

## PUBLIC SPACE PERMIT INSTRUCTIONS

### Purpose

The City of Birmingham has opened public spaces to make it easier for businesses to use outdoor space. Businesses can expand into the sidewalk and parking spaces. This permit is only applicable for the physical locations of existing or new businesses. For food truck or mobile food permitting consult the mobile food application process.

### Decide How to Use Your Space

1. You can use the sidewalk, on-street parking, or private parking spaces for:
  - Seating
  - Dining
  - Retail use
2. Reference the **Public Space Design Guide** for ideas and design assistance.
3. Create a site plan for the space you plan to use. This plan can be a hand-drawn sketch or digital drawing and must be drawn to scale. The site plan must include:
  - Clearly identify/label the space you plan on using (sidewalk and/or parking spaces)
  - Number of feet along the curb you want to use
  - How many metered parking spaces you will use
  - The location and measurement (in feet) of clear passage space for pedestrians to move through the space
  - If you are using the public space for seating or dining, decide how many tables and chairs you will use and draw their locations and buffer dimensions
  - Identify locations for traffic barriers
  - Photos of your business and the sidewalk and parking areas to be utilized
  - Location of where food/drink is intended to be prepared
  - Type and location of any current or proposed outdoor lighting fixtures
  - Hours of operation and description of activities to occur in the public space

### Permit Parameters

#### ACCESS REQUIREMENTS

To use the sidewalk for business activities, access requirements must be met for public uses:

- Maintain a straight, clear travel path at least 5 feet wide across the entire sidewalk
- Comply with the Americans with Disabilities Act (ADA) requirements
- Keep curb ramps, doors, driveways, fire escapes, and fire department connections free of obstructions
- Keep furniture in the approved area
- Don't obstruct the sidewalk or curbside area next to a bus stop

## TRAFFIC BARRIERS

If you are using parking spaces for seating or dining, you must install a barrier between the parking space and adjacent street traffic and parking lanes. The barrier must be:

- 32 inches to 48 inches high
- Not easily moved, altered, or stolen
- Stable and sturdy enough not to fall over or be pushed over (must withstand 250 lbs. of force)
- Examples include water-filled barriers, concrete jersey barriers, and earth-filled planters
- Barriers may be made of wood or other inexpensive materials if they meet these requirements

Maintain a 3-foot maximum gap between individual barriers, and a 2-foot minimum gap between barriers and furniture.

## OUTDOOR FURNITURE

Outdoor furniture such as tables, chairs, and merchandise stands must stay in the approved areas. Other requirements include:

- Furniture must be spaced to provide 5 feet of separation between customers.
- Umbrellas and hanging or overhead objects must be at least 7 feet from the ground.

## SERVING ALCOHOL

Applicant must follow Alabama ABC Board requirements for sale of alcohol.

## USING YOUR NEIGHBOR'S SPACE

To use sidewalk or parking space in front of an adjacent property, you will need permission from the property owner or tenant in the form of a signed agreement letter.

## Application

### SUBMITTAL PACKAGE

Application package must include the following:

1. Signed application
2. Site plan
3. Insurance documents indicating at least \$1million in general commercial liability insurance coverage
4. Receipt from payment of \$100 non-refundable application fee, payable at the 1st floor payment window in City Hall
5. Signed hold harmless agreement
6. Signed statement from neighbor if utilizing space abutting their building

## **SUBMIT:**

- ❖ By email (preferred):  
christina.argo@birminghamal.gov
- ❖ By mail:  
City of Birmingham  
Department of Transportation, Room 900  
Attn: Christina Argo  
Strategic Projects and Innovation Division Manager  
710 North 20th Street  
Birmingham, AL 35203
- ❖ In person:  
Application packages can be dropped at City Hall between the hours of 8am and 5pm on the ninth floor, Department of Transportation.

## **After You Apply**

### **USE OF PUBLIC SPACE**

- You may start using this space after receiving a signed permit from the City.
- We will contact you if we find issues with your application or insurance documents.
- We will visit your business location to inspect your approved area.
- We may ask you to take a picture of your space and email it to us.
- You will need to add traffic barriers before utilizing the parking space.

### **ENFORCEMENT**

We will visit your business location to inspect your approved area. We may revoke your permit. A business may appeal the decision to the Director of the Department of Transportation within 15 calendar days.

### **RENEWAL**

- In order to renew a permit, you must submit the \$400 renewal fee.
- The annual public space permit begins at the start of the city's fiscal year (July 1) and is valid until the end of the city's fiscal year (June 30).
- If there have been no changes made to the public space since the previous year's approval, no application needs to be filled out.
- If there is information from the application that has since changed, please fill out the application with the changes.
- There is no application fee to make these updates.