



AGENDA ITEM #: 20-61
COUNCIL MTG OF: June 09, 2020
FROM: Dave Caron, Town Administrator
OFFERED BY: Economic Development Department
PREPARED BY: Elizabeth Robidoux, Planning & Economic Development Assistant
SUBJECT: Amendment to Chapter 150, Vehicles & Traffic to permit Parklets

STAFF REPORT
Public Hearing 6/16/2020

PURPOSE:

Staff requests Town Council amend Chapter 150, Vehicles and Traffic, to create Article V, Parklets. The new Article would allow restaurants located in the Traditional Business Overlay District (the downtown) to establish outdoor dining in public rights of way (parking spaces). Parklets encourage pedestrian activity and neighborhood interaction and can provide increased revenue for adjoining businesses. Parklets can improve the public realm of the downtown at a minor cost and provide dining opportunities without the need to permanently remove curbside parking

TOWN ADMINISTRATOR COMMENTS

The Town Council is encouraged to schedule this matter for a public hearing on June 16 and thereafter adopt the amendments to Chapter 150. To support this activity, the Town is contemplating the purchase of concrete flowerpots which can be used for the parklets and for other municipal uses, and are reimbursable through the State COVID-19 fund.

BACKGROUND

The Economic Development Department has developed guidelines for restaurants located in the Traditional Business Overlay District (TBOD) to allow them to offer seasonal outdoor dining. The TBOD is defined as all frontage lots located on East and West Broadway between Crystal Ave/Birch Street and Maple Street. Permits would be required annually and coincide with the permits for Outdoor Dining. The permits are issued by the Town Council, with review of the permit application and oversight from Planning, Public Works, Code Enforcement, Health and Fire Prevention. The purpose of amending the Ordinance is to promote and encourage outdoor dining and to prioritize pedestrian vibrancy in the Town of Derry. This Ordinance is especially helpful for restaurants wishing to establish an area for outdoor dining but who do not have the space to allow it on their own lots.

DISCUSSION

The Parklet Ordinance allows restaurants to establish outdoor dining areas in public parking spaces between April 1 and October 15. Applicants would be allowed to utilize up to three parallel, or up to four perpendicular parking spaces to create the parklet. The application would initially be reviewed by the Planning Department to determine the application is complete. It would then be forwarded to Public Works, Code Enforcement, Health, Fire Prevention, and the Police Department to obtain the necessary permits and reviews from those departments. A separate Parklet Design Guideline has been developed

that lays out the required barrier design and type, seating area elements, access and circulation requirements. Particular attention was given to the protection of patrons from vehicular traffic in the adjoining travel way. The draft ordinance and design guidelines were reviewed by Fire Prevention, Health, Code Enforcement, DPW, and Planning. Input from those departments has been incorporated.

FISCAL IMPACT

Existing restaurants in the Town of Derry will be able to expand their services to residents of Derry and the surrounding communities, which fosters economic development. There is an initial application and permit fee of \$350.00, with an annual renewal fee of \$50.00. There may be a small amount of revenue generated from inspection fees from the Code Enforcement, Fire Prevention, and/or Health Departments.

RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council amend Chapter 150 of the Town of Derry Code to add Article V, Parklets.

RECOMMENDED MOTION

Please see Ordinance #2020-007

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ORDINANCE
Number 2020-007

Amend Chapter 150 of the General Code to allow Parklets in Public
Rights of Way

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, there is a need to amend Chapter 150, Vehicles and Traffic, to allow for parklets in public rights of way, predominantly parking spaces;

WHEREAS, this amendment would further promote economic development while maintaining public health and safety;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 150 of the General Code, Streets and Sidewalks is hereby amended as attached.

This Ordinance shall take effect 30 days after its adoption.

Adopted: June 16, 2020

Attest:

X _____
Charles Foote, Council Chair
Date: _____

X _____
Daniel Healey, Town Clerk
Date: _____