APPLICATION FOR A SIDEWALK PERMIT

FEE: $10.00 New Request; $5.00 Renewal

It shall be unlawful for any person to sell any services, item or merchandise from the sidewalk right-of-way without first obtaining a permit from the city.

1. APPLICANT INFORMATION:
   Business Name: _____________________________________________________________
   Contact Name: ____________________________
   Mailing Address: ____________________________________________________________
   City/State/ZIP: _____________________________
   Telephone: ____________________________ Email: _____________________________

2. PROPERTY OWNER:
   Name: ________________________________
   Telephone: ____________________________ Email: _____________________________

3. DISPLAY AREA:
   Street Address: __________________________

4. INTENDED USE OF RIGHT-OF-WAY: Check all that apply
   Merchandise:           Furniture & Fixture:
   □ Daily       □ Overnight         □ Daily       □ Overnight

5. DESCRIPTION:
   Please describe in detail the materials, quality, construction and maintenance of items to be displayed, including the size of price tags and how the items to be displayed are consistent with the quality of merchandise represented by the business on a regular basis. (May use additional sheets).

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

6. APPLICANT CERTIFICATION:
   I certify that the information submitted for review is accurate and complete.

   Applicant Signature: ______________________________________________________
SUBMITTAL CHECKLIST:

STAFF:

☐ Completed application

APPLICANT:

☐ Fee

☐ Photo of business/store front

☐ Site Plan showing the following:

Please note: Any application that is missing information will be considered incomplete and cannot be accepted.

Please note: The drawing does not need to be to scale, but distances and dimensions must be correct. Inaccurate or non-legible site plans can result in a delay with the application review. See page 3 for an example.

☐ Dimensions of the display area

☐ Merchandise, furniture or fixtures to be located in the display area (labeled)

Please note: Policies and Procedures on page 4 of this application outlines the evaluation criteria. It is important to review the criteria when submitting the application to ensure the conformance with the standards and therefore providing a prompt turnaround time on application review.

☐ Infrastructure/obstructions such as utility poles, waste baskets, etc.

☐ Distance from the closest street corner to the display area (if applicable)

☐ Distance from the back of the curb to the display area

Please note:
1. The curb line is defined as the back of the curb.

2. It shall be lawful for any sidewalk permit holder to utilize the public sidewalk right-of-way within lesser of six feet (6) from the building or 40% of the distance between the building and curb line.

3. It shall be unlawful for any person to place obstructions of any kind within five feet (5’) of the curb line.

☐ Compliance with the Americans with Disabilities Act

Please note:
1. At no time shall there be any less than thirty-six-inch (36”) pedestrian pathway between any two obstructions.

2. The area must be passable by a wheelchair.

Should you have any questions while completing an item listed in the checklist above, please contact the Planning Division at (830) 221-4050 for assistance.
EXHIBIT B
USABLE DOWNTOWN
SIDEWALK AREA

Usable
Lesser of 6 ft.
or
40% of Distance Between
Building and Curb

Curb

Usable
Min. 5 ft.

Street/
Right-of-Way

Unusable
Corner Area
Liability Clause: An injury or damage occasioned or inflicted upon any person by an item or merchandise placed on the sidewalk right-of-way, shall place primary liability for any loss or damage upon the owner, occupant or use of such property, regardless of whether a valid permit was obtained from the City.

The City of New Braunfels Code of Ordinance, Section 114-4 an 114-5, Subsection (e), parts 2 through 5 states:

(2) It shall be lawful for any sidewalk permit holder to utilize the public sidewalk right-of-way within lesser of six feet (6) from the building or 40% of the distance between the building and curb line.

(3) It shall be unlawful for any person to place obstructions of any kind at any corner within the area identified by drawing lines 90 degrees from building corner to the curb line. The curb line shall be defined as the back of the curb.

(4) It shall be unlawful for any person to place obstructions of any kind within five feet (5') of the curb line.

(5) All uses of public space must comply with the American with Disabilities Act. At no time shall there be any less than thirty-six-inch (36‘') pedestrian pathway between any two obstructions. The area must be passable by a wheelchair.

It shall be unlawful for any person to sell any services, item or merchandise from the sidewalk right-of-way without first obtaining a permit from the city.

Applications are reviewed using the Criteria for Evaluation which includes such phrases as:

- “encourages the highest standards of aesthetic presentation in the downtown area”
- “enhance the beauty of the City”
- “enhance the economic vitality of business areas, and beautify our Community”
- “enhance the quality of life while preserving the desirable aesthetic feature of the Downtown Business Corridor”.

Policies and Procedures developed under this ordinance specify the evaluation criteria. It includes, but is not limited to, the following:

- Artificial plants [are to be] of a quality material and maintained in good condition
- Real plants [are to be] weeded and maintained in good condition
- Planters [are to be] made of acceptable material and maintained in appropriate condition
- Benches, chairs, tables, umbrellas, barrels, trash receptacles, bike racks and other fixtures to be used by customers and other visitors [must be] made of acceptable quality, substantial construction and maintained in good condition.
- Prices [must not] exceed standard business card size (3.5”“2”)
- Tastefully displayed merchandise consistent with quality of merchandise represented by the business on a regular basis.
- Sidewalk signs [must be] no larger than 8 square feet per face and no taller than 4 feet, [must not] exceed in number (1) per building street frontage as determined by the committee. Sign placement may not be attached to any permanent structure or in the ground or brickwork.
- News racks – there [must be] no more than one (a) rack per building except for cluster of racks, a cluster of racks must not have more than six (6) racks within a 500 linear feet measured parallel to the street on the same side of the street and clusters [must be] no more than six (6). The material in the rack must be covered or contained in such way that it cannot be blown out of the rack or container. New racks permitted in clusters must be uniform in color and shape and must be accompanied with additional beautification items such as planters or street furniture, as approved by the Main Street manager.

Please note: This process does not address weeds, banners, billboards, or flags. Such permits are issued under Chapter 106 of the New Braunfels Code of Ordinances and are the responsibility of the business or property owner using such a device. Further, businesses located outside the business corridor are bound by existing citywide ordinances in section 114.