



# **CITY OF NEWTON DOWNTOWN SIDEWALK USE GUIDELINES**



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## **GENERAL GUIDELINES**

The City of Newton's interest in reviewing applications for sidewalk use permits relates to the safety and wellbeing of the public. It also supports the promotion of Downtown Newton as an attractive mixed-use environment. We strive to bring together people of all ages, interests and backgrounds to enliven and celebrate the area as a civic space for shopping, relaxing and entertainment.

The goal of the program is to maintain high standards of accessibility and safety while promoting attractive, functional sidewalk usage. Items permitted to encroach on sidewalks shall comply with all requirements of the Municipal Code.

The City will deny any Sidewalk Use Permit determined to be out of compliance with these Guidelines, or with any other City policies/regulations.

## **PURPOSE**

These Guidelines are designed to assist individuals, businesses and agencies wishing to use public sidewalks in Downtown Newton. More specifically, the focus is the area designated in the City's Zoning Ordinances as C-3 (Central Business District) for the purposes of shopping, dining, relaxing, and entertainment. (See map on back cover) They were developed to promote the safe and attractive use of public sidewalks in the Central Business District, and to assist applicants and business owners in using Downtown sidewalks in ways that benefit the Downtown business community and the people who enjoy the district. These standards and procedures also are intended to protect the health and safety of residents and visitors, and to ensure preservation of the existing aesthetic and architectural features and qualities of historic Downtown Newton.

## **ENCROACHMENT DEFINED**

The City defines an encroachment as any goods, wares or merchandise, any filth or litter, or the erecting of any building, fence, signage or placement of any benches, tables or seats for public use on any part of the sidewalk in the City.

## **LOCATION & DIMENSIONS**

Private sidewalk use may be allowed where it can be determined by the City that placement will not result, individually or cumulatively, in the narrowing of the sidewalk such that important functional attributes of the Downtown, (e.g., the ability of pedestrians to stroll side-by-side and to pass comfortably for significant stretches, lingering and window shopping) are not jeopardized. The placement and dimensions of any items located in the City sidewalk right-of-way shall meet the minimum guidelines set forth in this Guidebook along with any other local, state or federal laws or regulations.

## DOWNTOWN SIDEWALK GUIDELINES (DSG)

**DSG 1.** Encroachments shall be allowed so as to maintain a clear path of no less than six feet. (Figure 1) The City may permit paths of travel of no less than four feet in instances where safe access can be determined.

**DSG 2.** The style, design, materials and colors of street furniture such as tables, chairs, benches, trash receptacles, etc., should be appropriate to the commercial character of the downtown. Furniture intended for residential use, such as wooden picnic tables, will not be approved.

**DSG 3.** To allow for a clear line of sight at intersections, encroachments shall not be allowed in areas near corners of sidewalks, or where crosswalks are present. This restriction is defined as a 20 foot area beginning near the crosswalk or curb cut. (Figure 3 next page)

**DSG 4.** Chairs shall not extend on to any required accessible walkway at any time. Chairs shall be sized appropriate to the size of the table or space available for seating.

**DSG 5.** Various styles of barriers are acceptable. Generally barriers should be 36 inches in height, and must be free-standing, stable, and removable. Barrier segment bases should be flat with tapered edges that are ¼ to ½-inch thick. Barriers must be rigid, well-balanced and difficult for pedestrians to topple, trip over or remove. Patrons and pedestrians must be able to see from the behind the barrier to the street and vice versa, and the lowest point in the barrier should be no more than 6 inches in height to ensure that visually-impaired pedestrians who use canes will note the barrier. (Figure 2)



Figure 1

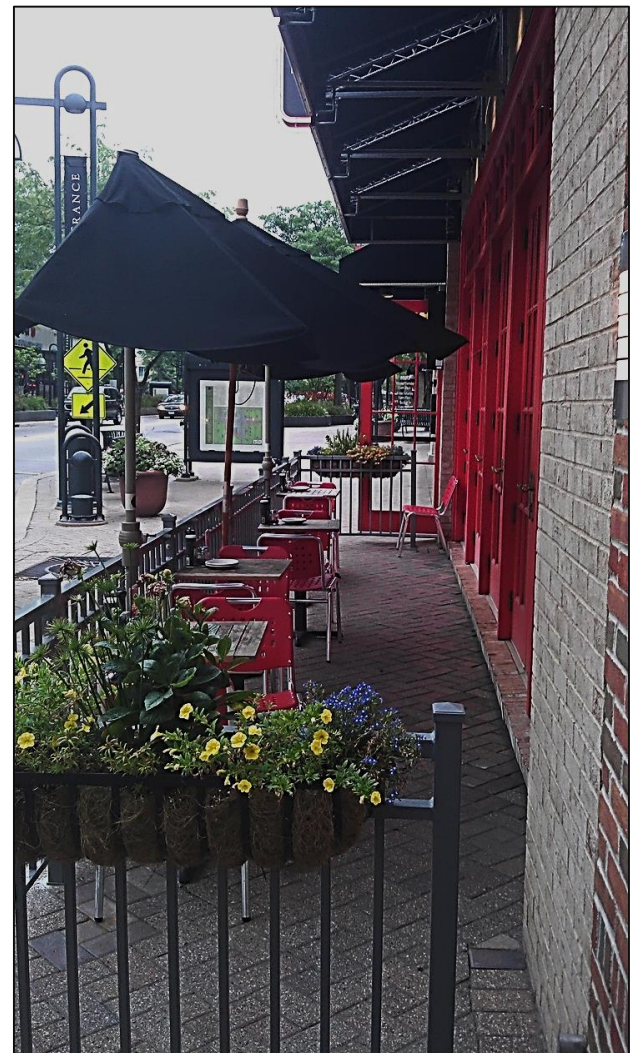


Figure 2

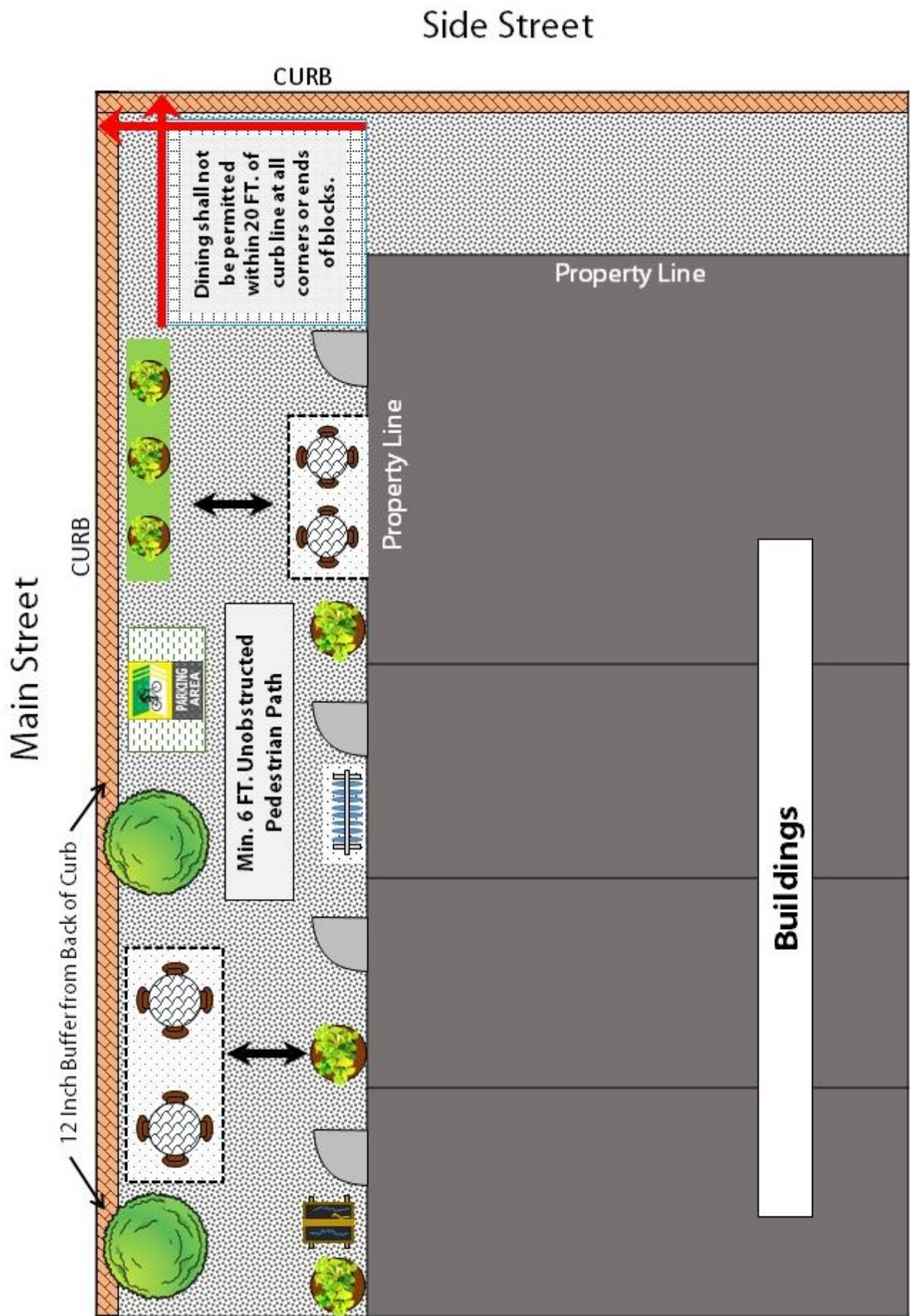


Figure 3

## MAINTENANCE & OPERATIONAL STANDARDS

**DSG 6.** Maintenance of sidewalk encroachments shall be the sole responsibility of the permit holder.

**DSG 7.** Items permitted to be placed in the City Right of Way shall be maintained in a safe manner so as not to obstruct pedestrian access to public sidewalks, access ramps, doorways or businesses, parking spaces, bike stalls, or other spaces required by local, state or federal building or safety codes.

**DSG 8.** Movable items, like chairs and signs, must be placed so as to prevent obstruction of access routes, and provide unobstructed sight lines around corners at all times. Permitted items shall be, if moved by patrons, relocated to the appropriate location at all times. (Figure 4)



Figure 4

**DSG 9.** All materials must be designed for outdoor use, and be maintained without stains, rust, tears or discoloration. Materials showing signs of significant wear/age shall be replaced. Furniture intended for residential use, such as wooden picnic tables, will not be approved.

**DSG 10.** Umbrellas shall be constructed of durable fade resistant materials.

## COLORS & MATERIALS

The types of materials placed on City sidewalks shall portray a well maintained and aesthetically appealing streetscape. The variety of uses that exist in the Downtown require a cohesive Guideline of allowed materials, colors and variation of items permitted in the common commercial area.

**DSG 11.** All items located on the public sidewalk shall be constructed of durable materials appropriate for use in the public rights-of-way. Folding chairs, lightweight materials, deteriorated, U.V. damaged, splintered or other similar furniture will not be approved or placed in the rights-of-way. Sealed or painted metal or wood furniture is recommended. (Figure 5)



Figure 5

**DSG 12.** Permitted encroachments shall be complimentary in material, color and design to the buildings they serve and are adjacent to.

**DSG 13.** Table cloths, umbrellas and similar materials used as part of an encroachment, shall be clearly described in the project application (material samples may be required). All materials shall be kept clean and in good condition/repair.

## **OUTDOOR DISPLAYS**

**DSG 14.** Outdoor displays of wares or merchandise shall be limited to examples of items or goods sold in the store, and must comply with all other standards of these Guidelines.

## **UMBRELLAS & OUTDOOR FURNITURE**

**DSG 15.** Umbrella shades shall be of a color or colors within the palette of colors as may be adopted for the downtown historic district by the joint historic preservation commission, and be kept clean and in good repair.

**DSG 16.** Umbrellas shall be installed and maintained so as to provide pedestrian clearance by maintaining seven (7) feet of clearance from the sidewalk to the lowest edge of the umbrella. Umbrellas shall not exceed a height of nine (9) feet from the base to the top portion of the pole. (Figure 6)



Figure 6

## **PLANTERS & LANDSCAPING**

**DSG 17.** The use of pots and other planters should be kept to a minimum and generally used against buildings to accent openings. Planters shall not be used to define seating areas or otherwise cordon off public sidewalk for private use.

**DSG 18.** Planters shall be of a variety and maintained so as to not drain onto the sidewalk or street.

**DSG 19.** Plant material shall be of high quality and shall be kept in good condition at all times.

**DSG 20.** Debris or litter caused by planters or nearby landscaping shall be maintained or cleaned by the responsible business or property owner. Debris, stains or litter shall be cleaned or removed by the responsible business or property owner.

**DSG 21.** Planters and landscaping shall be trimmed to maintain the required six foot clearance required by DSG1.

## **OTHER TYPES OF ENCROACHMENTS**

**DSG 22.** Other types of encroachments, not anticipated in these Guidelines, may be



**TO APPLY FOR A PERMIT CONTACT . . .**  
**City of Newton Engineering Department**  
**316.284.6020**  
**[mjenkins@newtonkansas.com](mailto:mjenkins@newtonkansas.com)**  
**Applications can be found online at . . .**  
**[www.newtonkansas.com/engineering](http://www.newtonkansas.com/engineering)**  
**City Hall, 3<sup>rd</sup> Floor, 201 East Sixth St.**



# DOWNTOWN C-3 (CENTRAL BUSINESS DISTRICT) MAP

