FOR IMMEDIATE RELEASE

Unified Government Temporarily Okays Sidewalk Cafes and Retail Space in Some Rights-of-Way
Move Gives WyCo Businesses More Space to Operate Safely During COVID-19 Pandemic Recovery

As part of the County’s ongoing COVID-19 Recovery Plan, the Wyandotte County Board of Commissioners approved an Emergency Resolution and Ordinance that allows certain businesses to utilize specific public rights-of-way as additional space in which they can do business.

To view the documents, visit wycokck.org/Clerk/Agendas and select the “Special Session 6/11/20” under the “Agendas & Minutes” section. To view a video of the June 4 Special Meeting, visit the Unified Government’s YouTube page atyoutu.be/J60ySSjaQZs.

Specifically, the Ordinance allows types of businesses listed in the document to provide outdoor sales on sidewalks, yards, in surplus off-street parking, and in the form of parklets with certain restrictions. “Parklets” refers to parking spaces that can be temporarily turned into a sidewalk extension in order to provide more amenities and space for people using the street.

The Ordinance temporarily suspends enforcement of certain sections of existing Unified Government Code of Ordinances in order to provide Wyandotte County businesses trying to recover from the COVID-19 pandemic more space in which to operate in accordance with guidelines asking them to provide adequate room for proper social distancing between staff and customers.

“Recognizing Wyandotte County businesses would need assistance and flexibility as they worked to get their operations back up and running, I previously directed UG staff to identify opportunities and areas in which we might be able to help and support in that recovery process,” stated Mayor David Alvey. “This new Ordinance allows businesses to temporarily create added outdoor space for retail customer sales, utilizing sidewalks, parking lot spaces, and other areas to sell their products and serve their customers, while still maintaining proper social distancing guidelines. It’s a win-win situation for residents and business owners, and a common sense approach to governing in these unique and unprecedented times.”

“In essence, the Ordinance effectively legalizes sidewalk cafes, open-air markets and other retail spaces in what are normally public rights-of-way,” said Gunnar Hand, AICP, Director of Urban Planning with the Unified Government. “These common areas are the most valuable and widely-used public open spaces in our community. The Ordinance is a dramatic statement that allows this space to create a safer, more dynamic, and supportive environment for businesses.”

The Ordinance goes effect on June 11 and lasts until 11:50 PM on December 31, 2020. It allows businesses within Wyandotte County to temporarily use the public right-of-way for the sale of goods as long
appropriate access to services can be provided under the Americans with Disabilities Act, and that social distancing is maintained. This means maintaining a distance of at least six feet between workers, customers, and others while in public.

Businesses allowed to provide service within the public right-of-way include:
- Bars & Restaurants
- Traditional retail
- Arts & crafts
- Book stores
- Jewelry stores
- Offices
- Non-Profit organizations

Businesses not covered by the Ordinance include those providing any type of repair service, or any sales of appliances, electronics, or machinery.

Businesses providing alcohol sales are required to go through the normal Kansas Alcohol Beverage Control approvals process. Failing to do so will trigger an automatic review.

Other restrictions apply to businesses taking advantage of the terms of the Ordinance, including:
- All temporary parklets and other temporary structures used for outdoor sales such as pop-up tents will only be allowed during regular business hours.
- Any items (such as merchandise, tables, chairs, etc.) brought into the public right-of-way are required to be stored in the associated business each night.

Unified Government Health officials caution that it’s important to continue to take precautions against the spread of COVID-19.

“COVID-19 remains a threat in our community,” said Dr. Allen Greiner, Chief Medical Officer with the Unified Government Health Department. “While it’s exciting to see our businesses reopening, everyone needs to continue to practice safe social distancing, wear a mask when in public, stay home and seek testing if you are sick, and continue with excellent hygiene such as washing your hands frequently with soap and water, covering your cough and not touching your face with your hands. It’s the combination of these actions that has been most effective at slowing the spread of COVID-19 in our community.”

Residents or business owners with questions about this change should contact 3-1-1.

To learn more about Urban Planning, visit wycokck.org/Planning. To learn more about the County’s COVID-19 response, access important resources, and view additional information, visit wycokck.org/COVID-19.

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Parklets convert curbside parking into vibrant community space. Parklets are applied where narrow or congested sidewalks prevent the installation of sidewalk cafes and other retail and can be temporary for daily use or more permanent. For more information on parklet design visit: https://nacto.org/ or https://www.betterblock.org/.

Enumerated Businesses

01 Food and beverages (prepackaged)
02 Books and other paper goods
03 Potted plants, cut or arranged flowers, or gardening seed
04 Visual works of art that have been transcribed on to a physical backing
05 Office Services
06 Jewelry and other weable accessories
07 Homemade goods and crafts
08 Clothing
09 Dry goods, excluding machinery and electronics/appliances

* No repair work of any kind

Design and Safety

Parklets have a desired minimum width of six (6) feet and should have a flush transition at the sidewalk and curb to permit easy access. They are limited to one (1) on-street parking space (standard 7” x 18” stall) per building. Temporary parklets must be removed at the end of each business day. Parklets should have vertical elements that make them visible to traffic such as posts or bollards and should be buffered by a wheel stop. Parklets should also include a guardrail or other defining features (i.e. planters and/or fencing) to define the space and provide added separation from traffic.
The following information was developed to provide illustrative guidance of the standards by which local businesses can use the public right-of-way, setbacks, on-street parking, and surplus off-street parking while also maintaining social distancing guidelines. For More Information on the specific standards please see Ordinance #2720.

Safety and security is the Unified Government’s greatest concern. So, in addition to social-distancing, any business that would like a Crime Prevention Through Environmental Design (CPTED) review by the KCK Police Department as it relates to these standards should call (913) 573-8715 or (913) 573-6140.

Parklets cannot be located adjacent to transit stops or be within the buffer of existing street furniture, including fire hydrants. For those businesses who have a front and/or side yard setback, this space can be used for dining or retail sales as well.

Four (4) feet of clearance must be maintained for pedestrians along the sidewalk and into the business at all times. It is the responsibility of businesses to maintain a clean and safe path of travel for pedestrians, including a four (4) foot buffer for transit stops and street furniture.

Many businesses may not have usable sidewalk space or on-street parking. For those businesses, they can expand their business into the front and/or side yard setbacks, as well as any surplus (i.e. not required) off-street parking. No outdoor sales are allowed on fire lanes or in ADA required areas.

All alcohol sales moved outside must be fully enclosed, access controlled, and approved through the Kansas Alcohol and Beverage Control (ABC).