidewalk separation
    - ❖ Location of any ramps
    - ❖ Location and dimension of barriers
    - ❖ Drawings or photos of proposed barriers, umbrellas, chairs, tables, vegetation
- ☐ Certification of liability insurance in the amount of up to \$2,000,000 naming the Town of Derry as an additional insured.
- ☐ Written permission of property owner if applicant is a tenant

- Copy of the following license and permits
  - ❖ Food Service License
  - ❖ State of New Hampshire Liquor License
  - ❖ Certificate of Occupancy from Code Enforcement to include permit inspections of the proposed barriers, signs, ramps, etc., and applicable Life Safety Inspections
  - ❖ Sign off from Police Department for liquor license
  - ❖ Amended Assembly Permit from Fire Prevention, to include Life Safety review

# **PARKLET ORDINANCE**

Effective July 16, 2020

Retain for your records

## **Article V Parklets**

**[Adopted 07-16-2020]**

### **§ 150-14 Parklets Ordinance.**

Parklets are private seating platforms paid for by the applicant that convert curbside parking spaces into vibrant community spaces and are the product of a partnership between the town and local businesses, residents, or neighborhood associations. Parklets encourage pedestrian activity and neighborhood interaction, and when done correctly, provide increased local business. Parklets help to prioritize the town's vision of a "walkable town". They improve the public realm of the town at minor cost and provide outdoor dining facilities for Derry's growing downtown restaurant district without the need to permanently remove curbside parking.

Notwithstanding any other rules and regulations of the Town of Derry, food or dining establishment applicants shall be allowed, subject to the provisions below to place a seasonal parklet in front of their establishment.

### **§ 150-15 Permit Required.**

A. Parklets may be established in the Traditional Business Overlay District, in a maximum of three parallel or four perpendicular parking spaces to include the wheel stop and buffer areas.

B. Establishments seeking the installation of a parklet to serve food and/or beverages, shall annually apply for and obtain a permit to be issued by the Town Council and subject to the approval Board of Health, Building Inspector, Director of Public Works, Planning Department, Police Department, Fire Department and other designated entities.

C. The permit application shall include a diagram of the parklet, clearly showing which parking spaces it intends it to occupy, as well as the configuration of the parklet for seating, tables, and other activities, and clear demonstration of materials to be used. Features of the parklet should be noted, as well as dimensions. Applicants shall also provide a certificate of insurance, provided by the general liability carrier for the business owner on a primary and non-contractual basis, for a minimum amount of \$1,000,000 per claim and an aggregate of \$2,000,000, both of which shall name the Town of Derry and its employees, officials, agents and volunteers as an additional insured. Other information shall be provided as required to carry out the purpose of this article. A nonrefundable application fee of \$100 shall be paid at the time of filing for a new permit. A license fee of \$250 shall be paid upon a permit being granted by the Derry Town Council. The license is renewable for each calendar year upon receipt of the renewal request, a \$50.00 fee, and approval by the Town Council. The renewal request shall be received no later than February 15th.

D. Business owner agrees to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.

E. The purpose of this Ordinance is to promote and encourage outdoor dining and the prioritization of pedestrian vibrancy in the downtown area and shall be interpreted in accordance with that intent. A permit may be denied upon a finding that it would be detrimental to the public interest to have outdoor dining at the location applied for, or due to insufficient demonstration of compliance with any provision of this Ordinance. In making such a determination, the following factors shall be considered:

1. Objections and/or concerns received from Health Inspector, Building Inspector, Director of Planning, Director of Public Works, Police Department, or Fire Department.
2. Previous licensing, health or public safety complaints against the applicant.
3. The health and cleanliness of the establishment.
4. Excessive noise complaints or concerns, allowing for reasonable activity for the purpose of encouraging outdoor dining downtown.
5. Violations of any other laws, rules or regulations.
6. Aesthetic appearance of the parklet.
7. Safety Concerns.

F. The Town of Derry, shall have the authority to deny, revoke or suspend the permit upon finding that any provision of this article, including the factors enumerated above, or condition of approval will be or has been violated. Enforcement of this Ordinance shall be through the Code Enforcement and Health Departments. The Town of Derry shall give notice of any such action to the permit holder in writing stating the action taken and reason therefore. The action may be effective immediately, but the applicant or permit holder may make a written request for a final hearing before the Town Council, which shall render a final decision concerning the permit. The Director of Public Works, after notice to the permit holder, may suspend the permit temporarily if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose. The permit holder waives all rights to file a claim against the Town of Derry for loss of business for decommissioning in the event of public need.

G. The Town shall be able to issue additional rules and regulations to the ordinance to the extent of its legal authority to do so. Any additional rules and regulations shall be made in furtherance of encouraging pedestrian activity, outdoor dining, neighborhood interaction, promoting a better aesthetic appearance, and creating increased local business through facilitating a more walkable town.

#### **§ 150-16 Refuse Storage and General Maintenance.**

No trash, garbage or refuse disposal shall be permitted to be maintained in the parklet at any time. The parklet, and all things placed there, shall at all times be maintained in a clean and orderly condition. It is the applicant's responsibility to maintain the parklet with respect to safety and cleanliness throughout the outdoor dining season.

#### **§ 150-17 Timing of Operation.**

Parklets may be allowed any time between April 1 and October 15 of the calendar year. They can be used for food or beverage service only during hours of operation provided for by current state law, municipal ordinances or licensing provisions. The Derry Town Council can create further restrictions on the timing of allowed operations.

#### **§ 150-18 Location**

Parklets are permissible adjacent to or in front of an existing restaurant or food service business, as an opportunity for patrons of the business. Parklets are not permitted in front of crosswalks.

### **§ 150-19 Pedestrian Access.**

Adequate room for passage by pedestrians on the sidewalk shall be provided at all times, meeting current ADA requirements. Parklet structure may not interfere with the general walkability of the sidewalk and may not create potential trip hazards for pedestrians.

### **§ 150-20 Notification.**

Applicants pursuant to this section must notify adjacent property owners and other retail businesses within 100 feet of the proposed parklet. If the applicant is a tenant, written approval of the property owner is required.

### **§ 150-21 Installation and Removal.**

The installation and removal of parklets must be coordinated with the Town of Derry Public Works Department.

### **§ 150-22 Utilities.**

Parklets shall not be allowed in front of fire department connections and fire hydrants, or over manhole covers, public utilities, or catch basins. Curb and roadside drainage shall not be impeded by the parklet. Additionally, parklets shall not inhibit the access to valves, manholes, or surface features that require access for inspections, operations, or service.

### **§ 150-23 Parklet Structure Details.**

- A. Parklets will not have advertising signs or business/building identification signs.
- B. Parklets should have vertical elements that make them visible to traffic, such as flexible posts, bollards, or contiguous barriers.
- C. Parklets have a minimum width of 6 feet. Parklets entail the conversion of up to two parking spaces but may vary according to the site, context, and desired character of the installation. Where a parklet stretches the length of an entire curb, accessibility and sightlines must be considered. The design of a parklet should not inhibit the adequate drainage of stormwater runoff. Small channels between the base and the platform will facilitate drainage.
- D. Parklets should have a flush transition at the sidewalk and curb to permit easy access, including by disabled patrons, and avoid tripping hazards.
- E. Seating shall be incorporated into the parklet. Seating may be integrated into the design itself or made possible with movable tables and chairs.
- F. Parklets must include a solid barrier or open guardrail to define the space. The short ends of the parklet perpendicular to the street should be solid and made of concrete, stone, or metal with minimum dimensions of 72" x 36", with a maximum height of 42 inches in order to maintain the safety and security of pedestrians. Please see "Reference Diagrams" incorporated in the Parklet Design Guidelines.
- G. Designs for the sub-structure of a parklet vary and depend on the slope of the street and overall design for the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the parklet.
- H. Parklets shall not be placed on corners. They must be placed at least one parking space away from the intersection or street corner. Where installation of a parklet is under consideration for a site

near an intersection, volumes of turning traffic, sightlines, visibility, and daylighting should be considered.

I. The Town reserves the right to require, for safety or aesthetic purposes, additional barriers to protect the occupants of the parklet.

I HAVE READ THE ABOVE ORDINANCE AND THE PARKLET DESIGN GUIDELINES AND WILL COMPLY WITH SAME.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT SIGNATURE

\_\_\_\_\_  
PHONE AND EMAIL

ALL APPLICABLE SECTIONS OF THIS APPLICATION MUST BE COMPLETED, AND THE APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS

(type or print)

Address of  
Restaurant/Establishment:\_\_\_\_\_

Name of  
Restaurant/Establishment:\_\_\_\_\_

### PARTIES OF INTEREST

Name of Property Owner(s):\_\_\_\_\_  
Complete Address (include zip code):\_\_\_\_\_  
Phone Number (include area code and email):\_\_\_\_\_

Name of Restaurant/Establishment  
Owner:\_\_\_\_\_  
Complete Home Address (include zip code):\_\_\_\_\_  
Phone Number (include area code and email):\_\_\_\_\_

Name of Applicant - if different from above:\_\_\_\_\_  
Complete Home Address (include zip code):\_\_\_\_\_  
Phone Number (include area code and email):\_\_\_\_\_  
Interest in Property:\_\_\_\_\_

### Application Type

( ) New Application ( ) Renewal

*For renewals only:*

( ) Furniture layout and materials are the same as previously approved  
( ) Furniture layout and materials are not the same as previously approved

Explain\_\_\_\_\_

**Location (check all that apply)**

( ) Number of parking spaces

**Outdoor Dining Service**

( ) Full Service Outdoor Dining-table service ( ) Outdoor Seating-no table service ( ) Both

**Days/Hours of Operation**

*May not exceed the establishment's current approval. Outdoor dining is not permitted after 10 pm.*

Hours of

Operation\_\_\_\_\_

**Outdoor Dining Layout and Furniture**

	Location (Private or Public Property)	#	<u>Material</u>	Color
Tables				
Chairs				
Umbrellas				
Pedestrian Barrier				

**Pedestrian Access Route**

Width (5 foot minimum):\_\_\_\_\_ Umbrella Height (8 foot minimum):\_\_\_\_\_

**SIGNATURES (FULL LEGAL NAME IS REQUIRED)**

Signature of **Property Owner** (Required): \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signature of **Applicant** (Required): \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_