
PARKLET PERMIT PROCESS

1. SUBMIT APPLICATION

a. Application Form. All Applicants must complete and submit an application.

Applications may be denied for the following reasons.

- (1) Incomplete applications will not be accepted.
- (2) Inactivity for a period of three (3) months since the last action was taken.
- (3) Failing to meet any required deadlines.

b. Site Plan. All Applicants shall provide a plan with their application form that clearly includes and indicates all the following information:

- (1) The footprint of the proposed Parklet, including sufficient detailed information to illustrate the design elements on either end of the proposed Parklet.
- (2) Indicate all property lines, right-of-way lines, sidewalk width, Parklet length and width, existing parking stalls, and all surface obstructions within 15 feet of the occupied area (e.g., fire hydrants, streetlights, parking meters, street trees, utility access covers).
- (3) The number(s) on all parking meters that are to be removed must also be included in all drawings. These numbers are generally posted on the meter.
- (4) Provide as much detail as possible to aid in the city's review of the application.
- (5) Local non-profit, Civic Design Center, can help you envision your parklet's site plan based on your desired parklet programming. Their Parklet Design Creator will walk you through design precedents and models that correspond with what fixtures are allowed for your parklet location.

c. Parklet Programming. Indicate what type of elements you are proposing on the Parklet (e.g., tables and chairs, benches, landscaping, bike parking, etc.) Provide maintenance plan for the parklet. Will it stay in place or be removed daily? How will you clean and manage it during different weather and seasons?

d. Support. A letter from fronting property owners is required. Each Applicant must adequately and robustly involve the surrounding community in the development of the proposal by involving neighbors and tenants of the subject property, and any existing merchant or neighborhood groups. The Applicant must provide reliable and verifiable documentation of support in the form of a letter, a petition, email, etc.

e. Indemnity and Hold Harmless Statement. Each applicant shall provide a signed agreement to defend, indemnify, save, and hold harmless the city and all its officer, agents, or employees from any liability for damages resulting from any and all operations under the permit in a form approved by the city Attorney.

2. DEPARTMENTAL REVIEW

An interdepartmental committee (Planning, Department of Transportation and Multimodal Infrastructure (NDOT), Beer Board, Water, Police, Fire) will review applications, on a first-come-first-served basis, to ensure that applicants conceptually meet program criteria.

3. PERMIT APPLICATION

For those applicants with an accepted conceptual application; the next step is to submit a construction permit application and fully detailed site plan, including but not limited to items such as cross sections, elevations, structural details, safety treatments, existing utilities, and maintenance of traffic plans. City staff will work with the Applicant in a collaborative fashion during this period to ensure that the Parklet design is appropriate and that the final drawings produced meet requirements.

4. CONSTRUCTION PERMIT APPROVAL

Within 5 business days from submittal of a Final Plan, if it is determined by the Director/Department that the application satisfies all policy requirements and the applicant has paid all necessary fees, NDOT will grant final approval and issue a permit.

5. CONSTRUCT PARKLET

Upon permit issuance and as a condition of permit approval, Applicants are required to meet with NDOT no less than ten (10) days before beginning any site work. Installation of the Parklet must be completed within 2 weeks of permit issuance.

6. OTHER PERMITS

In conjunction with the Parklet right-of-way permit, the Applicant is required to obtain any other applicable permits that may be required by other agencies.

7. PARKLET REMOVAL

Permittee, at Permittee's sole cost, shall be responsible for removal of the Parklet and restoring the ROW to its original condition upon the occurrence of one (1) or more of the following:

- (1) the cessation of use,
- (2) failure to comply with permit conditions or other legal requirements, or
- (3) the Parklet poses a dangerous condition or threat to life or property.

The city may remove the Parklet for any of the following reasons:

- a. Failure to maintain,
- b. Violation of this Program Policy,
- c. Violation of the Permit,
- d. Modifications unapproved by the city,
- e. When the Parklet encroachment causes a dangerous condition or threat of danger to life or property as determined by the Director of NDOT. This includes but is not limited to:
 - The Parklet is encroaching into a travel lane or bike lane
 - The Parklet has lost structural integrity
 - A gap develops between the Parklet and sidewalk
 - The Parklet creates visibility issues
- f. As a condition of permit issuance, the Parklet Permittee shall agree in writing to authorize the city to remove the Parklet at the Permittee's sole cost in the event that any of the occurrence of any of the circumstances for removal herein.

If any of the above violations occur, the applicant will be sent notice of the violations and. Except in the case of dangerous or threatening conditions, will be given a maximum of five (5) working days to remedy the condition or remove the Parklet. If the Permittee fails to timely or adequately maintain or repair the encroachment or remove the encroachment within the five (5) working days, the permit will be terminated. Once the permit is terminated, the Parklet must be removed at the sole cost of the Permittee within three (3) calendar days. When the encroachment causes a dangerous condition or threat of

danger to life or property, the permit will be terminated without the five (5) day notice and removed immediately at Permittee's cost.

The city, at its sole discretion, may remove the Parklet and restore the public right-of-way to its previous condition upon a finding that it is in the public interest for the city to fund or partially fund removal of the Parklet.

8. TRANSFER OF PERMITS

If the Permittee sells its business interests, one of the following must be done:

1. Remove the Parklet; or
2. With the city's approval, Purchaser and Permittee must come into the Department and execute a new permit in the purchaser's name with their signature and comply with all other requirements for the issuance of a permit, such as insurance.

9. PROGRAM CHANGES

The city reserves the right to amend the Parklet Program and all terms contained within it up until the point that a final permit is issued. Applicants may withdraw their application if they do not agree with any of the Policy changes.