

DOWNTOWN

N E W J E R S E Y



A parklet in Lambertville, NJ

TOGETHER
**NORTH
JERSEY.**

GUIDEBOOK TO PARKLET PLANNING

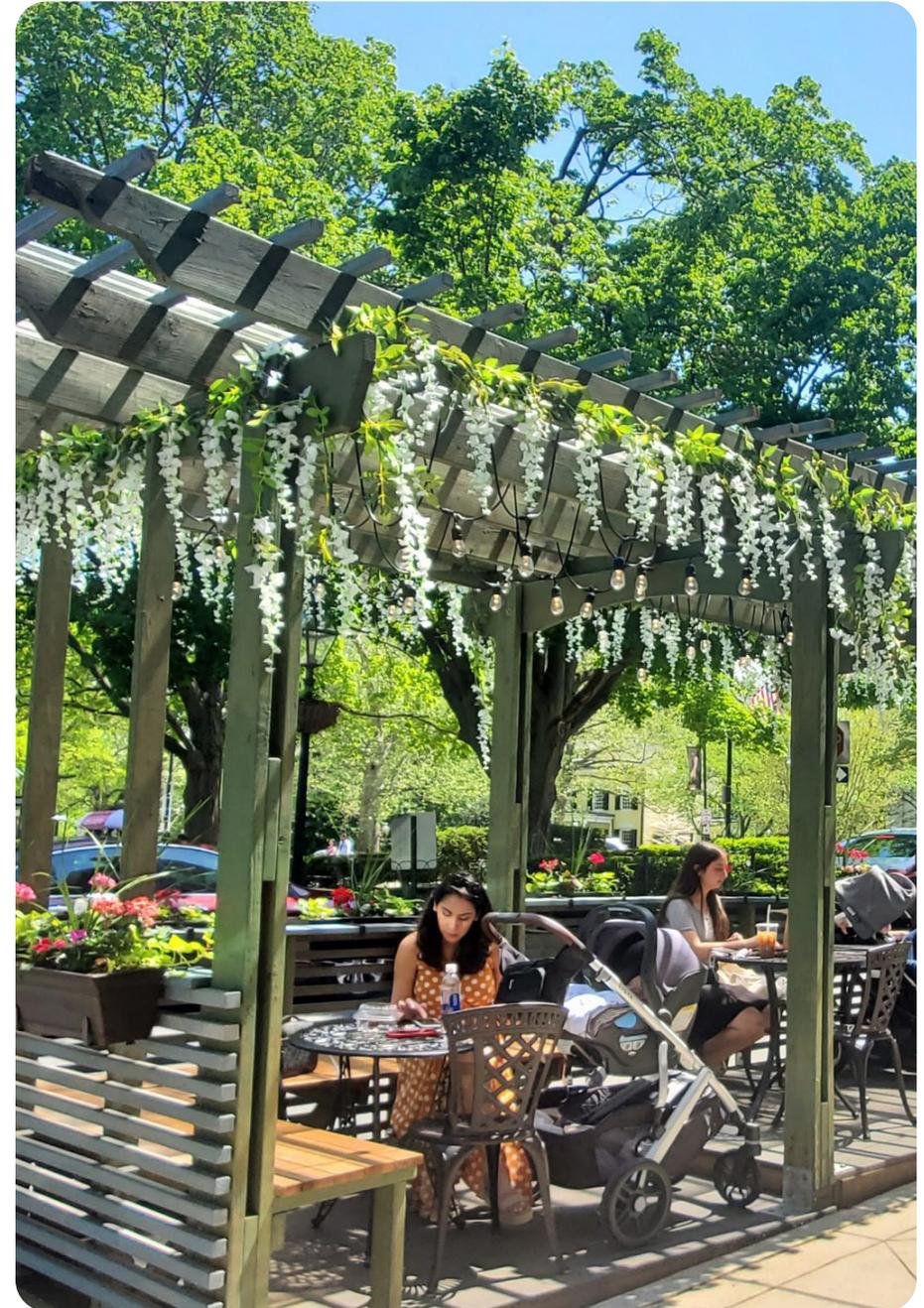
Acknowledgement

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Parklet in Princeton, NJ ¹



Parklet in Hoboken, NJ ²

About the Guide

The presence of open space, whether a park, plaza, open street or parklet, is a vital asset for a community. Due to their versatility, parklets are a favorable solution to social and physical gaps in neighborhoods and serve to advance the community goals of local stakeholders. This document was developed as an addition to [Beyond the Curb: Parklets in North Jersey 2014](#), and it intends to inform local stakeholders, such as municipal and county officials, nonprofit organizations, and advocacy groups, on updated and expanded knowledge of parklet implementation based on experience from the past decade.

While there are many factors to parklet implementation, this updated document will focus on the following:

- The Basics of Parklets
- Benefits and Opportunities of Parklets
- Site Considerations
- Example ordinances and fee structures

The information presented in this document was synthesized from a wide range of existing parklet ordinances, guidebooks, and expert interviews within New Jersey and beyond.



Parklet in Cincinnati, OH³



PART I: PARKLETS 101

Part One of the guide refers to the 2014 document. It provides updated information where appropriate, such as the variety of uses and sponsors of parklets, the benefits they can provide, and why communities should implement them.

Part Two offers some specific examples of successful parklet implementations in New Jersey and discusses what benefits they can bring to a community. It then touches on the rapid rise of parklets in 2020 brought on by the health restrictions and changes in behavior following the COVID-19 pandemic.

Part Three is the technical guide, which provides a list and description of the most common elements of parklet ordinances across municipalities in New Jersey and provides some examples of language for each ordinance element. It also contains examples of how municipalities have handled legal language concerning parklets, which can allow uses vastly different than those intended in the public right-of-way.



"One of the City's first parklets opened on York Blvd in Highland Park, CA in 2013." ⁵

Why use a Parklet Guidebook?

Parklets emerged as an urban design concept in the U.S. as early as 2005 and have greatly evolved in their uses, purpose, and implementation. As such, it is important to note the existing municipal laws that intersect with their activation, such as ordinances that govern public spaces, service industries, and residential zones. This guidebook can help navigate the legal language and existing laws used by various municipalities in New Jersey. Existing local and state ordinances are cited throughout the document to help readers develop policies for their planned or existing parklet program at their discretion.

The examples listed in this guidebook are not hard and fast rules; rather, they are here to serve as a starting point and can then be modified to suit the needs of their community.



What is a Parklet?

Parklets are products of the repurposing and reimagining of curb spaces. They are a way of reclaiming a mostly passive or idle strip of the road and turning it into an active space for people to use by providing additional places to eat, relax, socialize, create, work, and more. Physical barriers are often arranged around one or two parking spots to separate them from vehicular traffic. Then, the sidewalk is extended from the curb into the street. Finally, they are accessorized according to their new use:

- **A place to eat** – restaurants and cafes can use a parklet to expand their seating capabilities and offer outdoor dining to patrons who enjoy the fresh air.
- **A place to relax or socialize** – municipalities, business improvement districts, or other organizations can convert the space into a haven for shoppers or employees; they can sit and enjoy a few moments among some greenery in the middle of an urban area.
- **A place to work** – offices can offer employees an alternative workplace by providing seats, tables, and possibly even a Wi-Fi connection outdoors.

Regardless of their new use, parklets are an effective tool in placemaking, economic development, and even as a form of tactical urbanism. They demonstrate how existing spaces can serve a different purpose, depending

on local needs.

One major benefit is that parklets are inexpensive, often temporary structures that offer an opportunity for municipalities to experiment with various pilot projects – to see what works and what doesn't – before committing to permanent solutions.

Parklets can also increase foot traffic and socialization and significantly improve business for those establishments sponsoring parklets.

According to a [report](#) by Jersey City, 271 people were counted using a parklet compared to the 94 cars counted at an adjacent parking space over three days.



Parklet Project in Somerville, NJ⁶

How can communities implement Parklets?

Regardless of who undertakes the process of installing a parklet, the interested party must coordinate with the municipality. Most US municipalities with parklets require various permits, including building permits, renting the parking space(s) and right-of-way, permits for operating curbside business activity, or permits for serving food outdoors. They might also require additional insurance policies to cover added risks and absolve the municipality of responsibility.

[Special/Business Improvement Districts](#) (SID/BID) can sponsor a parklet to increase pedestrian activity in the district. This can be part of or independent of other beautification processes for seasonal promotions or other special events.

[Municipal departments](#), such as the parks department, can set up parklets to increase public and green spaces in urban areas with little or no vegetation. A community might also consider parklets in conjunction with other strategies to deter crime and change behavior by reactivating spaces where appropriate.

Additionally, offices, organizations, SIDs, BIDs, or municipalities can sponsor parklets as outdoor shared working spaces for telecommuters. These spaces can attract telecommuters, in hopes that they will take advantage of surrounding businesses, by providing attractive and comfortable working spaces and Wi-Fi.



Bellingham, MA First Parklet⁷



Parklet in Philadelphia, PA⁸

Why build a Parklet?

Parklets can effectively add extra space to a dining or recreational establishment or act as an oasis with much-needed greenery in urban areas lacking parks or street vegetation. Due to their temporary nature, parklets can also be strategically used for special events, such as holidays and educational campaigns, or for offices to allow employees to work outdoors during milder seasons. It is exactly this type of flexibility that makes them an effective, versatile tool for communities to have at their disposal and meet whatever needs they may have at different times.

Additionally, parklets present a tremendous public engagement opportunity for communities to test the effects of changes to the physical environment without committing to lengthy, expensive overhauls that may be met with resistance. Allowing temporary changes helps hesitant parties test a project. These temporary installments can be particularly useful if accompanied by a before and after study.

Municipalities or SIDs/BIDs can gather baseline data of an area before installing a parklet, such as pedestrian activities, on-street parking occupancy, business revenues, or more. Then, after the parklet has been installed, they can perform another analysis and compare changes that the new addition may have influenced.

This can also be a chance to collect public feedback by incorporating a questionnaire for people to take or coming up with a social media campaign. The opportunities are only limited by whatever new or existing local ordinances accompany their implementation, and this guidebook contains examples of existing parklets and their related ordinances. Interested parties can modify the language and examples to suit their needs or propose community projects.



Outdoor dining in NYC, NY⁹



Montclair, NJ parklet¹⁰

PART II: PARKLETS TODAY

Case Studies

Newark Downtown District Parklet Program

Newark established its Newark Downtown District (NDD) Parklet Program in 2017, which has evolved due to the increasing demand for outdoor dining since COVID-19. Originally, the program-sponsored parklets were wooden structures, but in the recent editions of the program and since the start of the pandemic, they have grown to include pop-up parklets to expand their reach.

Popup parklets which require a more informal structure, make the program available to a wider audience of small businesses in the downtown area that may not be able to host the traditional designs.

Small businesses and companies are encouraged to apply and receive a free seasonal parklet for the summer, with corporate sponsorships financially supporting the program to cover the costs of parking fees and supplies. In exchange for financial support, sponsors are featured on parklet signage and press releases¹¹.



Newark, NJ Parklet¹²

City of Hoboken Department of Zoning

Parklets began to gain popularity in Hoboken streets to alleviate the pressure on businesses from indoor dining restrictions at the start of the COVID-19 pandemic in 2020. Parklets, sidewalk café expansions, Streateries, and open streets were all permitted as “temporary” expanded capacity options in the City of Hoboken’s COVID-19 Small Business Recovery Strategy Plan¹³. As of March 2022, Hoboken has made outdoor dining a permanent option for businesses year-round and has adopted an ordinance that will formalize outdoor dining regulations, parklets included. Their COVID-19 Small Business Recovery Strategy Plan was a great success with over 30 businesses parklets and over 50 Streateries or sidewalk cafes¹⁴.



Hoboken, NJ parklet¹⁵

COVID-19 Shutdown

Monumental changes occurred locally, regionally, nationally, and globally in 2020. In mid-March of that year, most economic activities came to a grinding halt due to the global COVID-19 pandemic. Only essential services were kept open for several months, while most, like restaurants, were ordered to shut down indefinitely.

As a result, the number of vehicles on the roads markedly decreased while people were confined to their homes. Conversely, during this period, there was an uptick in walking and bicycling and an increase in park and public space use as people sought alternative activities during the widespread closures.

It only took a few weeks into the lockdown for many businesses to suffer severe economic losses, leading local authorities to rethink widespread lockdowns and indefinite closures. This led to an opportunity to explore creative planning solutions.



Parklet in San Francisco, CA¹⁶

The Motive for Land Use Changes

The COVID-19 pandemic highlighted the need for more flexibility in our current land use codes, particularly in light of indoor dining and shopping restrictions imposed across the State. Furthermore, the drastic decrease in vehicles on the road highlighted the uneven distribution of space we have allocated for cars versus what there is for pedestrians, cyclists, or simply the availability of places for people to sit outdoors.

As a result, parklets and other measures, such as street closures, became necessary for many businesses to survive during 2020 and in the subsequent months. Many New Jersey municipalities began taking examples from California, where the term parklet was coined, and adapting them to fit their needs. Many municipalities passed resolutions with expiration dates, and some would later adopt permanent ordinances embracing parklets as a legitimate use for the foreseeable future.



Parklet in Millburn, NJ

Interest in Open Space

Along with the conversion of streets into areas for outdoor commerce, communities also saw an increased interest in and need for public and open spaces. The demand for more robust outdoor public spaces increased during the pandemic as people sought to gather outside to reduce their risk of transmitting or becoming infected with COVID-19.

While several significant trail projects have been proposed over the past few years, they may take years to come to fruition. Furthermore, many urban areas may lack the space to develop new public parks and open space. Parklets can be a temporary stopgap solution to provide a small-scale open space in places that need it, especially when demand rises suddenly.



Pop-up parklet hosted by Rutgers Bloustein school in 2015 in New Brunswick, NJ¹⁷

PART III: PLANNING FOR PARKLETS

Permits and Applications

Parklet permit and application processes vary across municipalities. Although a uniform process does not exist at a state level, there are general guidelines or best practices municipalities should consider in their parklet programs. Municipalities should provide clear instructions in application paperwork and/or municipal zoning permit procedures.

Some items to include might be:

- Parklet definition in the municipal ordinance
- Required permits, fees, applications, and other additional documentation
- Zones/areas parklets are allowed
- Maps of overlay districts so the applicant can determine additional requirements
- Information regarding parklet basics, like estimated costs and size requirements
- Information about alternative sidewalk interventions like Streateries or curbside cafes

Jersey City Example:

Jersey City has a joint “[Sidewalk Café & Parklet License Application 2023](#)” that includes the rules applicable to outdoor dining (*whether it is a new application or a renewal*), a link to the City’s ordinance, and links to the Division of Zoning and the mandatory Zoning Determination Application. Without the ‘Determination Application’, interested parties cannot progress in the permitting process, acting as a floodgate to prevent invalid applications.

City of Lambertville Example:

Similarly, the City of Lambertville, NJ, has an [online zoning permit application](#) listing everything an applicant needs for a parklet or a Streatery. It covers the definitions and differences between the two uses and lists all the required documents, insurance coverages, and fees. It lists the provisions that apply to each use with graphical examples. Lambertville makes it easy for applicants to fill out a PDF document online that can then be downloaded and emailed, saving the user the trouble of printing or scanning documents.

Site Considerations

Planning for parklets, businesses should take note of the proposed parklet area's jurisdiction, and be mindful that existing ordinances may require approvals prior to install, or could restrict them from activating a parklet in their desired location altogether.

Placement Specifics

Municipalities have full control over the parklet's size and placement on local roads relative to the surrounding streetscape, and may strategically limit the areas where parklets are located. If a planned parklet is located on a state or county road outside the municipality's jurisdiction, further approval will most likely be required from the agency with jurisdiction.

At this time, the New Jersey Department of Transportation is unilaterally denying parklets on roads under its jurisdiction. Areas along a state road within a special improvement district may have additional flexibility under N.J.S.A [40:56-74](#).

For county roads, municipalities should include contact information for their County's respective traffic departments or include County requirements for parklets, if present. Municipalities that desire parklets on county roads should consider actively collaborating with the county to determine feasibility and streamline the approval process.



Newark, NJ Parklet platform in construction ¹⁸

Where should parklets go?

Several municipalities have experimented in a few ways on how to find the most appropriate placement for a parklet. Some municipalities may rely on data-driven approaches when selecting the proper parklet placement, such as traffic studies and pedestrian counts to maximize foot traffic while minimally disrupting traffic flows.

Where parklets may not fit

Some municipalities placed parklets where they thought they would fit best, only to find that the amount of direct sunlight hitting the parklet created unpleasant conditions with high temperatures and low ventilation. They then moved the parklet one or more times until finding the ideal location to maximize both utility and comfort. While there are currently no ordinances specifying required studies nor is there language prohibiting a place from moving it to different locations, this is an area that each locale can explore what best suits their community. Given geographic and seasonal patterns, what makes sense for parklet placement in the winter or off-season may be inapplicable during the summer.

Number of parklets on a block

Municipalities may limit the number of parklets allowed per block. Newark and Hoboken's ordinances both reserve the right to limit the number of parklets on a single block. Limiting the number of parklets may help municipalities hedge against future problems should street design need to be altered for future use.



Parklet placement along Michigan Avenue, a seven lane road in Detroit, MI may be an inappropriate choice due to noise, vehicle pollution and safety²¹

Example Ordinance Language:

- "The City reserves the right to limit the number of Streateries or parklets per block based on available space and the need to maintain publicly accessible curbside space on each block for other uses." – Newark, NJ¹⁹
- "Right to limit parklets per block. The City reserves the right to limit the number of parklets per block based on available space and the need to maintain publicly accessible curbside space on each block for other uses."– Hoboken, NJ²⁰

Street infrastructure

To create a cohesive sidewalk network, parklets must fit into the existing streetscape with minimal impact on surrounding activities. Jersey City includes a requirement that parklets not “obstruct” bus stops, loading zones, reserved parking spaces, hydrants, or driveways. Some towns have implemented specific distance requirements between parklets and existing street elements. Newark requires parklets to be at least 25 feet from a crosswalk and at least 10 feet from bus stops and hydrants and forbids parklets in handicapped spaces and loading zones. The specificity of the distance requirements is up to the discretion of the municipality.

Example Ordinance Language:

- “Parklets shall not be located within 10 feet of a bus stop, within 25 feet of a crosswalk, 10 feet of hydrants, or in handicap spaces or loading zones.” – Newark, NJ ²³
- “[Parklets] Must not obstruct any curbside or utility uses, such as bus stops, reserved parking spaces, loading zones, fire hydrants or driveways” – Jersey City, NJ ²⁴



Hoboken, NJ StrEateries²²

Speed limits

The street's speed limit should determine whether a parklet is appropriate for a site. Parklets may not be allowed on streets with high-speed limits with the governing municipality determining the specific speed limit restriction. For example, in Santa Monica, California, parklets are only allowed on streets where the speed limit is 25 miles per hour or less. If the street has a bike lane, this limit is changed to 30 miles per hour.

Example Ordinance Language:

- "Parklets will only be permitted on streets with speed limits of twenty-five (25) miles per hour or lower in commercial or business areas" – Watsonville, CA
- "Street Limitation. An eligible business may obtain a permit only in streets that have: (1) a speed limit of twenty-five miles per hour or less; (2) a speed limit of thirty miles per hour and a Class II bikeway, as that term is defined by California State & Highway Code Section 890.4; or (3) a speed limit of thirty miles per hour without a Class II bikeway"– Santa Monica, CA ²⁵

Type of parking

Municipalities may consider specifying the types of parking spaces parklets can occupy. For example, the City of Jersey City only allows parklets in areas with parallel parking instead of perpendicular or angled parking. Municipalities can also specify the amount of parking spaces that can be repurposed into a parklet.

Example Ordinance Language:

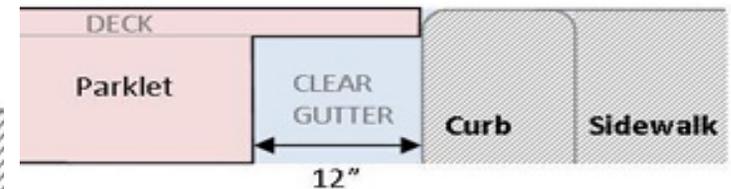
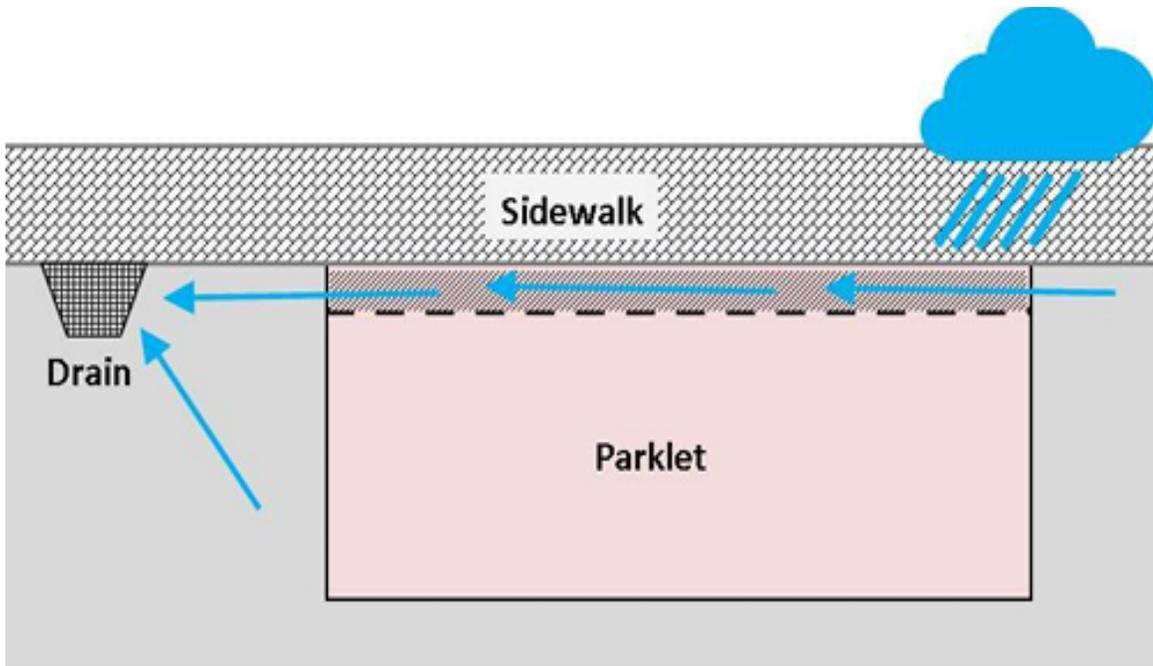
- "Establishments may utilize adjacent parking areas (or driveways wider than 20 feet) which are owned, leased, or otherwise controlled by them for outdoor dining provided that: No more than one parking space (or 162 sq. ft. of driveway area) per 8 outside dining seats (not to exceed 10 spaces or 1,620 sq. ft. of driveway area) is used for outdoor dining" –Town of Kearny, NJ ²⁶
- "Parklet locations will be permitted, upon application and approval, in any business district where a parallel, on-street parking space can be utilized...No more than two (2) contiguous parking spaces may be utilized for the purpose of a single business use" –Township of Millburn, NJ ²⁷

Drainage

Since parklets repurpose curbs, an infrastructure that directs stormwater runoff, it is important to design parklets to avoid blocking drains. Blocked drains or poor drainage considerations could lead to flooding, negatively impacting the condition of the parklet itself and the street as a whole. Parklets can incorporate debris screens, or pedestal supports to elevate parklet platforms for an uninterrupted stormwater flow.

Example Ordinance:

- “The platform shall be designed in such a way as to not impede rainwater sheet-flow of curbside drainage. The parklet platform shall also be anchored in such a way as to prevent flotation displacement.”- City of Lambertville, NJ²⁸



*Milwaukie, OR parklet program guide dictates the necessary drainage requirements for parklets.*²⁹

Building Materials and Design

Designing a parklet offers an opportunity to be creative and explore a range of possibilities for the space. There are some general guidelines and best practices for design and materials to ensure safety and efficacy. Specifically, the [Uniform Construction Code \(UCC\)](#) of the NJ Administrative Code enumerates the entire state's construction regulations, and their definition of "structure" applies to parklets.

Municipalities must at least meet the UCC's building requirements and can then apply further provisions to ensure that parklets fit in with the community's aesthetic. Several municipalities provide visual diagrams to illustrate these additional provisions.

See below for an example from Millburn Township, NJ.

LOCATION GUIDELINES

- Must be in an existing parallel parking lane
- Max use of 2 parking spaces (at the discretion of the Township based on similar requests on a particular block)
- 25ft clear from any corner
- Max 7ft width
- Parklets should be aesthetically pleasing with lighting/planters where possible. Lighting is permitted and the source of electricity should be shown on drawing.
- Parklets must not obstruct bus stops, loading zones, fire hydrants or driveways unless otherwise permitted by the Township.
- No sound amplification systems will be permitted.
- No accessories shall extend outside the edge of the built parklet. All umbrellas and other accessories must be secured to withstand high winds.
- Parklets should not obstruct the flow of storm water along the curb.
- Parklet base must be flush with curb; vertical and horizontal spacing of .5in max. (ADA compliance)

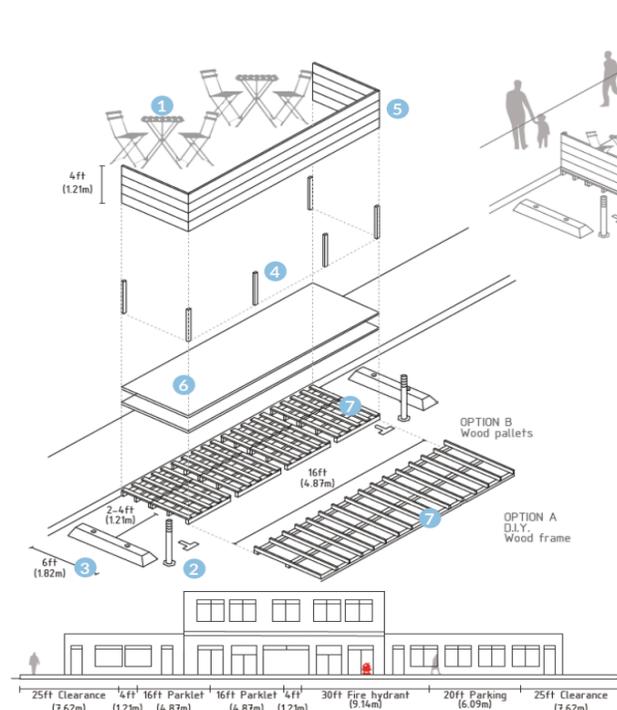


IMAGE KEY

- | | |
|-------------------------------|-------------------------|
| 1 Reflective soft hit posts | 4 Barrier |
| 2 Wheel stop/concrete barrier | 5 Deck attic pine board |
| 3 Barrier structure | 6 Base |

BUSINESS RESPONSIBILITIES

- Provide a completed application for a parklet and conceptual drawing of the space with guidance from provided sample.
- Provide proper insurance to the Township with both the Township of Millburn and Essex County named as additional insured.
- Build the parklet in accordance with Township specifications.
- Place signage discreetly on the parklet stating what business has use of the parklet.
- Have a copy of your approved parklet application and backup materials on hand in case asked.

TOWNSHIP RESPONSIBILITIES

- Township will place wheel stop or concrete barrier 4ft. from the end of a built parklet on both sides.
- Reflective soft hit posts will be installed at each corner of the parklet-occupied parking space.
- Protect outside edge with MUTCD-compliant object market (jersey barrier or concrete block).

Platform Structure

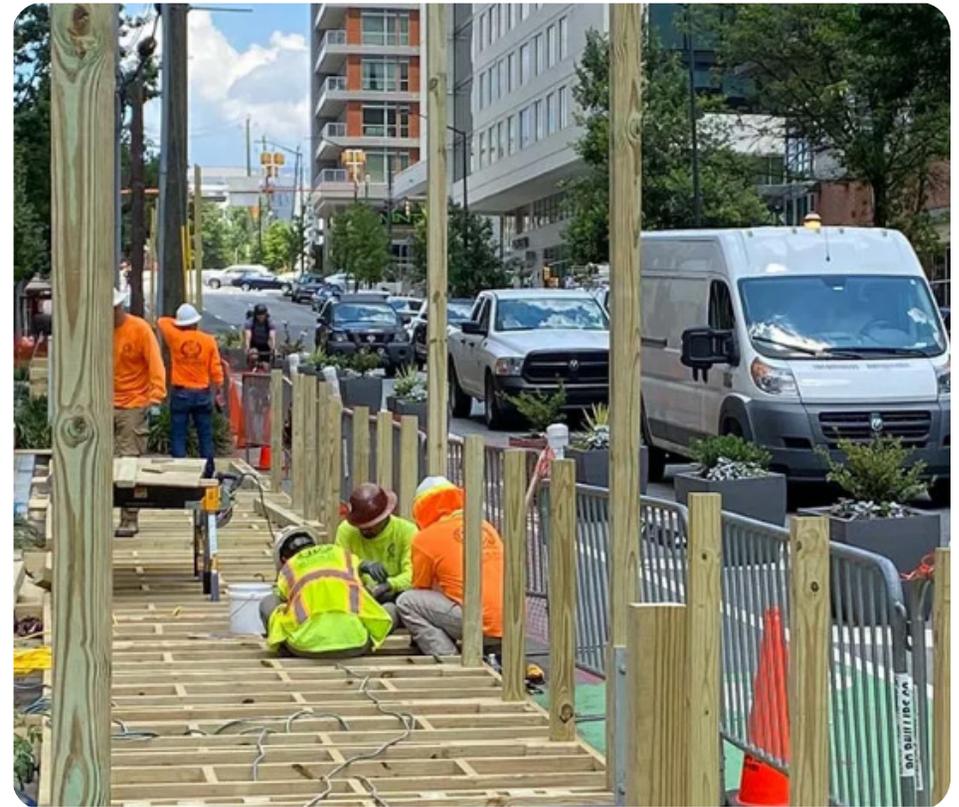
The platform structure is the fundamental framework and skeleton for all the other design components integrated into a parklet. Chosen structure materials must be:

- Durable
- Adjustable for uneven surfaces
- Able to withstand 100+ lbs.-per-square-foot of live load

Recommended materials include, but are not limited to, wood frames, adjustable leveling pedestals, and steel frames.



Unique platform designs, like this parklet in San Francisco, CA can engage individuals of all ages and intrigue passerbys³³



Parklet platform construction in Atlanta, GA³²

Example Ordinance Language:

- “The parklet shall consist of a platform design to be level with the top of the curb line and the adjacent sidewalk” – City of Lambertville, NJ ³⁰
- “Streateries platform shall be flush with the curb and sidewalk to prevent tripping hazard.”– Town of Kearny, NJ ³¹

Platform Decking

Platform decking is the base of all parklets, and careful consideration of chosen materials maximizes safety and the platform's lifespan. Loose particles, such as sand and gravel, should not be permitted³⁴.



Some platforms are pre-fabricated and moveable, like this parklet in Longmont, CO ³⁶

Chosen decking materials must be:

- Slip resistant
- Durable
- Able to withstand heavy weights (100+ lbs. per square foot live load)
- Be easily disassembled and reassembled seasonally
- Constructed from sustainable materials
- Recommended materials include, but are not limited to, recycled plastic lumber, rot-resistant wood tiles, steel, close mesh, and bar grading.

Example Guideline Language:

- “(platform) must support 100 lbs/ sq. ft. load” – Philadelphia platform requirements
- “(platform) load bearing: 750 lbs/ sq. ft” – NYC platform requirements ³⁵

Railing or Barriers

Railings and barriers are important components that keep people safe by visually delineating where the parklet starts and ends relative to the street, sidewalk, parking spaces, or curb. Restrictions on railing heights and barrier opacity may vary by municipality. Chosen railings or barriers should be:

- Continuous on the side facing the street
- Easily visible to cars
- Generally, a minimum height of 36 inches tall and a max height of 42 inches

Recommended materials for barriers include, but are not limited to, wood planters, pallets, plywood, cable, and steel railings³⁷.



Parklet in Pittsfield, MA³⁸



Concrete barricades used as a protective wall for this 'streaterie' ⁴¹

Example Ordinance Language:

- “design shall include a protective safety barrier, 36–42 inches in height (excluding plantings), around three sides adjacent to parking spaces and the drive aisle to preserve visibility for motorists and provide protection for patrons... protective safety barrier may be water-filled barriers, concrete barriers, heavy planters, self-built planters weighted with sand bags, or objects of similar size and weight, to visible separate seating from the travel lane and parking areas. These barriers must be at-least 18 inches wide at the base and at least 36 inches high. Barriers may not penetrate the surface of the public way”- City of Lambertville, NJ ³⁹
- “The outdoor dining area must be clearly defined and limited by way of a barrier, such as fencing, landscaping, a wall or as approved by the Town of Guttenberg”- Guttenberg, NJ ⁴⁰

Tables and Seating

Tables and seating materials should be durable and easy to maintain. The use of sustainable materials could be encouraged, such as recycled, reclaimed, or locally sourced. Tables and seating should be fixed or stored securely during non-business hours⁴².

Parklets can include moveable and/or fixed furniture, such as:

- Moveable chairs
- Moveable tables
- Fixed benches
- Fixed lounges
- Collapsible tables



This parklet in Newark, NJ offers permanent bench seating and foldable chairs and tables⁴⁴



Tables and outdoor seating

Example Ordinance Language:

- “Easily removable tables, chairs or other seating shall be provided. Tables shall be 2-top or 4-top only, no tables accommodating more than 4 persons shall be permitted.”– Town of Kearny, NJ ⁴³

Planters

Planters should be durable, easy to maintain, and encourage sustainability by using recycled or reclaimed and locally sourced materials. Regarding plant choice, one should avoid plants on the New Jersey invasive species “do not plant” list or plants with thorns. Be mindful that plants extending higher than the suggested railing height should not block pedestrian or vehicular visibility⁴⁵. Plants should be discarded or stored inside during the winter.

Types of planters used in a parklet could include:

- Low planters
- High planters
- Farm modules
- Rail planters



Public Parklet in San Francisco, CA with low planters⁴⁶



High and low planters are used to enclose this Newark, NJ parklet⁴⁸

Example Guideline Language:

- “Resilient, drought-tolerant plants are recommended because water can weigh down the decking. Plants that grow vertically instead of laterally are also advisable because they can provide shade and take up less space.” – NACTO Parklet Guidelines ⁴⁷

Amenities

Some optional parklet amenities can increase the use, functionality, and enjoyment of the space. Some examples include:

- Bike rack
- Interactive art
- Musical installations
- Games



A pop up parklet in Montclair, NJ ⁵¹



Backyard games like checkers and Jenga are available in one Houston Parklet⁵⁰

Example Guideline Language:

"In addition to seating and landscaping features, amenities such as tables and bicycle parking are commonly found in parklet sites. Bicycle parking elements are commonly mounted to the top of the parklet platform." -NACTO Parklet Guidelines ⁴⁹

Safety Components

Generally, a parklet should be 1-2 parking spaces long and extend no more than 7 feet from the curb. Additionally, there should be 42-48 inches of a limited obstructed view⁵³. Additional safety components include:

- Soft hit posts
- Wheel stops
- Reflective tape
- Road striping
- Lane markers
- Surface mount bollards
- Continuous curb



Safety components like wheel stops and the reflective bollard are used to protect this San Francisco, CA parklet⁵⁶



One of the City's first parklets opened on York Blvd in Highland Park, CA in 2013⁵²

Example Ordinance Language:

- "Streeteries platform shall be flush with the curb and sidewalk to prevent tripping hazard."- Town of Kearny, NJ ⁵⁴
- "Outdoor dining facility owners, employers, and employees shall not block, obstruct or inhibit a building's entrance/ egress. It shall be unlawful to block or obstruct in any manner the clear width of any exit's discharge passageway, as determined by the clear width opening of the entrance/ egress door(s)." - Guttenberg, NJ ⁵⁵

Operation of Parklets

Hours of Use

Parklets that are used as social gathering places or extensions of restaurants can be conducive to loud noises, creating potential nuisances to surrounding properties. Thus, ordinances should specify the hours that parklets are allowed to operate to limit the potential for complaints. Typically, hours of operation vary depending on the municipality, day of the week, and location.

Hours of use may be managed or enforced in the following ways:

Day of the week – Communities can choose to enforce hours of operation based on days of the week and times. For example, Hoboken Parklets may operate from 8:00 AM to 11:00 PM on Sunday through Wednesday night and 8:00 AM to 12:00 AM on Thursday through Saturday night. If Monday is a federal holiday, parklets may stay open until 12:00 AM on Sunday.

Zoning District – By contrast, municipalities may specify hours of operation relative to the parklet’s zone. For example, the City of Lambertville allows parklets to operate until 9:00 PM in residential zones and 8:00 AM to 11:00 PM in commercial or nonresidential zones.

Example Ordinance Language:

- “Hours of operation shall be between 8:00 a.m. and 9:00 p.m. daily in residential (R) zones and between the hours of 8:00 a.m. and 11:00 p.m. in commercial (C) and nonresidential zones.” – Lambertville, NJ
- “Hours of operation. Hours of operation for parklets, Streateries, sidewalk cafes, and rooftops, where permitted in association with a restaurant, bar, distillery, or brewery, shall be between the hours of 8:00 a.m. and 11:00 p.m., Sunday through Wednesday, and between 8:00 a.m. and 12:00 midnight Thursday, Friday, and Saturday. On three-day weekends where Monday is a federal holiday, hours of operation for Sunday may extend to midnight. The sale and service of alcoholic beverages shall adhere to the times outlined in Chapter [68](#), Alcoholic Beverages, of the Municipal Code of the City of Hoboken, or other restrictions placed on the business in approvals granted by a land use board.” – Hoboken, NJ ⁵⁷
- “Hours and months of operation. Parklets shall be permitted to operate only within the permitted Passaic Bistro District and Eateries on Broadway District between May 1 and ending November 1 and only from 7:00 a.m. until 11:00 p.m.” -- City of Passaic, NJ ⁵⁸

Advertising/Signage

A municipality may restrict the type of signage or advertisements on the parklet and structures within the parklet. Most New Jersey municipalities ban any signage on parklets or structures within parklets, while some cities like Hoboken do allow A-frame signage.

However, individual municipalities can decide the approach to take regarding advertising and signage on parklets, depending on their needs and the character of the proposed communities. The example pictured below from London provides a few lines of simple text to inform who sponsored the structure.



Parklet with a unique design⁶²



A New York City restaurant that was permitted to colorfully decorate their structure and apply the name of the establishment similarly to an awning. 59

Example Ordinances:

- “No Signs or advertisements are permitted within the Parklet, sidewalk, or right-of-way. Table umbrellas shall have no signs or advertisements on them... No Signs or advertisements are permitted within the Parklet, sidewalk, or right-of-way.” – Township of Cranford ⁶⁰
- “Signage. No flashing or moving lights or additional signage shall be part of the outdoor dining setup except as permitted herein. Freestanding signs such as A-frames permitted by § 196-31 may continue to be used but shall not obstruct the required pedestrian ingress and egress.” – Hoboken, NJ ⁶¹

Heating

Parklets can include heating as an amenity, especially during colder seasons. However, all parklets in the state must comply with [New Jersey Fire Code](#) and any municipal fire codes. Municipalities may add additional requirements to control the use of heat in parklets at their discretion and for the excellent safety of the community.

Propane – Provisions for parklet propane use exist in several NJ municipalities, as it's a standard fuel for outdoor heaters. For example, Hoboken allows businesses to use propane heaters provided they receive permission from the fire department. While both the City of Lambertville and Jersey City further specify restrictions that forbid propane from being stored in the right-of-way, including sidewalks.

Electric – Portable electricity is also listed in the Fire Prevention Code



Hoboken, NJ parklet with outdoor heaters⁶³

Example Ordinances:

- “All heating equipment must comply with the City's Fire Code. Propane may not be stored in the right-of-way, including sidewalks” – Lambertville, NJ⁶⁴
- “Heaters. The licensee of an outdoor dining facility may apply to the Hoboken Fire Department for approval to use propane heaters in the outdoor dining area. Such approval shall specify the number of heaters approved by the Fire Department and the provisions to store the propane tanks when not in use. A copy of the Hoboken Fire Department approval shall be filed with the Zoning Officer.” – Hoboken, NJ⁶⁵
- “Auxiliary or temporary electrical or heating appliances, devices, or systems are prohibited unless their use and installation have been approved by the Township.” – Township of Cranford⁶⁶



Outdoor diners in Boston, MA stay warm with heater⁶⁷

Entertainment and Noise

Parklets can also be converted into spaces for live entertainment in the form of music performances and beyond. Municipalities may regulate noise levels and whether live entertainment is allowed in parklets to ensure that such activities do not interfere with or disrupt the existing character of a neighborhood. The following examples are ways in which municipalities regulate noise levels:

Limiting Number of Events – Jersey City allows up to two weekly performances that must conclude by 8PM. No amplification is allowed, and there is a maximum of four performers.

Limiting Timing of Events – Hoboken allows live acoustic music from 4PM-10PM on weeknights and 12PM-10PM on weekends. No other audio (i.e., radio) is allowed, and televisions must be muted.

Via Noise Ordinance – Cranford does not regulate performances other than requiring parklet activities to comply with the municipality's noise ordinance.

Example Ordinances:

- “Music and AV. Live acoustic music is permitted but shall be limited to 4:00 p.m. to 10:00 p.m. weeknights and 12:00 noon to 10:00 p.m. on Saturday and Sunday. Playing other audio from a recording, streaming service, or cable or internet broadcasting service in outdoor spaces or public sidewalks is prohibited. Television or video screens, where permitted, shall be muted, without sound, at all times” – Hoboken, NJ ⁶⁸
- “Unless otherwise regulated by a Pedestrian Mall operating plan, entertainment is permitted within the boundaries of outdoor dining spaces. No more than two weekly events are allowed and shall be limited to four performers. All entertainment is required to conclude by 8:00 p.m.” – Jersey City, NJ ⁶⁹



A guitarist performs in a Seattle, WA parklet⁷⁰

Alcoholic Beverages

The serving and consumption of alcoholic beverages within parklets or Streateries requires approval from the state Alcohol and Beverage Control (ABC) Board. Restaurants seeking to serve alcohol in their sponsored parklet or Streatery are required to update their current ABC license to include the outdoor dining location. Additional requirements specified by municipalities reflect local ABC ordinances and regulations.

At any dining establishment (or public place where food or liquid refreshments are sold or served) without a liquor license, alcohol consumption is limited to wine or malt alcoholic beverage. Furthermore, said establishments cannot charge any corkage fee or advertise that the location is BYOB. Municipalities can be more stringent by outright prohibiting consumption of alcohol on premises but must adhere to the State's minimum requirements. Therefore, parklets operated by BYOB establishments may continue doing so, if the municipality allows it, since the State allows it "in a portion of the premises which is open to the public" (NJ,2C:33-27).



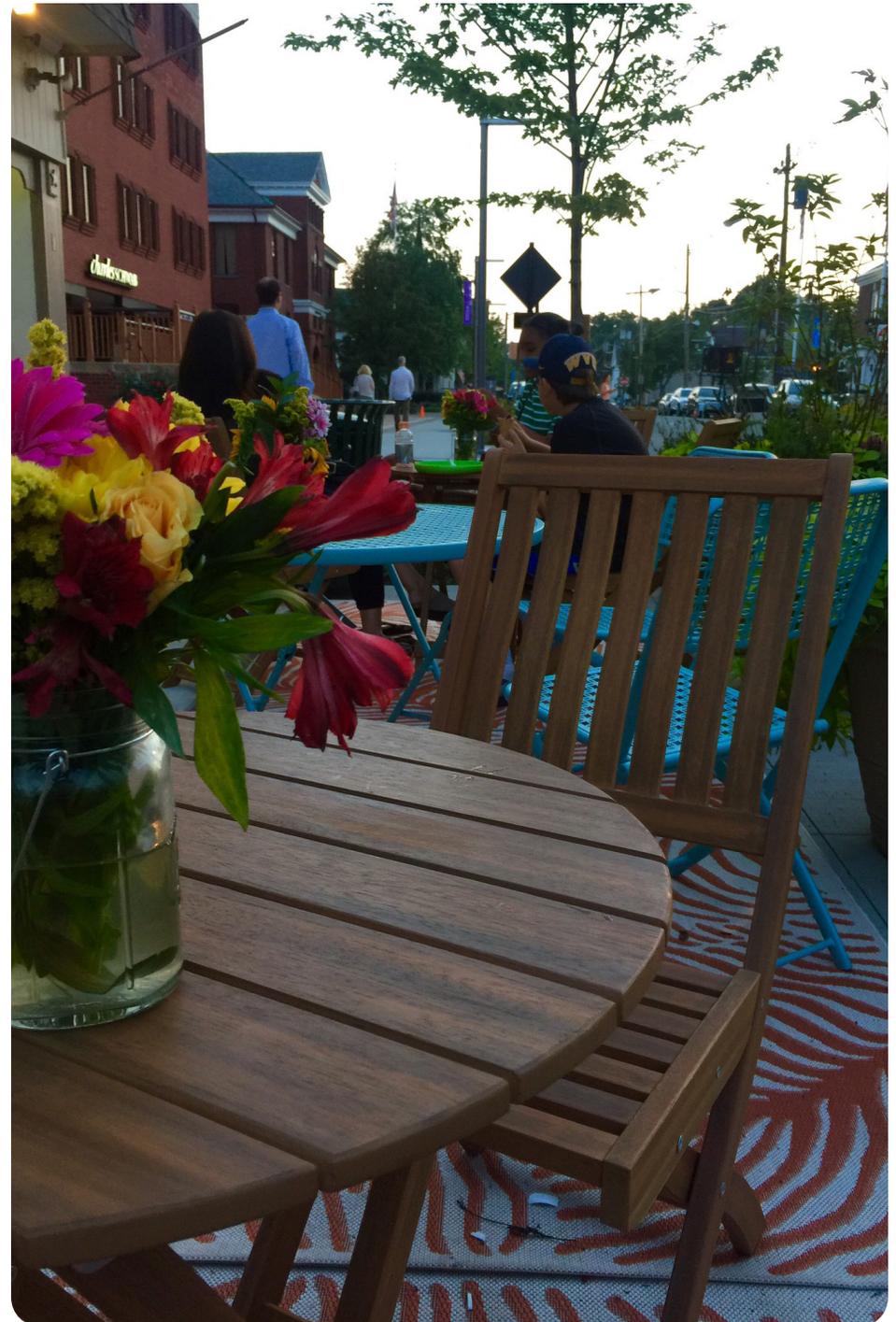
Parklet utilized by a brewery in downtown Georgetown, DC.⁷⁴

Example Ordinances:

- "Businesses holding liquor licenses that expand to outdoor seating areas shall be subject to the provisions of EO-150 and DOH Directive and ABC Special Ruling."- Town of Kearny, NJ ⁷¹
- "If the applicant is a holder of an alcoholic beverage control license pursuant to the laws of the State of New Jersey, it shall be the applicant's responsibility to cause the alcohol beverage control license to be amended to include the premise utilized for outdoor café purposes in order to serve alcoholic beverages therein. Alcoholic beverages shall not be the primary or sole item to be sold in the outdoor café."- Guttenberg, NJ ⁷²
- "wine and beer are the only alcoholic beverages which may be consumed at a sidewalk café on the condition that table service is provided"-Township of Millburn, NJ ⁷³

Example Ordinances:

- “No retail food establishment may sell, serve, deliver or allow consumption of alcoholic beverages in or upon any premises or upon any Streatery, Parklet, and/or Permanent/Semi-Permanent Structure as defined under this chapter without having first obtained the necessary approval by the City of Newark Alcohol Beverage Control Board in accordance with all applicable State and Municipal regulations. Such approval is separate from and must be obtained in addition to a license to operate a sidewalk cafe....A Sponsor of a Streatery, Parklet, and/or Permanent/Semi-Permanent Structure that does not have a license to sell alcoholic beverages in the area upon which the Streatery, Parklet, and/or Permanent/Semi-Permanent Structure has been authorized to operate pursuant to these regulations shall not be permitted to carry onto or consume any alcoholic beverages on or within such Streatery, Parklet, and/or Permanent/Semi-Permanent Structure area.”- Newark, NJ⁷⁵



Parklet in Millburn, NJ

Pets and other animals

For parklets constructed as restaurant extensions, municipalities should consider limitations on the presence of live animals in these structures. Generally, animals may be allowed in situations that do not contaminate food and food-related equipment, whether for preparation or presentation. There are no existing ordinances surrounding restaurants that have parklets for takeout.

However, parklets as extensions of full-service restaurants should consider the New Jersey state laws that prohibit animals from the premises of a retail food establishment except under the following circumstances⁷⁶

- **Patrol and sentry dogs** who accompany police or security officers in offices and dining, sales, and storage areas and are trained to run or patrol outside fenced areas are permitted anywhere needed to perform their duties.
- **Service animals** trained to assist and/or controlled by an employee or handicapped individual are allowed in areas not used for food preparation, such as parklets, dining, and sales areas. Service animals can include guide dogs and are not to be confused with Emotional Support Animals, which are not considered service animals under the Americans with Disabilities Act.



Example Ordinance:

- “Per New Jersey State Health Law, dogs are prohibited in outdoor dining structures.”
- **Non-dining hours** in group residences, when effective partitioning is present to separate the common dining areas from food storage or preparation areas, animals are allowed if proper measures are taken to thoroughly clean these areas before meal services.

Restricted Activities

Though parklets present a wide range of opportunities to use reimagined outdoor space, it is important to note that existing state rules and regulations prohibit certain activities from taking place in public places or establishments such as restaurants. The following items in this section are activities that should not occur within a parklet or denote ways ordinances can control or prohibit certain activities in parklets.

Smoking

In line with New Jersey State Law, all establishments must comply with the New Jersey Smoke-Free Air Act, which ensures workers a smoke-free workplace and all nonsmokers a smoke-free environment in public places. Thus, smoking is prohibited in any business or outdoor dining area extension, including parklets⁷⁷. (NJDH 8:24-10.2)



Smoking restrictions are outlined on a sign for a parklet in New Westminster, BC.⁸⁰

Example Ordinances:

- “No smoking. As an extension of the business premises, there shall be no smoking in outdoor dining areas.” – Hoboken, NJ⁷⁸
- “Smoking shall be prohibited in all outdoor restaurants and cafes as defined herein. No Smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at such outdoor restaurants and cafes...The sign shall also indicate that violators are subject to a fine” – Guttenberg, NJ⁷⁹

Food and Beverage Preparation

Food and beverage, including parklets, should not be prepared in outdoor dining areas. Space limitations do not allow for the proper facilities needed for proper hygienic food preparation. Additionally, the connections to water, heat, and electricity required for the equipment for these activities are not feasible in public areas with competing pedestrian, cyclist, and vehicular traffic. For parklets as extensions of retail food establishments, all food and beverage preparation should be kept indoors, as the establishment would have already undergone inspections and licensure that permits food preparation. Any food and beverage prepared indoors by a business could then be carried out to be enjoyed outdoors in a parklet or any other outdoor dining set-up.



Outdoor dining parklet in Jersey City, NJ⁸⁴



Outdoor dining in Chinatown, NY⁸⁵

Example Ordinances:

- “Food and beverage service. No food or beverages shall be prepared in the outdoor dining areas. All food and beverage preparation shall take place within the business premises and served or carried out to the outdoor seating area.” – Hoboken, NJ ⁸¹
- “All food preparation shall be indoors in the regular kitchen area of the retail food establishment”– Guttenberg, NJ ⁸²
- “Food preparation, cooking or storage of any food items is prohibited outside of the establishment at all times”– Millburn, NJ ⁸³

Accessibility

Parklets must comply with the American with Disabilities Act (ADA) Standards for Accessible Design. Parklets should be accessible and welcoming to all users, including people with physical disabilities, wheelchair users, and those with impaired vision. Inclusive design considerations will affect many aspects of your parklet design, ranging from how space is allocated to chosen materials.

A few examples of the issues to consider when reviewing parklet designs include:

- Slip-resistant surface materials
- Ensuring wheelchair users can access and enjoy the parklet
- Ensuring that the parklet, or at least some seating within the parklet, is accessible to people with disabilities
- Clear floor or ground space for wheelchairs

The minimum clear width for a single wheelchair passage should be at least 32" to 36". The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 inches by 48 inches. The minimum clear floor or ground space for wheelchairs may be positioned for a forward or parallel approach to an object. Clear floor or ground space for wheelchairs may be part of the knee space required under

some objects. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair-clear floor space. Additional maneuvering clearances shall be provided if a clear floor space is located in an alcove or otherwise confined on all or part of three sides. The minimum clear width of an accessible route shall be 36 inches except at doors⁸⁶.

Example Ordinance Language:

- "Temporary ADA curb ramps must be provided; for Streateries up to 30 linear feet one ramp shall be required, for Streateries over 30 linear feet two ramps shall be required."– Town of Kearny, NJ⁸⁷
- "Temporary ADA curb ramps must be provided: for Streateries up to 30 linear feet one ramp shall be required, for Streateries over 30 linear feet two ramps shall be required." – Newark, NJ ⁸⁸

Insurance

Municipalities should require businesses to purchase insurance to operate a parklet, though the requirements may vary. The most common requirements are liability insurance with a minimum of \$2 million total and \$1 million per occurrence, naming the municipality and employees as additional insured parties. Additionally, the policy must include a cancellation provision stating that the municipality will be notified at least 30 days before the expiration of the insurance policy. Additional provisions municipalities may consider:

Quality of Insurer – Newark requires that insurers be “authorized to do business in New Jersey, who are rated A-(V) or better per A.M. Best’s Key Rating Guide.”

Right to Require Additional Insurance – Newark also retains the right to require additional insurance as determined by the City’s Risk Management department.

Municipal Excess Liability Joint Insurance Fund – Close to 65% of municipalities and local authorities in New Jersey are covered by a joint property and casualty insurance fund. The membership structure of sharing funds and coverage helps keep costs down and presents an opportunity to encourage SIDs/BIDs to apply for coverage.

Municipal Insurance Coverage for Public Space Parklets – Another consideration is for municipalities and SIDs/BIDs to enter into a cost-sharing agreement for parklets exclusively providing public space.



Example Ordinance Language:

- a.** A provider shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company or companies authorized to do business in New Jersey, who are rated A-(V) or better per A.M. Best's Key Rating Guide.
- b.** The insured provisions of the policy or policies must list the City and the Parking Authority, when applicable, as additional insureds. The coverage provisions must cover any loss or damage to any person or property because of the operation of a Streatery, Parklet, and/or Permanent/Semi-Permanent Structure for outdoor dining.
- c.** The City, its elected/appointed officials, employees, and agents shall be covered, by endorsement as additional insureds on the permit holder's commercial general liability and commercial automobile liability policies, concerning liability arising out of activities performed by or on behalf of the permit holder in connection with permit holder's operation of a Streatery, Parklet and/or Permanent/Semi-Permanent Structure for outdoor dining.

d. To the extent of the permit holder's negligence, their insurance coverage shall be primary insurance concerning the City, its elected and appointed employees, and agents. Any insurance and/or self-insurance maintained by the City with its elected, appointed officials, employees, and agents shall not contribute to the permit holder's insurance or benefit it in any way.

e. A permittee shall maintain the following insurance coverages:

1. Commercial general liability with limits of \$1,000,000 per occurrence, \$2,000,000 policy aggregate affording coverage for claims resulting from bodily injury (including death) and property damage. The policy shall be written on a primary and noncontributory basis and should insure against premises and operations, personal injury, and contingent and contractual exposures.





Tables and chairs on Main Street Somerville.⁸⁹

2. The City retains the right to require additional insurance coverage in connection with the activities performed by the permittee under this chapter as may be determined by the City's Risk Management, considering the size of the Streatery, Parklet, and/or Permanent/Semi-Permanent Structure for outdoor dining and other liability insurance-related factors.

3. Failure to maintain required insurance coverage is cause for immediate revocation of the permit by the Administrator, and all outdoor dining facilities shall be removed. Should the licensee fail to remove all outdoor dining facilities, the Director of Engineering shall have the same removed and charge the cost to the licensee, which shall exist as a lien against the property.

f. Any insurance policy required by this section must be on file with the Department of Finance, Manager of the Office of Tax Abatement and Special Taxes, in an acceptable form before issuing a permit under this chapter.

g. Insurance required under this section must include a cancellation provision in which the insurance company is required to notify both the permittee and the Department of Finance, Manager of the Office of Tax Abatement and Special Taxes in writing not fewer than thirty (30) days before canceling any insurance policy or before reducing coverage. A permittee, upon receiving said notice, shall file with the Department of Finance, Manager of the Office of Tax Abatement and Special Taxes, in an acceptable form to the Department of Finance, Manager of the Office of Tax Abatement and Special Taxes, any replacement insurance policies before the cancellation or reduction of the same.

h. A permittee may not be self-insured.” -- Newark, NJ ⁹⁰

“No parklet license shall be issued unless the licensee shall have first filed with the Municipal Clerk a copy of an insurance policy issued by a company duly authorized to transact business under the laws of the State of New Jersey, providing for the payment of not less than \$1,000,000, combined single limit, to satisfy all claims for damage because of bodily injuries to or the death of any person as a direct or indirect result of the operation of the parklet or for injury to any person occurring on the premises occupied by such cafe, and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such cafe. The insurance policy shall provide that the insurance company notify the Town 10 days before the cancellation or substantial change in coverage.” – Passaic, NJ ⁹¹



Parklet in downtown Milwaukee, WI ⁹²

Navigating Legal Language

Hold Harmless – Language protecting the municipality from liability for anything related to the parklet.

Municipalities will want to ensure that any contracts or agreements contain the proper language absolving them from any responsibility outside of their control. This is important because parklets are generally located in areas of high activity, such as parking spaces with only a few feet between moving traffic, near parking vehicles and other structures, and are used by active patrons of host businesses, albeit in the public right-of-way. Furthermore, several parties might be involved in constructing and installing a parklet and all its ancillary items, including things like lighting, heating, fans, small appliances, vegetation, and other potential allergens.



Parklet in Philadelphia, PA ⁹³

Example Ordinance:

- “Hold Harmless & Indemnification Agreement: Applicant agrees to indemnify and hold harmless the Township of Cranford, the Township of Cranford’s officials, officers, agents, servants, representatives, and employees harmless from and against any claims, liability, damages, costs or expense of every kind and nature arising from or in connection with the Applicant’s use and operation of Applicant’s Parklet, including injuries to persons (including death) or property damage. The applicant shall use counsel reasonably acceptable to the Township of Cranford in carrying out its obligations under this section. The Applicant shall reimburse the Township of Cranford for any damages to real or personal property of the Township of Cranford caused by the acts of the Applicants or its employees, servants, representatives, agents, licensees, members, and guests. The Applicant’s duties under this section shall remain fully in effect and binding, without being lessened or compromised in any way, even where the Township of Cranford is alleged or is found to have contributed to the acts giving rise to the claim, except to the extent the claims shall occur as a result of the willful misconduct, whether by act or omission, or the sole negligence of the Township of Cranford.

- The rights provided in this section for the benefit of the Township of Cranford shall encompass the recovery of attorneys’ and other professionals’ fees expended in pursuing a claim against a third party.” – Cranford, NJ ⁹⁴
- “Indemnification and hold harmless agreement. No license required by this article shall be granted to any person to operate an outdoor café until such person shall have filed with the Construction Code Official a statement agreeing to indemnify and hold harmless the Town of Guttenberg, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses, including attorney’s fees, which they or any of them may incur or be required to pay because of any personal injury including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor café for which the license is issued”- Guttenberg, NJ ⁹⁵

Restoration of Right-of-Way

Permittee is responsible for removing the parklet from the right-of-way at the license’s expiration.



Parklet with planters

Example Ordinance:

- “Responsibility for Restoration of the Right-of-Way. Upon the expiration or revocation of the permit between the sponsor of a parklet and the City of Newark, the sponsor, at his/her own expense, shall remove the Streatery and any accessories or appurtenances associated with it from the public right-of-way and shall restore the right-of-way as practicable to its original condition acceptable to the City. Suppose the sponsor does not remove the aforementioned improvements. In that case, the City may remove such improvements and make such repairs as may be necessary to secure the property at the sole cost and expense of the sponsor, and the cost of removal, repair, and/or replacement shall be a municipal lien against the sponsor.” – Newark, NJ ⁹⁶
- “The licensee agrees at the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, that the licensee at his own cost and expense vacate the sidewalk space and promptly remove any property placed thereon. Failure to do so on five days’ written notice shall grant the Town the right to remove any property on the sidewalk, and the licensee agrees to reimburse the Town for the cost of removing and storing the same.”- Guttenberg, NJ ⁹⁷

Reservation of Easement Rights

Municipality retains ownership and easement rights to the right-of-way occupied by the parklet.

Example Ordinance:

“The City of Newark reserves all rights, privileges, and immunities concerning its public easement over all streets and sidewalks within the City whether or not any projection or encumbrance has been permitted to be erected on same without any waiver of such rights, privileges or immunities whether expressed or implied.”
– Newark, NJ ⁹⁹



Newark, NJ Parklet ⁹⁸

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