



# PUBLIC SPACE PERMIT DESIGN GUIDE *for restaurants & retail*

Utilizing outdoor space for dining or other business operations is more in demand than ever. **Birmingham has your back!** The City of Birmingham allows you to expand your seating or retail space outside.

You can set up on the sidewalk, in parking spaces, and outside on your private property.

The City of Birmingham now offers a streamlined, versatile, and efficient Public Space Permit that replaces the outdated Outdoor Café Permit!

We want this guide to help you...

- » Navigate the process of submitting the application.
- » Find inspiration for your outdoor space, following the rules of the permit.
- » Find sources for the equipment and materials required by the permit.
- » Learn about ABC rules for temporary outdoor dining, and submit your proposal to them.





*Here's how to get started:*

1

## DESIGN YOUR OUTDOOR SPACE

The City of Birmingham is revamping the permitting processes for using public space. The development of the Public Space Permit will allow businesses like restaurants and retailers to use public outdoor space to expand business operations. Currently, the use of outdoor space for dining falls under the Outdoor Café Permit. The Public Space Permit replaces the Outdoor Café Permit, allowing businesses to expand outdoor dining areas and adapt new policies explored during the COVID-19 pandemic. Additionally, the Public Space Permit is a more versatile permit, creating a process for retail-type businesses to utilize public outdoor space.

Diagrams on page 5 show the rules to follow. There are other rules for the barriers that are explained in the diagram. Feel free to experiment and/or use DIY materials, as long as the result follows the rules. Large planters, horse troughs, homemade containers filled with plants are all possibilities. Consider your environment.



## 2

### DRAW UP A DIAGRAM

It can be simple. It can be hand drawn. However, it does need to be drawn to scale. Here are things to include in the drawing:

- » The name of your business and its address.
- » A proposed use plan—a declaration of the intended use of the proposed outdoor business operation, i.e. outdoor dining area
- » The number of tables, chairs, umbrellas, or other furnishings or fixtures desired for the permitted area.
- » Spec sheets for all furniture and fixtures must be submitted for approval. Furniture must be commercially rated and approved by the manufacturer for outdoor use. The City of Birmingham has the right, at its own discretion, to reject any furniture items or fixtures, should they not comply with established City of Birmingham and/or district-specific Design Review Guidelines.
- » Design should be in harmony with existing architectural elements, streetscape, and site furnishings, as well as your own business/branding.
- » A site plan for where you want to put tables or fixtures on the sidewalk and/or in the parking spaces relative to entrances, exits, and the sidewalk. Make sure to include any doors leading from abutting buildings to the proposed outdoor business operation. How many feet of the curb will you be using?
- » How many parking meters will you be blocking? The city will need to bag those.
- » How many feet and location of unobstructed space for free passage of pedestrian traffic around or through the outdoor space. Please note the unobstructed pathway must be ADA accessible at all times.
- » Draw in where your barriers will be. Please note that all barriers must fit within and not extend over any parking space demarcation lines or 10 feet from the curb, if parking space is not striped.
- » For outdoor cafés, the demarcation of the serving areas must be indicated. Service of alcoholic beverages must comply with the ABC Board's rules and regulations for patios and outdoor cafes.
- » Please include the location of any fire hydrants, parking meters, utility poles, sign poles, trees, tree pits (wells), benches, crosswalk ramps, street furniture, and any other permanent sidewalk fixtures in your drawings. Remember: You can't block crosswalks and/or ramps, fire hydrants, fire escapes, bus stops, or any doors!
- » The type and location of any existing or proposed outdoor lighting and fixtures.



## 3

### GET PERMISSION TO USE NEIGHBORING SIDEWALKS OR PARKING SPACES

*(if applicable)*

You can use sidewalk space or parking spots in front of neighboring buildings. Just ask them. If they say yes, there's a place on the application where you fill in their information. They need to sign a statement of agreement. Include the letter when you submit your application.

## 4

### FILL OUT THE APPLICATION

You've decided what kind of service you want to provide. You know where your furniture and the barriers will go. Now it should be easy to fill out the application. It's only 3 pages of fill-in-the-blank!

Fill in the PDF or print it out and do it the old-fashioned way. There's a checklist of all the responsibilities the City requires of you. Check them off.

The last page is a Hold Harmless Agreement with the City.



## 6

### PAY THE APPLICATION FEE

Pay the fee on the first floor of City Hall. Keep the receipt, write that number on your application, and submit a copy of the receipt with your application packet.

#### Annual Permit:

- Initial Application Fee (nonrefundable).....\$100.00
- Initial Permit Fee (one year).....\$400.00
- Annual Permit Renewal Fee.....\$400.00
- Permit Renewal Late Fee.....\$50.00

#### Initial Permit for 6 Months or Less (Includes January 1 through June 30, 2022):

- Application Fee (nonrefundable).....\$100.00
- Permit Fee.....\$200.00

If you have a current permit—either Outdoor Café or Shared Space Permit—you have until February 15, 2022 to apply for a Public Space Permit.

If you are operating without a permit, you must start the application process for a Public Space Permit immediately. Permits will be renewed annually.

## 5

### INSURANCE LIABILITY COVERAGE

All applicants are required to have a general liability insurance policy issued to such person by a public liability insurance company authorized to do business in the state, affording the coverage set forth below in the amounts specified herein or a certificate of insurance with an endorsement naming the city as an additional insured.

Such insurance policy shall afford coverage for the city, its agents, representatives and employees, as additional insureds with respect to the operation and maintenance of the outdoor cafe in the following amounts:

1. Bodily injury: \$100,000.00 each person and \$300,000.00 each accident.
2. Property damage: \$100,000.00 each person and \$300,000.00 each accident.

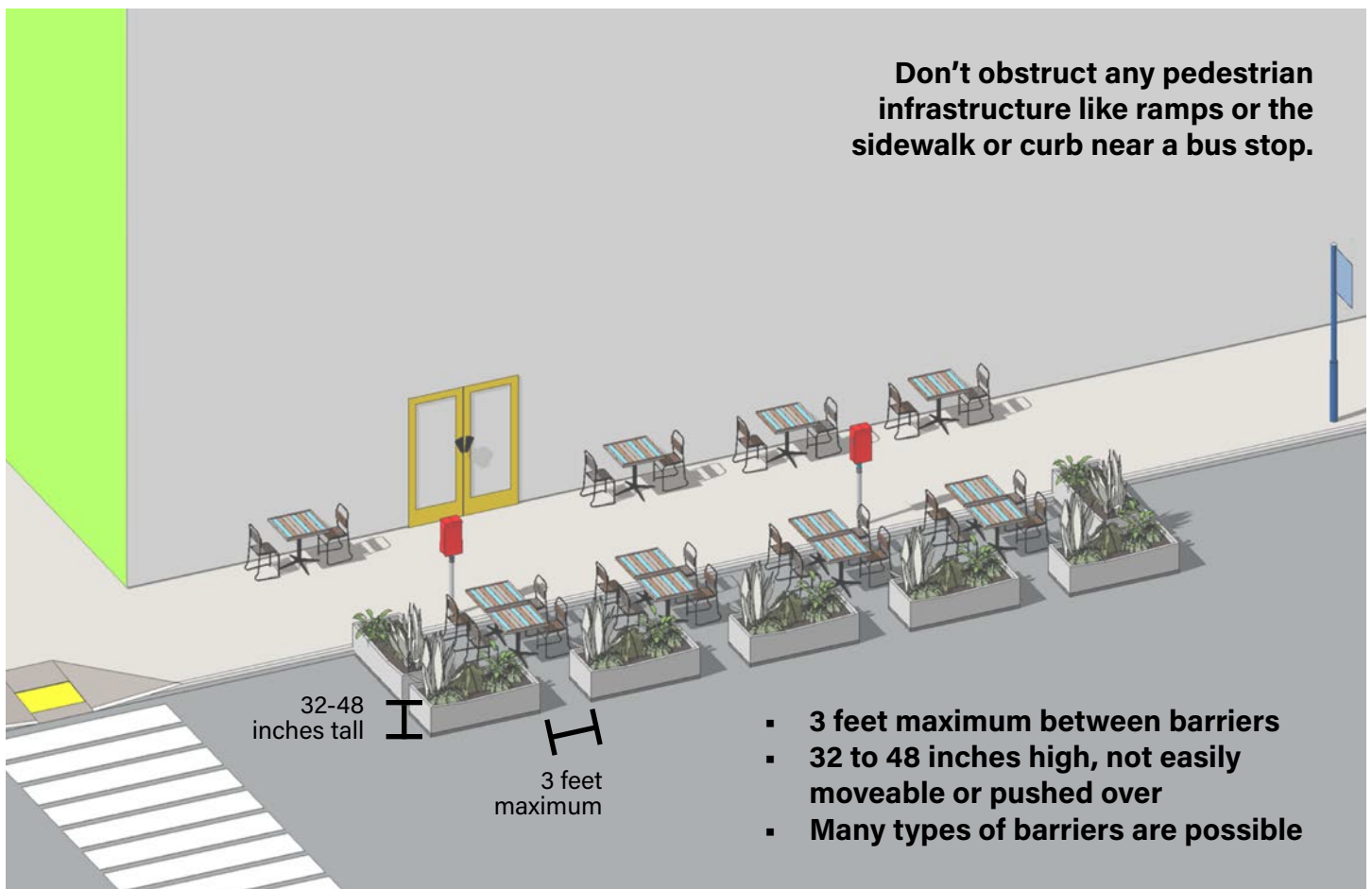
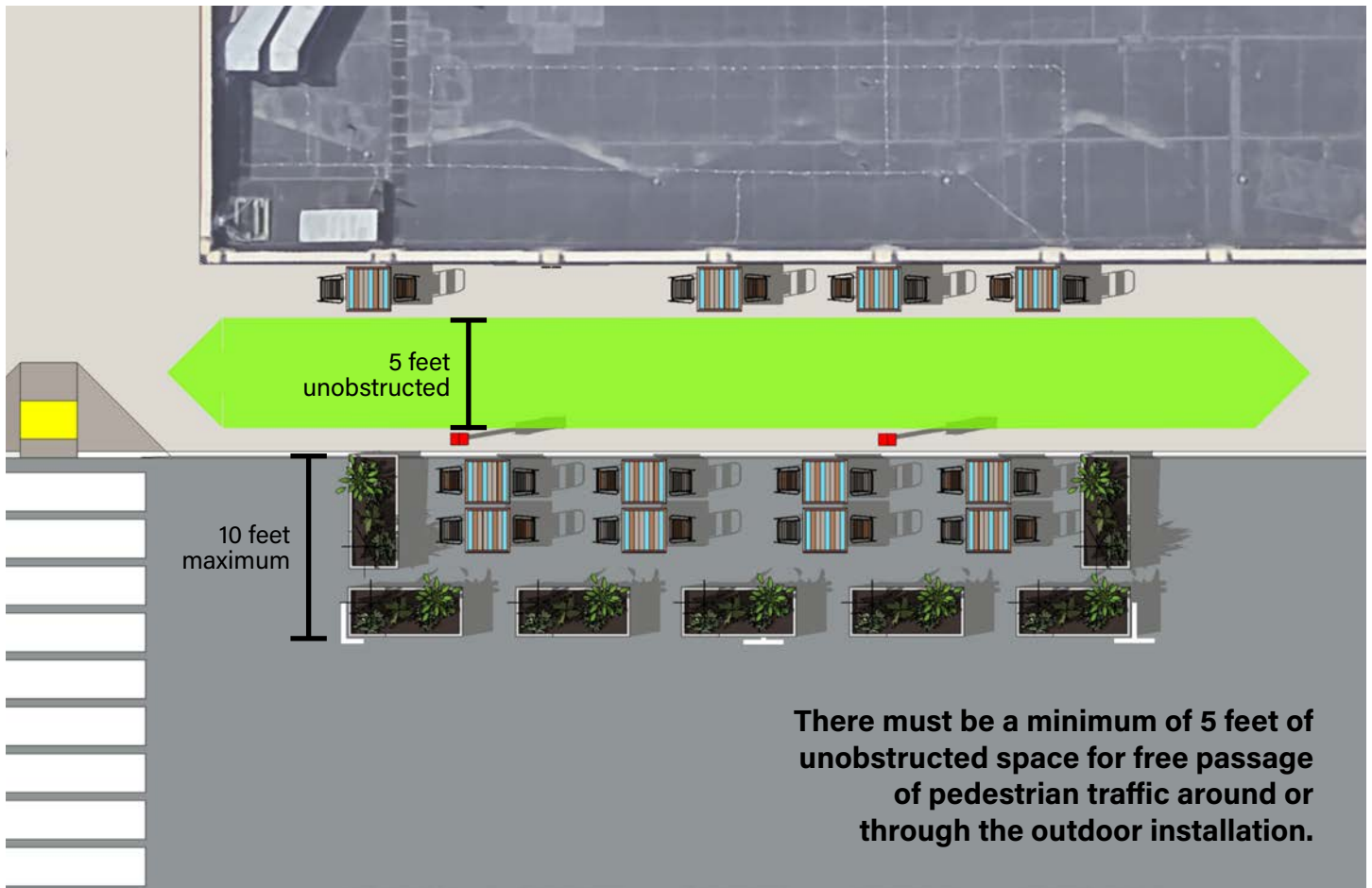


## 7

### PROHIBITED USES

A Public Space Permit shall not be used for the following reasons:

- Outdoor performances or uses of amplified sound
- Display and retail sale of alcoholic beverages for off-premises consumption in the Public Space Permit Area
- Loud or raucous noise
- Any other activity that creates a public nuisance, impedes pedestrian or vehicular traffic, or otherwise causes a hazard





## MORE RESOURCES

### ABC Rules for Outdoor Dining

Contact the Jefferson County Division Office to begin the process of establishing the appropriate ABC licensing.

#### Jefferson County ABC Board

Phone: (205) 942-7995

Fax: (205) 942-2101

### Places to Rent Barriers

Water-filled and Jersey barriers may be available at

#### Alabama Barricade

7007 Praytor Road

Trussville, AL 35173

Phone: (205) 655-5290

#### Alabama Traffic Systems

3 West Park Drive

Birmingham, AL 35211

Phone: (205) 943-0384

### Design Inspiration

[Design Concepts for City Living under Covid](#)

[Design for Distancing Ideas Guidebook](#)

[The Surprisingly Innovative Design of New York's Streateries](#)



BIRMINGHAM

*REV offers free assistance **navigating the permitting process and designing compliant spaces.** Contact the team if you need help!*

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