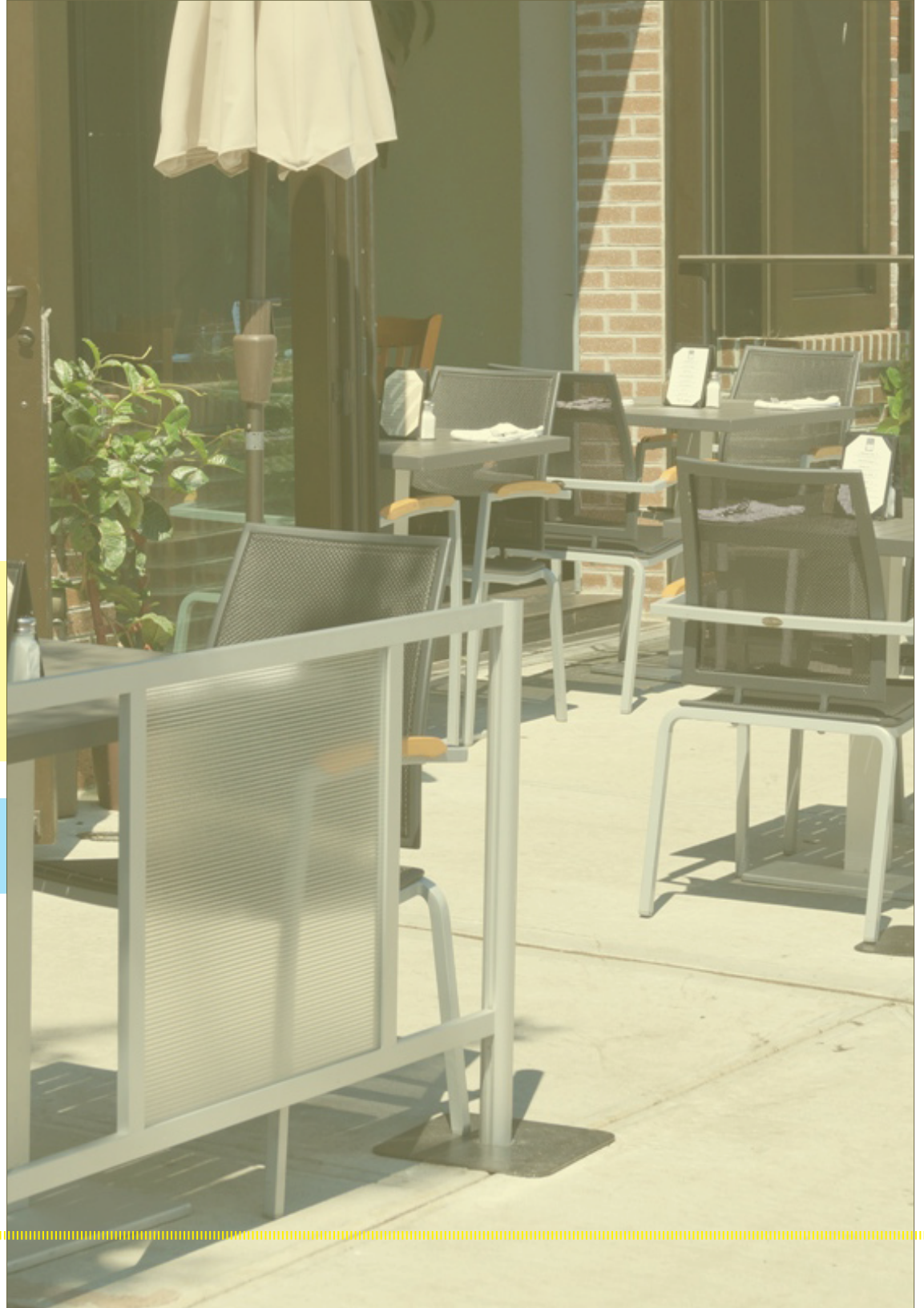
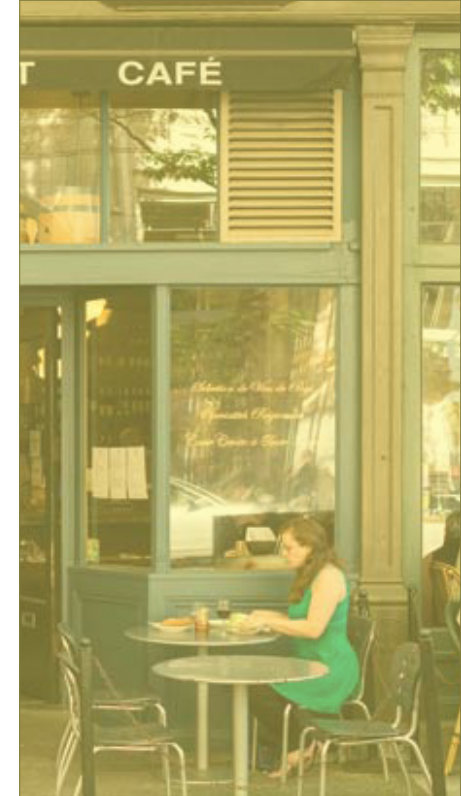


# Sidewalk Café Permit Program

*including the* **Tables & Chairs  
Permit Program**

**CITY OF TULSA**  
Planning and Development Department  
175 E. 2nd St., Suite 560  
Tulsa, OK 74103  
[scp@cityoftulsa.org](mailto:scp@cityoftulsa.org)





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## SECTION A | OVERVIEW

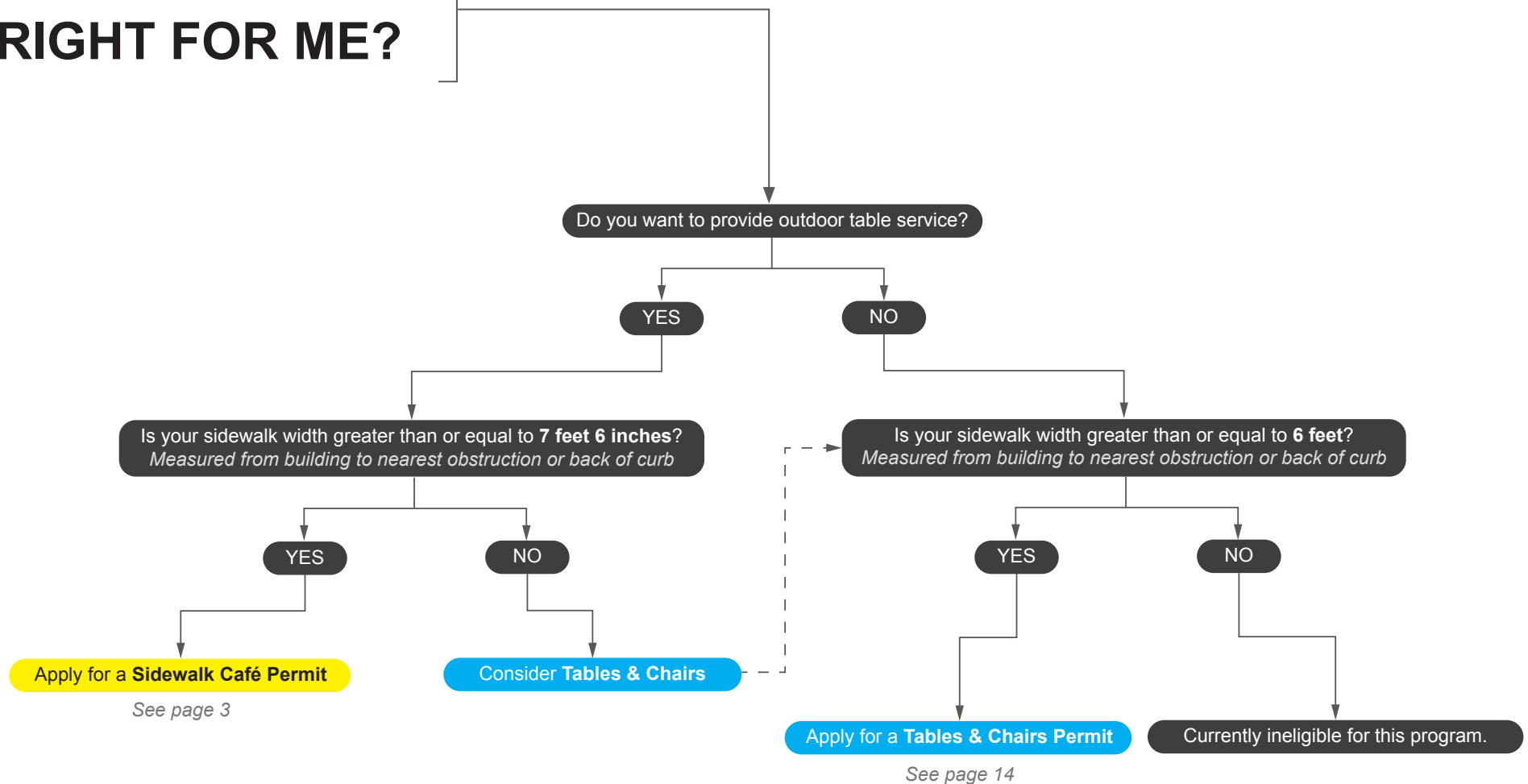


The City of Tulsa encourages the formation and use of Sidewalk Cafés to invigorate the pedestrian realm with activity, thereby contributing to a 24-hour urban core ([Tulsa's Comprehensive Plan](#)). Not only are Sidewalk Cafés a great business amenity, they are also a fantastic public safety tool by acting as “eyes on the street”, a concept fostered by Jane Jacobs. With proper design and management, Sidewalk Cafés add vitality to the street by encouraging walking and promoting local economic development.

### What is a Sidewalk Café?

A Sidewalk Café is defined as open-air seating located on a sidewalk directly adjacent to a business. The Sidewalk Café is operated and maintained by the adjacent business and allows for food and beverages to be served outside of the establishment through seating (*and other furniture*) that is for the exclusive use of the business' patrons. Furniture may remain outside after normal business hours and should be secured. If a Sidewalk Café does not fit your needs, consider the Tables and Chairs Permit option. [See Section B.](#)

# WHICH PERMIT IS RIGHT FOR ME?





# SIDEWALK CAFÉ | Permit Process



## Permit Process Overview

- **Develop Site Plan** according to the **Sidewalk Café Design Standards**. (See page 9)
- **Collect the following Required Documents:**
  - Application Form
  - Sidewalk Café Responsible Party Agreement
  - Sidewalk Café Property Owner Consent
  - Current Certificate of Insurance and Endorsement
  - Photographs of the Site (3 minimum)
  - Authorization from the [Health Department](#) (i.e. copies of City/State Food Licenses)
  - Manufacturer cut sheets, brochures, or pictures of proposed furniture and fencing
  - Site Plan
  - Application Fees (see Fee Chart on page 29)
  - Extension of Premises Drawing to ABLE (if serving alcohol, complete after this permit process.)
- **Submit Complete Application.** Applications can be submitted to:

Permit Center  
City of Tulsa City Hall  
175 E. 2nd St., 4th Floor  
Tulsa, OK 74103  
[scp@cityoftulsa.org](mailto:scp@cityoftulsa.org)
- **Application Review and Site Visit.**
- **Permit Decision.** Within 30 days after a complete application submission

*Note: Applications for a Sidewalk Café Permit may be submitted either by the property owner or the operator of the food service establishment.*

# Permit Process Details

## Step 1:

### Sidewalk Café Site Plan & Design Standards.

Develop a site plan for your proposed Sidewalk Café. The purpose of the site plan is to demonstrate compliance with all design standards (See page 9). All standards must be met for an application to be approved. The site plan must show:

- North Arrow and Scale (*example scale provided on Sidewalk Café Permit Site Plan application sheet*)
- Location of existing street fixtures/utilities/other infrastructure in the right-of-way (*including, but not limited to: utility poles and vaults/manholes, parking pay stations, bus shelters, sign posts, tree pits*) and their distance from the nearest edge of the Area of Operation.
- Width dimension of the adjacent sidewalk (*from face of building to back of curb*)
- Distance from the proposed Area of Operation to the nearest intersection corner curb radius
- Name and location of adjoining streets or alleys
- Sidewalk Café Area of Operation Dimensions (*show a dashed line around Sidewalk Café area*)
- Adjacent building facade and door swing (*include name labels and dimensions for both*)
- Location of fencing/physical barrier
- Visit [okie811.org](http://okie811.org) or call 811 to locate underground utilities, if you propose to secure your fencing with bolts.
- Sidewalk Café [ABLE requirements](#) (*if applicable*): must include a barrier/boundary around the café area in order to serve alcohol outside.
- Location of sound equipment (*if applicable*)

## Step 2:

### Collect the Required Documentation.

*See the full list on the previous page.*

Photographs of the Site are required to show the proposed Sidewalk Café Area of Operation and the existing features stated in Step 1. A minimum of three photographs shall be submitted: one from across the street with no vehicle obstructing the view of the area, and from both ends of the proposed Sidewalk Café area (*including building facade and street curb*).

## Step 3:

### Submit Complete Application and Fees.

## Step 4:

### Application Review and Site Visit.

The City of Tulsa will review the application and may contact you to request or correct information (*Resubmission fees may apply - see Fee Chart on page 29*). Staff will visit the site to ensure the layout meets standards.

*(Note: The applicant may be required to repair portions of any damaged sidewalk or bring the sidewalk adjacent to the building into ADA compliance before being granted a permit.)*

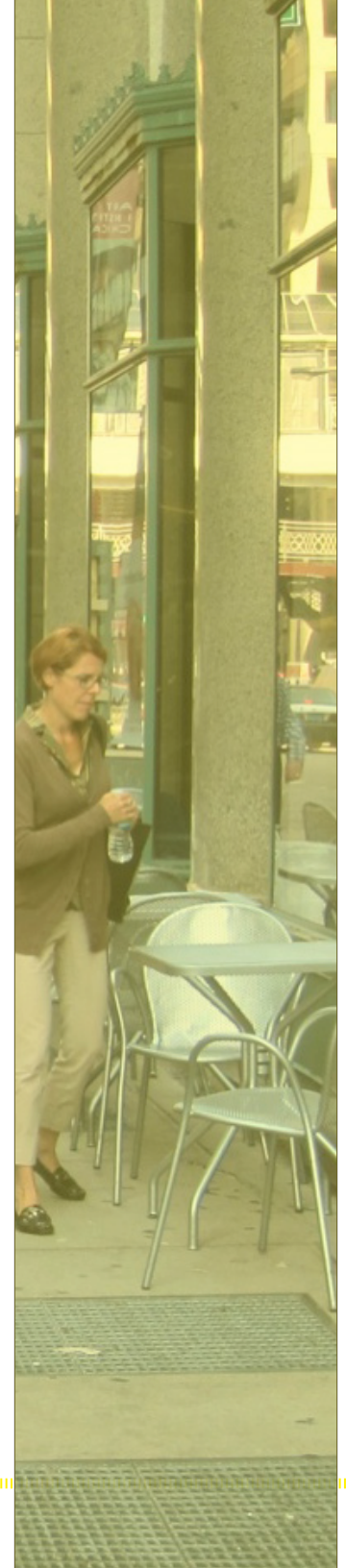
## Step 5:

### Permit Decision.

After the staff review is complete, the City of Tulsa will either:

- Approve the application.
- Approve the application with modifications.
- Deny the application.

The Sidewalk Café cannot be installed until all applicable fees have been collected and an







approved Sidewalk Café permit has been issued. The Sidewalk Café permit must be posted on site and available to be viewed upon request. A decision will be made within 30 days after a complete application submission. An inspection will be made by city staff within 60-days after approval.

### **Request for Review or Reconsideration.**

An applicant can request a review or reconsideration of a permit decision. If denied, an appeal of a Sidewalk Café Permit decision may be made to City Council by resubmitting the decision letter with the appeal portion filled out. This request should be submitted, in writing, within 10 calendar days of the original permit decision. The request must identify:

- The permit application that is up for review or reconsideration. You can identify the permit by the permit ID number and the permit application address.
- The specific objections to the original City of Tulsa decision.
- The specific actions being proposed by the business that could change the permit decision.

## **Proof of Insurance**

The applicant shall provide proof of at least two million dollars (\$2,000,000.00) liability insurance coverage while the permit is in effect, including potential claims for bodily injury, death, or disability and property damage which could occur at or be related to the Sidewalk Café Area. The insurance policy shall be issued by an insurance company licensed to do business in the State of Oklahoma. The insurance policy shall name the City of Tulsa as an additional insured. Insurance documents shall

include specific endorsements as well.

The applicant shall agree to defend, indemnify, and hold harmless the City of Tulsa, its officials, officers, employees, and agents against any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the permittee, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the applicant's use or occupancy of the public place. (See the *Sidewalk Café Insurance and Endorsement Information sheet*.)

## **Fees**

All application fees are due with the application submission. Please see the Fee Chart on page 29 for more information. Payment may be made by cash, check, or credit card at City Hall or through the City's online permit system.

An approved permit will be in effect from the date of approval through June 30th of the same year or the next year, whichever comes first.

## **Permit Expiration/Renewal**

A Sidewalk Café Permit Renewal Form must be submitted annually to reinstate an existing Sidewalk Café Permit. Each permit expires after June 30th. You may submit your Permit Renewal Form for the next July 1st - June 30th permit year prior to the expiration of your current permit. The Sidewalk Café

Permit is specific to the applicant and cannot be transferred to others.

An Amendment Form must be filled out if any changes need to be made to the original permit application during the approved permit year. The form must be filled out, submitted, including resubmission fees, and approved prior to changes being made.

## Permit Conditions/Revocation

While the City recognizes the potential for Sidewalk Cafés to enhance the public realm, the grant of a permit is a privilege and not a right. All Sidewalk Café permits are wholly of a temporary nature and can be revoked by the City of Tulsa at any time. Further, the City will, and by law must, retain the right to deny, restrict, or revoke this privilege in any instance where the public benefit of said permit is in doubt. Sidewalk Café permit holders must comply with the terms and conditions of the permit, and must keep the sidewalk clean, safe for pedestrians, and clear of obstructions. In the event that a Sidewalk Café does not meet the terms and conditions of the permit, the City of Tulsa may issue a Notice of Violation or may revoke the permit.

An encroachment (*e.g., moving furniture into the Pedestrian Zone*) placed upon or maintained within the public right of way or a public easement contrary to the terms of the Sidewalk Café permit program shall constitute a public nuisance. Businesses that have encroached upon a public right of way or public easement shall remove the violation or incur a fine. The encroachment shall not return to the public right of way or public easement until the issue has been completely resolved either by appeal, amendment,

or re-permitting.

The City of Tulsa will strive to give adequate notice when possible to permit holders (typically 30-days) in the event that the Sidewalk Café area must be removed from the right-of-way for an event, construction, or for any other reason. In an emergency, or any other instance, the City of Tulsa may immediately clear the Sidewalk Café to preserve public health and safety. If this should occur, the City of Tulsa will not be responsible for damages, including revenue losses.

A new permit is required if a business is sold. A permit amendment is needed if site conditions will change. If an Amendment Form was not submitted prior to making modifications, and/or the modifications are not in compliance with Sidewalk Café regulations or the original approved permit application, the permit will be revoked.



# SIDEWALK CAFÉ | Design Standards



## I. Compliance with ADA

Sidewalk Cafés are places that offer accommodations to the public and are required to comply with the [Federal Americans with Disabilities Act \(ADA\)](#). Therefore, these accommodations must provide an equal opportunity for individuals with disabilities to enjoy the goods and services offered and use of the public right of way. All seating and tables must be movable to accommodate wheelchair access.

## II. Pedestrian Zone

At least 5' of Pedestrian Zone is required on all sidewalks where business owner's wish to create a Sidewalk Café. The Pedestrian Zone is allowed to meander from side to side to avoid obstructions, but is encouraged to be as straight as possible. The Pedestrian Zone is measured from the outside edge of the Sidewalk Café fencing or fence post base, whichever is closest to the Pedestrian Zone, to

the nearest obstruction (i.e. tree pit, parking meter, bike rack, planting strip, etc...). If no obstruction exists, the Pedestrian Zone is measured to the back of the curb. At no time shall the pedestrian zone be less than 5' wide.

Sidewalk Cafés may not encroach into tree pits. Portable signage, such as A-frames, or any other objects are not allowed in the Pedestrian Zone.

#### Minimum Width Requirements:

Sidewalk Width Face of building to back of curb Minimum Width	Pedestrian Zone Minimum Width
If Less than 7 feet 6 inches,	Then No Permit is Allowed - <i>Consider Tables &amp; Chairs</i>
If Greater than or equal to 7 feet 6 inches,	Then 5 feet of Pedestrian Zone is required.

See Figure 1 for more Sidewalk Café spacing requirements.

### III. Setbacks

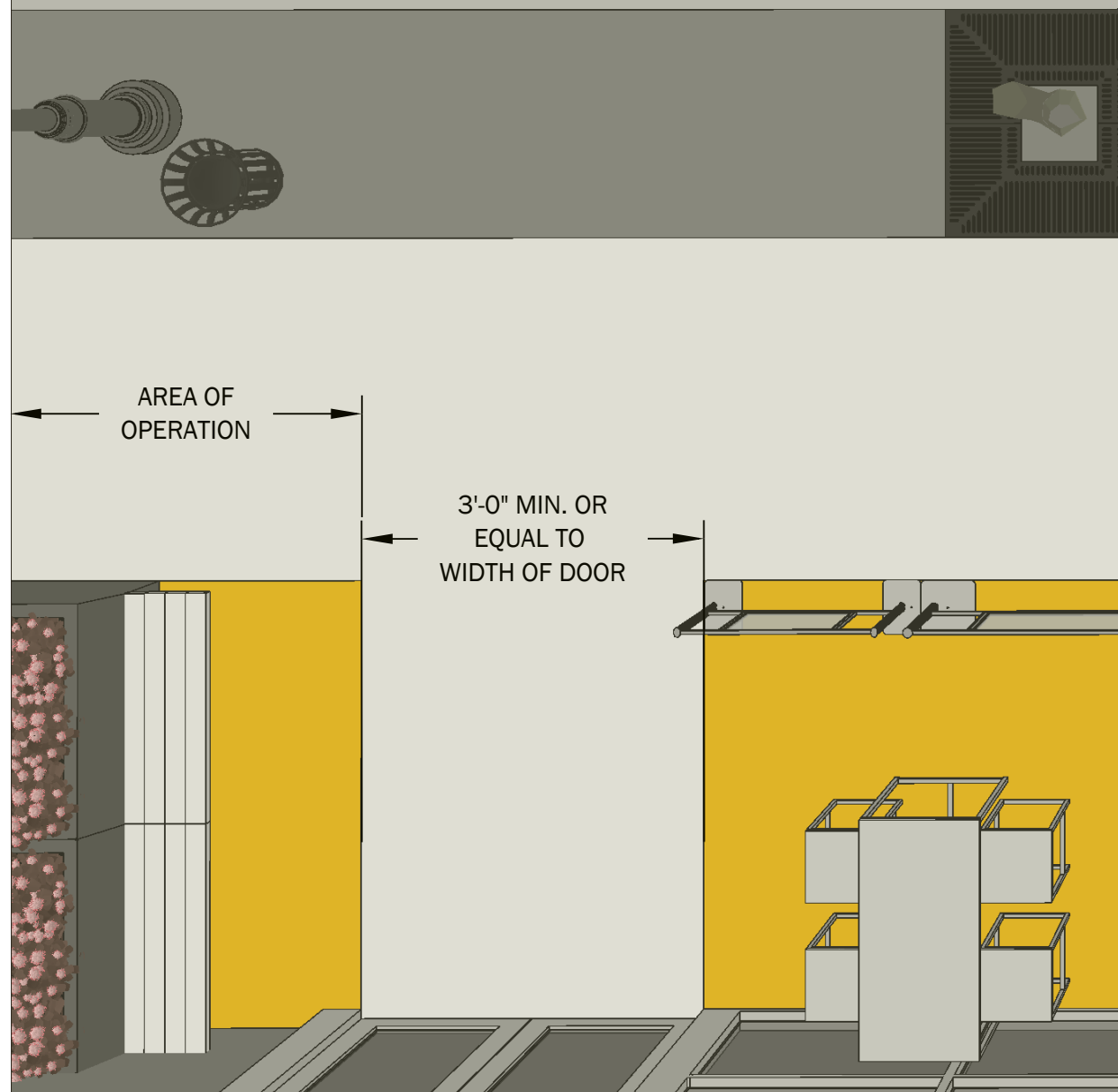
Setbacks are required from elements within the public right-of-way. Fire Department Connections shall have 3 feet of clearance around the connection. All setbacks should comply with the City of Tulsa City Ordinances. Requirements can be found in Title 11: [click here](#) for more information or refer to the Design Standards Chart on page 30. Please note the fire hydrant setback.

### IV. Building Exits

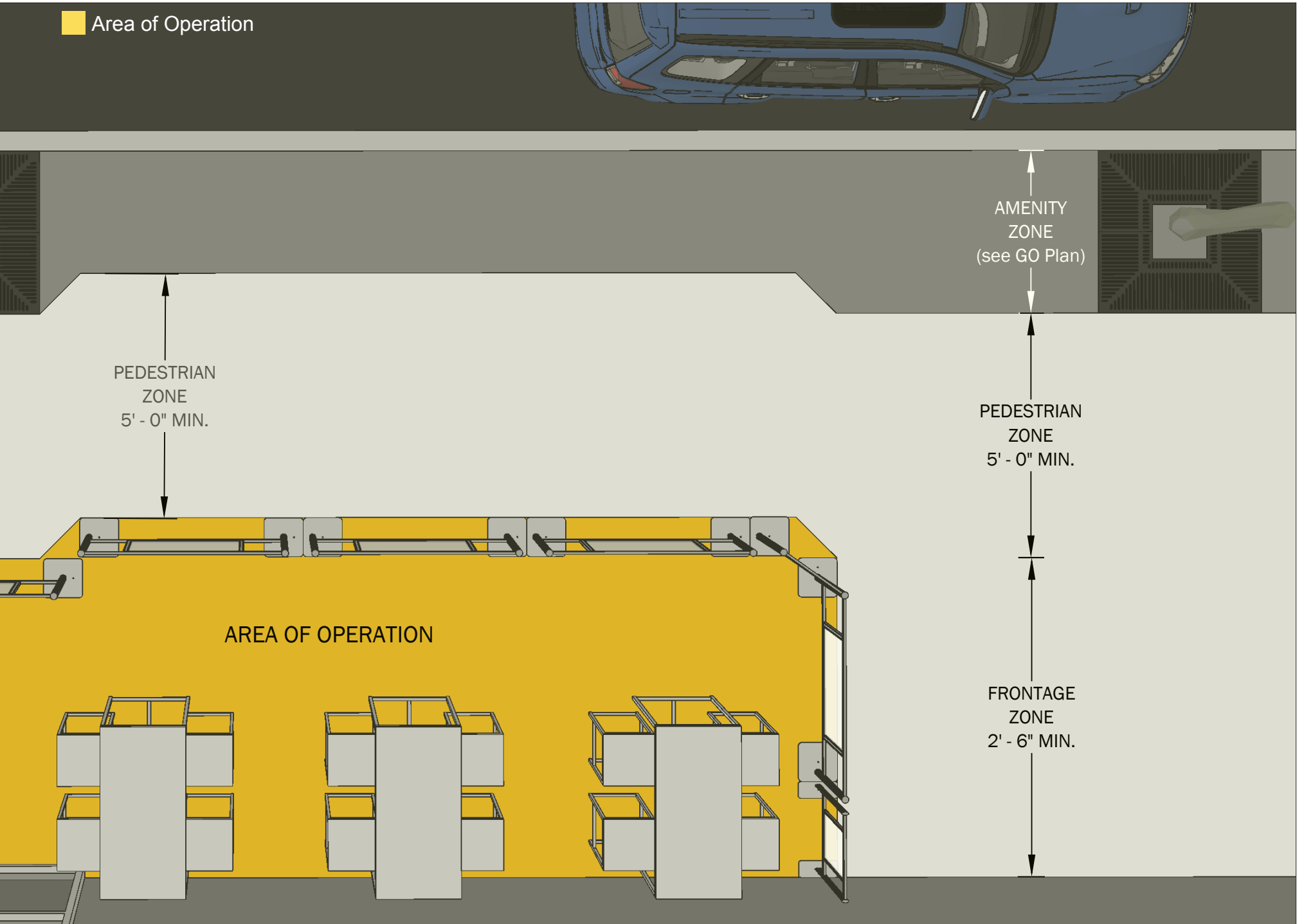
A clear path of travel must be maintained for any building exit, and must be at least 3' wide or of equal width to the exit door - whichever is wider. This path of travel must be free of obstructions, including gates of any type, and connect the building exit to the sidewalk. Any fire escape above the area must have

## Figure 1. Sidewalk Café Spacing Requirements

*This graphic does not represent an acceptable site plan. Please see page 30 for an acceptable site plan example.*  
Not to Scale



Area of Operation





adequate clearance at the termination of the steps or ladder for evacuation purposes. Adequate clearance will be determined by the Fire Marshal.

## **V. Exiting and Occupancy Requirements**

Sidewalk Cafés will not require a change to the occupancy permit for the food service establishment, provided the Sidewalk Café has a direct exit path to the public sidewalk, which is at least 3' wide. However, depending on size and occupant load a second exit from the café area may be required. Please refer to [Chapter 10 of the International Building Code](#).

## **VI. Fencing**

Fencing or another physical barrier to define the Sidewalk Café from the pedestrian zone is required. The following design standards apply to fencing:

- Fencing must be between 36" and 42" in height.
- A toe rail with its bottom edge no higher than 4" above the adjacent surface.
- Fence posts may either be attached to the sidewalk with bolts or utilize free-standing bases. When bolted fencing is removed, the bolts must be removed from the sidewalk and the sidewalk must be restored to original or better condition. The permit holder or property owner is responsible for sidewalk repairs.
- Fencing should be constructed with a railing or other horizontal element. Ropes, chains and the like are not permitted to meet fencing requirement.
- Posts with pointed tops are not permitted.
- Fencing must be constructed of high-quality finished materials, such as steel or finished woods. Glass, plastic and/or raw lumber are not allowed. Avoid solid panels -- fencing must have some level of transparency or permeability.

- Fencing shall not contain electrical or other utility elements.
- Elevated flower pots/planters may be used in lieu of fencing. Alternative fencing must meet all applicable listed standards.

## **VII. Seating Platforms**

Seating platforms are discouraged. Proposed sidewalk café sites that require leveling due to site topography will be considered on a case-by-case basis. Additional application materials may be required. Platforms must comply with [ADA Design Standards](#) and [Chapter 16 of the International Building Code](#).

## **VIII. Heating Elements and Overhead Weather Protection (Umbrellas)**

Heating elements and free-standing umbrellas are allowed within the footprint of the Area of Operation, but may not encroach on the Pedestrian Zone. Heating elements must be of a type permitted by the City of Tulsa Fire Marshal and must be temporary in nature and easy to remove.

An umbrella is not considered to encroach on the Pedestrian Zone if:

- The opened portion is located at least 7' above sidewalk grade and
- The umbrella shall not block the visibility of traffic control devices and
- The use of the umbrella is within the Sidewalk Café area and
- The umbrella installation must meet requirements for City Ordinance site triangles at intersections. See [Title 24](#).



### **IX. Sidewalk Café Adjacent to a Curb**

It may be possible, in certain situations, to have a Pedestrian Zone between the face of a building and the Area of Operation, with the Sidewalk Café adjacent to the curb. This may present issues with serving alcohol or other complications, and therefore this scenario will be reviewed on a case-by-case basis.

### **X. Amplified Sound**

Use of speakers and other amplified sound equipment is allowed, but the maximum volume may not exceed 65 decibels within the Area of Operation. Download a decibel measuring app on a smartphone device to check your decibel level. Despite permitting the use of amplified sound equipment, any Sidewalk Café is subject to [Title 14, Chapter 1400 Noise Ordinance](#) for the City of Tulsa.

Permanent installation of sound equipment is not allowed to occur in the public right-of-way. Sound equipment locations must be shown on site plan.

### **XI. Liquor Control**

Sidewalk Cafés that wish to serve alcohol must be in compliance with all ABLE requirements and approved by The Oklahoma ABLE Commission. An “extension of premises” drawing must be submitted by applicant to ABLE, and must show fencing around the Area of Operation. Visit [www.ok.gov/able/](http://www.ok.gov/able/) for more information.

### **XII. Hours of Operation**

Sidewalk Cafés may operate during the food-service establishment’s business hours. Furniture can remain in the Sidewalk Café approved Area of Operation outside of business hours. All furniture

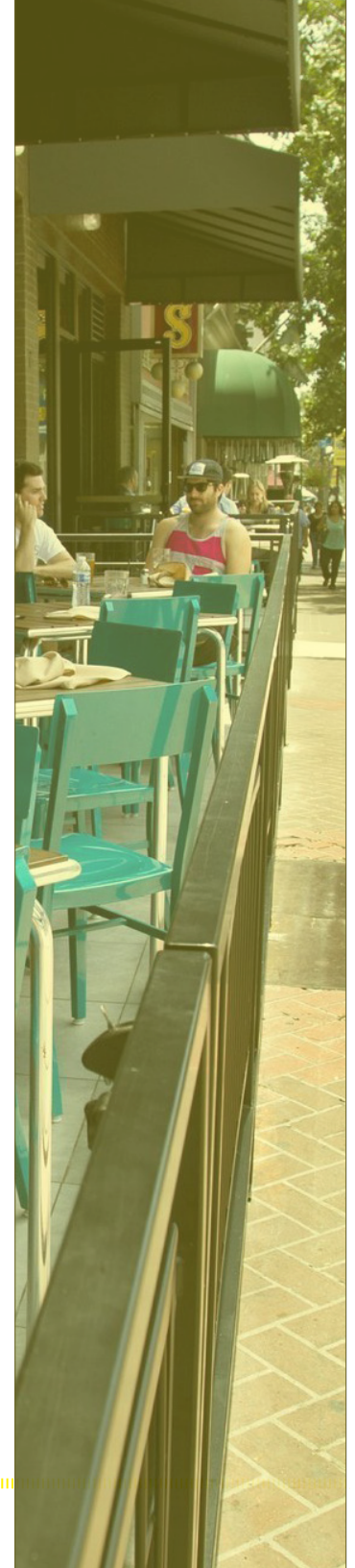
and equipment shall be removed from the right of way when not used by patrons for a period of 10 or more days. (example: seasonal removal).

### **XIII. Prohibited Uses**

The Sidewalk Café may not be used for any purpose other than food and beverage service associated with the adjoining business. Outdoor storage or other uses are strictly prohibited.

### **XIV. Additional Resources**

See the Design Standards Chart on page 30 for more information on site plan layout requirements. See the FAQs section at the end of this document for answers to common questions.





## SECTION B | OVERVIEW



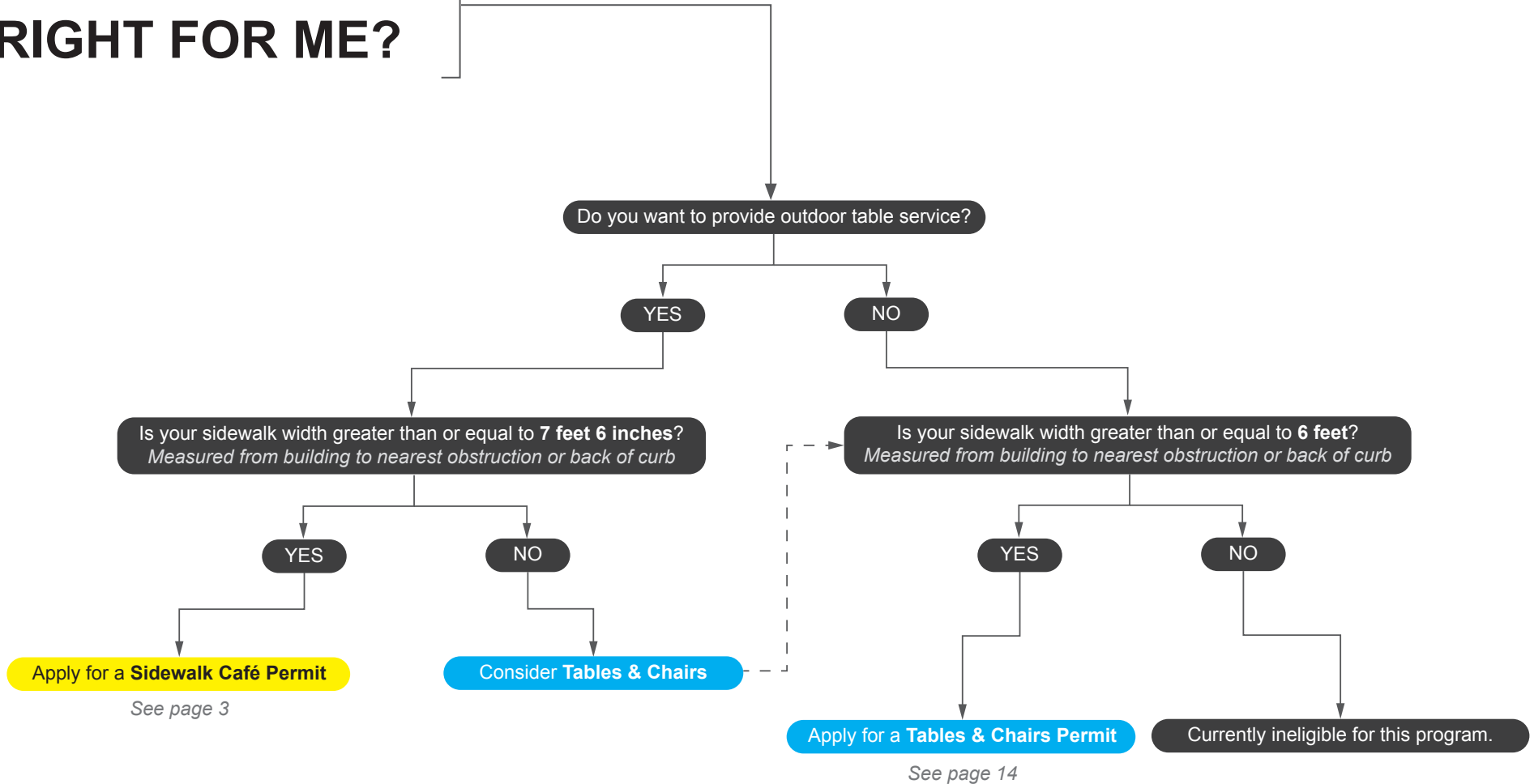
The City of Tulsa encourages the formation and use of Tables and Chairs permits to invigorate the pedestrian realm with activity, thereby contributing to a 24-hour urban core (*Tulsa's Comprehensive Plan*). Not only is a Tables and Chairs permit a great business amenity, it is also a fantastic public safety tool by acting as “eyes on the street”, a concept fostered by Jane Jacobs. With proper design and management, Tables and Chairs permits can add vitality to the streetscape by encouraging walking and promote local economic development.

### What is “Tables & Chairs”?

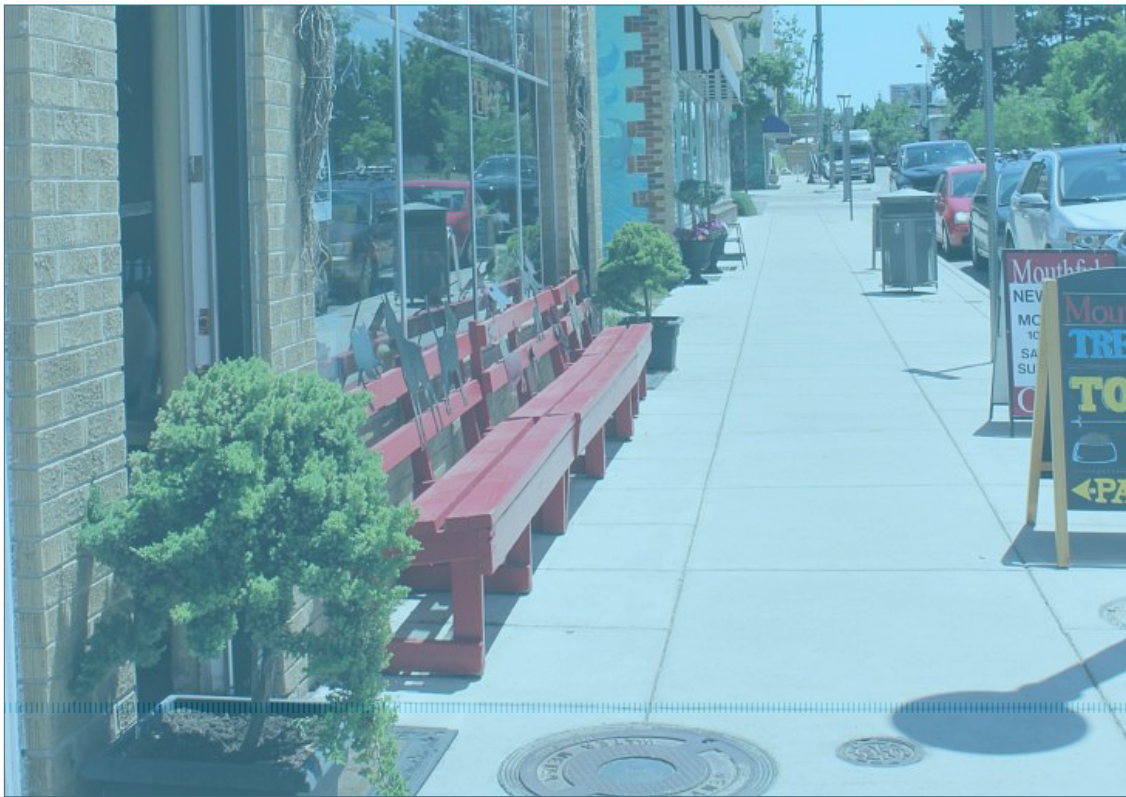
“Tables & Chairs” is the name of a type of outdoor eatery permit. This particular type of outdoor eatery can be created by setting tables and chairs outside and adjacent to a place of business. Unlike a Sidewalk Café, a Tables & Chairs area does not offer table service to visitors and the furniture is available for use to the public. Typically, furniture remains outside a place of business both during and after hours. However, furniture should be secured after hours. The Tables and Chairs Area of Operation and its furnishings are maintained by the adjacent business.



# WHICH PERMIT IS RIGHT FOR ME?



# TABLES & CHAIRS | Permit Process



## Permit Process Overview

- **Develop Site Plan** according to the **Tables & Chairs Design Standards**.
- **Collect the following Required Documents:**
  - Application Form
  - Tables & Chairs Responsible Party Agreement
  - Tables & Chairs Property Owner Consent
  - Current Certificate of Insurance and Endorsement
  - Photographs of the Site (*3 minimum*)
  - Site Plan
  - Manufacturer cut sheets, brochures, or pictures of proposed furniture/end barriers
  - Application Fee (*See Fee Chart on page 29*)
- **Submit Complete Application.** Applications can be submitted to:

Permit Center  
City of Tulsa City Hall  
175 E. 2nd St., 4th Floor  
Tulsa, OK 74103  
[scp@cityoftulsa.org](mailto:scp@cityoftulsa.org)
- **Application Review and Site Visit.**
- **Permit Decision.** *Within 30 days after application submission.*

*Note: Applications for a Tables & Chairs Permit may be submitted either by the property owner or the operator of the food service establishment.*

# Permit Process Details

## Step 1:

### Tables & Chairs Site Plan & Design Standards.

Develop a site plan for your proposed Tables & Chairs area. The purpose of the site plan is to demonstrate compliance with all layout requirements. All standards must be met for an application to be approved. The site plan must show:

- North Arrow and Scale (*example scale provided on Sidewalk Café Permit Site Plan application sheet*)
- Location of existing street fixtures/utilities/other infrastructure in the right-of-way (*including, but not limited to: utility poles and vaults/manholes, parking pay stations, bus shelters, sign posts, tree pits*) and their distance from the nearest edge of the Area of Operation.
- Tables & Chairs Area of Operation Dimensions (*show a dashed line around Tables & Chairs area*)
- Width of the adjacent sidewalk (*from face of building to back of curb*)
- Distance from the proposed Tables & Chairs area to the nearest intersection
- Name and location of adjoining streets or alleys
- Adjacent building facade and door swing (*include name labels and dimensions for both*)
- Location of end barriers
- Location of sound equipment (*if any*)

## Step 2:

### Collect the Required Documentation.

*See the full list on the previous page.*

Photographs of the Site are required to show the proposed Tables & Chairs Area of Operation and the existing features stated in Step 1. A minimum of three

photographs shall be submitted: one from across the street with no vehicle obstructing the view of the area, and from both ends of the proposed Tables & Chairs area (*including building facade and street curb*).

## Step 3:

### Submit Complete Application.

## Step 4:

### Application Review and Site Visit.

The City of Tulsa will review the application and may contact you to request or correct information (*Resubmission fees may apply - see Fee Chart on page 29*). Staff will visit the site to ensure the layout meets standards.

*(Note: The applicant may be required to repair portions of any damaged sidewalk or bring the sidewalk adjacent to the building into ADA compliance before being granted a permit.)*

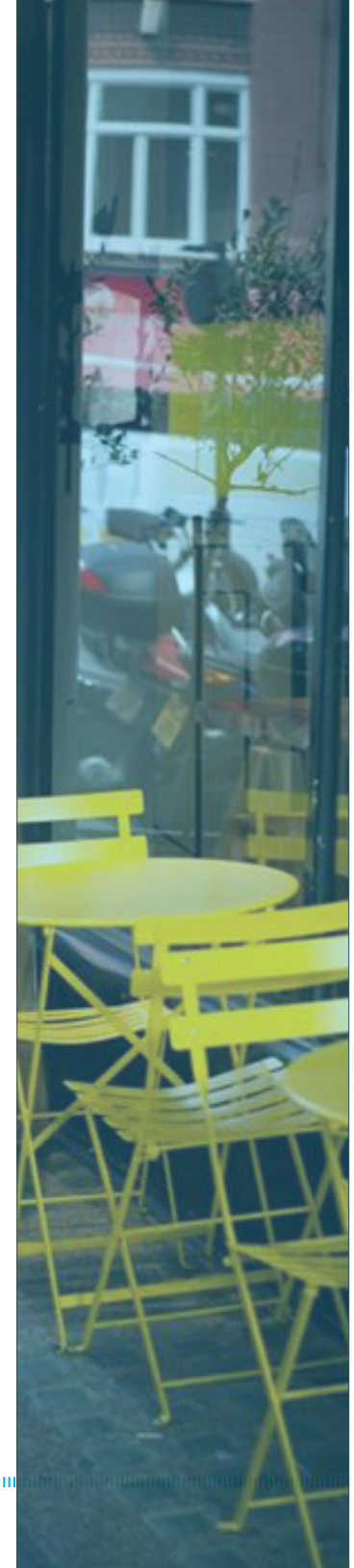
## Step 5:

### Permit Decision.

After the staff review is complete, the City of Tulsa will either:

- Approve the application.
- Approve the application with modifications.
- Deny the application.

The Table & Chairs Area cannot be installed until all applicable fees have been collected and an approved permit has been issued. The Tables & Chairs permit must be posted on site and available to be viewed upon request. A decision will be made within 30 days after a complete application submission. An inspection will be made by city staff within 60-days after approval.







### **Request for Review or Reconsideration.**

An applicant can request a review or reconsideration of a permit decision. If denied, an appeal of a Tables & Chairs Permit decision may be made to City Council by resubmitting the decision letter with the appeal portion filled out. This request should be submitted, in writing, within 10 calendar days of the original permit decision. The request must identify:

- The permit application that is up for review or reconsideration. You can identify the permit by the permit ID number and the permit application address.
- The specific objections to the original City of Tulsa decision.
- The specific actions being proposed by the business that could change the permit decision.

### **Proof of Insurance**

The applicant shall provide proof of at least two million dollars (\$2,000,000.00) liability insurance coverage while the permit is in effect, including potential claims for bodily injury, death, or disability and property damage which could occur at or be related to the Table & Chair Area. The insurance policy shall be issued by an insurance company licensed to do business in the State of Oklahoma. The insurance policy shall name the City of Tulsa as an additional insured. Insurance documents shall include specific endorsements as well.

The applicant shall agree to defend, indemnify, and hold harmless the City of Tulsa, its officials, officers, employees, and agents against any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or

indirectly from any act or omission of the permittee, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the applicant's use or occupancy of the public place. (*See the Tables & Chairs Insurance and Endorsement Information sheet.*)

### **Fees**

All application fees are due with the application submission. Please see the Fee Chart on page 29 for more information. Payment may be made by cash, check, or credit card at City Hall or through the City's online permit system.

An approved permit will be in effect from the date of approval through June 30th of the same year or the next year, whichever comes first.

### **Permit Expiration/Renewal**

A Tables & Chairs Permit Renewal Form must be submitted annually to reinstate an existing Tables & Chairs Permit. Each permit expires after June 30th. You may submit your Permit Renewal Form for the next July 1st - June 30th permit year prior to the expiration of your current permit. The Tables & Chairs Permit is specific to the applicant and cannot be transferred to others.

An Amendment Form must be filled out if any changes need to be made to the original permit application during the approved permit year. The form must be filled out, submitted, including resubmission fees, and approved prior to changes being made.

## Permit Conditions/Revocation

While the City recognizes the potential for Tables & Chairs to enhance the public realm, the grant of a permit is a privilege and not a right. All Tables & Chairs permits are wholly of a temporary nature and can be revoked by the City of Tulsa at any time. Further, the City will, and by law must, retain the right to deny, restrict, or revoke this privilege in any instance where the public benefit of said permit is in doubt. Tables & Chairs permit holders must comply with the terms and conditions of the permit, and must keep the sidewalk clean, safe for pedestrians, and clear of obstructions. In the event that a Tables & Chairs area does not meet the terms and conditions of the permit, the City of Tulsa may issue a Notice of Violation or may revoke the permit.

An encroachment (*e.g., moving furniture into the Pedestrian Zone*) placed upon or maintained within the public right of way or a public easement contrary to the terms of the Tables & Chairs permit program shall constitute a public nuisance. Businesses that have encroached upon a public right of way or public easement shall remove the violation or incur a fine. The encroachment shall not return to the public right of way or public easement until the issue has been completely resolved either by appeal, amendment, or re-permitting.

The City of Tulsa will strive to give adequate notice when possible to permit holders (typically 30-days) in the event that the Tables & Chairs area must be removed from the right-of-way for an event, construction, or for any other reason. In an emergency, or any other instance, the City of Tulsa may immediately clear the Tables & Chairs area

to preserve public health and safety. If this should occur, the City of Tulsa will not be responsible for damages, including revenue losses.

A new permit is required if a business is sold. A permit amendment is needed if site conditions will change. If an Amendment Form was not submitted prior to making modifications, and/or the modifications are not in compliance with Tables & Chairs regulations or the original approved permit application, the permit will be revoked.



# TABLES & | Design Standards CHAIRS

## I. Compliance with ADA

Tables & Chairs areas are places that offer accommodations to the public and are required to comply with the [Federal Americans with Disabilities Act \(ADA\)](#). These accommodations must provide an equal opportunity for individuals with disabilities to enjoy the goods and services offered. All seating and tables must be movable to accommodate wheelchair access.

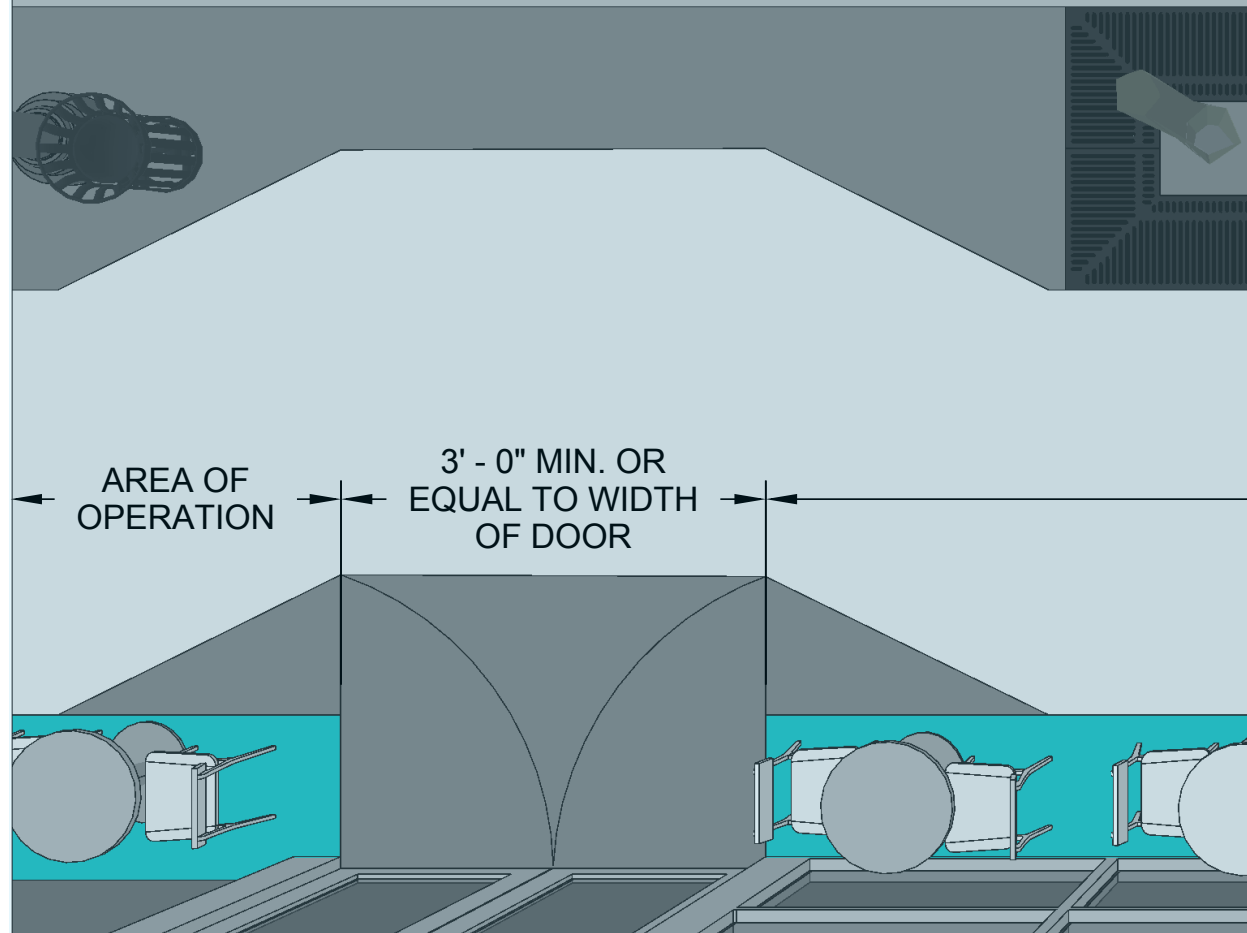
## II. Pedestrian Zone

At least 5' of Pedestrian Zone is required on all sidewalks where business owner's wish to create a Tables & Chairs area. The Pedestrian Zone is allowed to meander from side to side to avoid obstructions, but is encouraged to be as straight as possible. The Pedestrian Zone is measured from the outside edge of

## Figure 2. Tables & Chairs Spacing Requirements

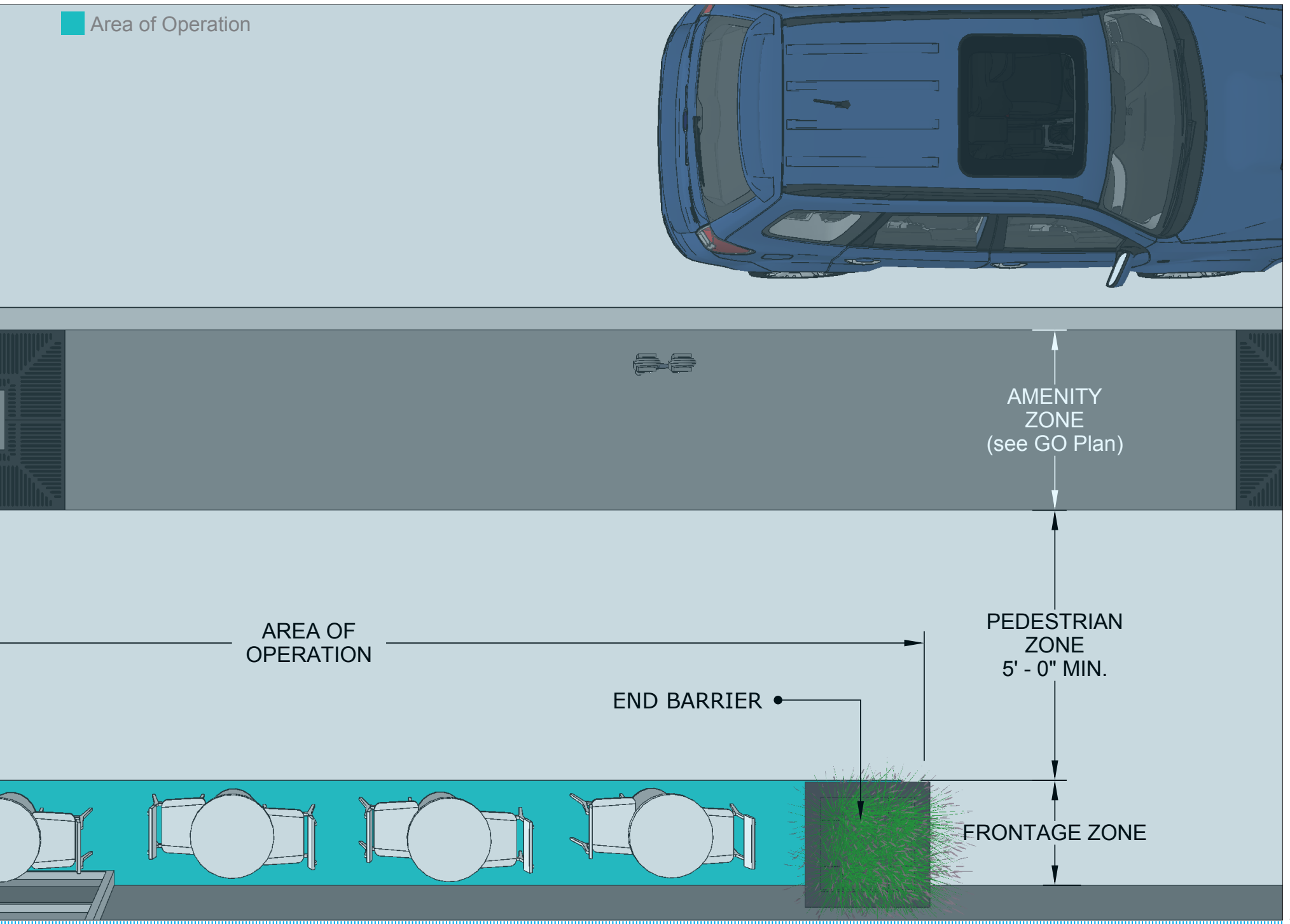
*This graphic does not represent an acceptable site plan. Please see page 30 for an acceptable site plan example.*

Not to Scale





■ Area of Operation





the Tables & Chairs Area of Operation to the nearest obstruction (i.e. tree pit, parking meter, bike rack, planting strip, etc...). If no obstruction exists, the Pedestrian Zone is measured to the back of the curb. At no time shall the pedestrian zone be less than 5' wide. Tables & Chairs may not encroach into tree pits. Portable signage, such as A-frames, or any other objects are not allowed in the Pedestrian Zone.

#### Minimum Width Requirements:

Sidewalk Width Face of Building to back of curb Minimum Width	Pedestrian Zone Minimum Width
If Less than 6 feet,	Then No Permit Allowed
If Greater than 6 feet,	Then 5 feet min. Pedestrian Zone Required

See Figure 2 for more Tables & Chairs spacing requirements.

#### III. Setbacks

Setbacks are required from elements within the public right-of-way. Fire Department Connections shall have 3 feet of clearance around the connection. All setbacks should comply with the City of Tulsa City Ordinances. Requirements can be found in Title 11: [click here](#) for more information or refer to the Design Standards Chart on page 30. Please note the fire hydrant setback.

#### IV. Building Exits

A clear path of travel must be maintained for any building exit, and must be at least 3' wide or of equal width to the exit door - whichever is wider. This path of travel must be free of obstructions, including gates of any type, and connect the building exit to the sidewalk. Any fire escape above the area must have adequate clearance at the termination of the steps or

ladder for evacuation purposes. Adequate clearance will be determined by the Fire Marshal.

#### V. Exiting and Occupancy Requirements

A Tables & Chairs Permit will not require a change to the occupancy permit for the food service establishment.

#### VI. End Barriers

Fencing is not allowed to define the Tables & Chairs area from the Pedestrian Zone. On both ends of a Tables & Chairs Area of Operation, an End Barrier must be established (see page 21). End barriers help indicate a clear path for pedestrian travel, define the Tables & Chairs area, and offer businesses an opportunity to create a unique, attractive space for customers. End Barriers:

- Must abut the adjacent building and extend 90 degrees from the building face.
- Must withstand wind, adverse weather conditions, and incidental contact.
- Must not have supports or protruding elements.
- Must be constructed of material and/or colors contrasting that of the sidewalk surface to increase visibility for the visually impaired.
- May not display any advertising of promotional material.
- Are not required on either side of an entrance which interrupts the Area of Operation, unless the Area of Operation terminates at the entrance. In which case, an End Barrier is required on the Area of Operation edge nearest the entrance.

#### VII. Seating Platforms

Seating platforms are discouraged. Proposed Tables & Chairs sites that require leveling due to site topography will be considered on a case-by-

case basis. Additional application materials may be required. Platforms must be compliant with [Federal ADA Design Standards](#) and [Chapter 16 of the International Building Code](#).

### **VIII. Heating Elements and Overhead Weather Protection (Umbrellas)**

Heating elements and free-standing umbrellas are allowed within the footprint of the Area of Operation, but may not encroach on the Pedestrian Zone. Heating elements must be of a type permitted by the City of Tulsa Fire Marshal and must be temporary in nature and easy to remove.

An umbrella is not considered to encroach on the Pedestrian Zone if:

- The opened portion is located at least 7' above sidewalk grade and
- The umbrella shall not block the visibility of traffic control devices and
- The use of the umbrella is within the Tables & Chairs area and
- The umbrella installation must meet requirements for City Ordinance site triangles at intersections. See [Title 24](#).

### **IX. Tables & Chairs Adjacent to a Curb**

It may be possible, in certain situations, to have a Pedestrian Zone between the face of a building and the Area of Operation, with the Tables & Chairs area adjacent to the curb. This may present issues with serving alcohol or other complications, and therefore this scenario will be reviewed on a case-by-case basis.

### **X. Amplified Sound**

Use of speakers and other amplified sound equipment

is allowed, but the maximum volume may not exceed 65 decibels within the Area of Operation. Download a decibel measuring app on a smart phone device to check the decibel level within your Tables and Chairs area. Despite permitting the use of amplified sound equipment, any Tables & Chairs area is subject to [Title 14, Chapter 1400 Noise Ordinance](#) for the City of Tulsa.

Permanent installation of sound equipment is not allowed to occur in the public right-of-way. The equipment must be installed in such a way that will not interfere with the Pedestrian Zone or with the removal of furniture. Sound equipment locations and their respective cords must be shown on site plan.

### **XI. Liquor Control**

Tables & Chairs Permits do not allow the service of food or beverage.

### **XII. Hours of Operation**

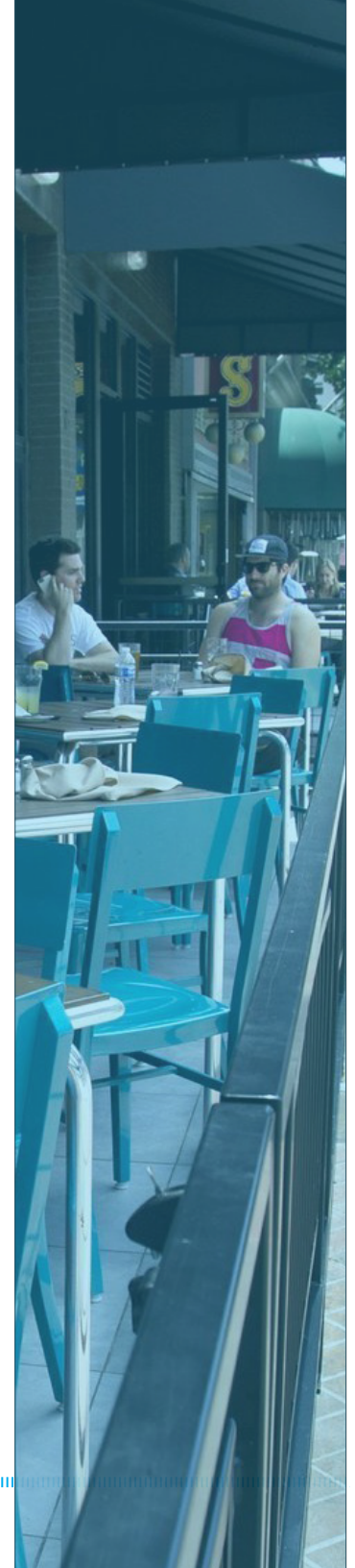
Tables & Chairs areas are maintained by the adjacent business and exist for public use. Furniture may remain within the Tables & Chairs Area of Operation after business hours for public use, or they may be stored in a separate location. All furniture and equipment shall be removed from the right-of-way when not used by patrons for a period of 10 or more days. (example: seasonal removal).

### **XIII. Prohibited Uses**

Outdoor storage is strictly prohibited.

### **XIV. Additional Resources**

Please reference the Design Standards Chart (page 30) for information on site plan requirements. See the FAQs section for answers to common questions.





## FAQ's



### **What is a Sidewalk Café Permit?**

A Sidewalk Café Permit allows the holder of the permit to place furniture within the sidewalk area adjacent to a restaurant for use by patrons to whom the business has provided food or beverage service. The permit requires that the Sidewalk Café operator ensure that their Sidewalk Café meets site and other regulations as set forth by the City of Tulsa.

### **What is a Tables & Chairs Permit?**

A Tables & Chairs Permit allows the holder of the permit to place furniture within the sidewalk area adjacent to a business. The permit requires that the Tables & Chairs operator ensure that their Area of Operation meets site and other regulations as set forth by the City of Tulsa.

### **Who is issued a permit and where can it be used?**

The Sidewalk Café or Tables & Chairs Permit is issued to an individual, the Permittee, for use by the single business and location named in the application. The Permittee is often the owner of the business. The permit is personal to them and cannot be transferred in any manner, nor can the permit be used for another business or location.

### **What if I already have a permit/license agreement?**

Permitted Sidewalk Cafés and Tables & Chairs areas will continue to be permitted, if not in violation of the program requirements, until June 30th. All Sidewalk Café and Tables & Chairs permits expire after June 30th. Permit Renewal may occur before the expiration date. If site conditions will change, an

Amendment Form must be submitted and approved prior to permit renewal. An Amendment Form must be submitted and approved prior to making changes.

If a license agreement was obtained prior to the establishment of the Sidewalk Café Permit Program, then the terms of the agreement will still be honored. However, it should be noted that a license agreement is not a right, but a privilege and is viable at the discretion of the City of Tulsa.

### **Who is responsible for Sidewalk Café (or Tables & Chairs) operations?**

The Permittee bears ultimate responsibility for the operations of the Sidewalk Café.

### **What does a permit cost?**

Fee information can be found on page 29.

### **Do I need liability insurance in order to obtain a permit?**

Before a permit can be issued, you must provide the City of Tulsa with evidence of your business' liability insurance. The insurance must remain current as long as you have a permit and will need to meet the City's requirements.

### **When is a permit valid?**

Permits are issued on an annual and rolling basis. They are valid upon issuance and expire after June 30th of the year issued or after June 30th of the following year, whichever comes first (*unless revoked earlier*).

Sidewalk Café operations are allowed during any hours that the sponsoring business is open and operating. Tables & Chairs permits are active and open to the public so long as furniture is within the public right-of-way.

### **What if I am a new owner of a business that previously had a permit and would like to have a new one issued?**

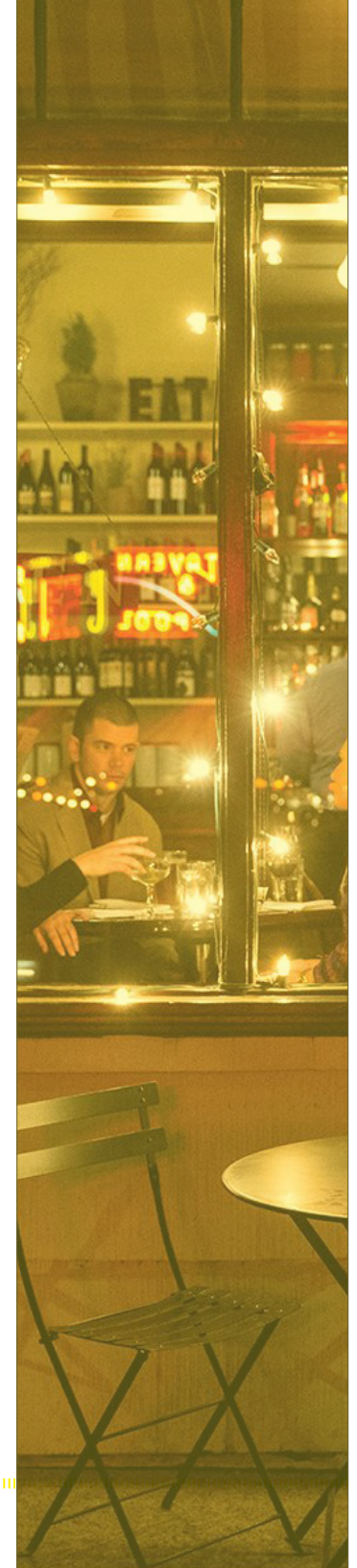
If you are a new owner of a business that previously had a Sidewalk Café or Tables & Chairs Permit and would like to have one issued, you will need to re-apply for a Sidewalk Café or Tables & Chairs Permit; the permit is personal to the Permittee to whom it was issued and cannot be transferred to others.

### **What if I want to change who the Permittee is?**

The permit is personal to the Permittee to whom it was issued and cannot be transferred to others. Any new Permittee must apply for a new Sidewalk Café or Tables & Chairs Permit.

### **Do I need permission from the owner of the property on which my business is located?**

The owner of the property adjacent to the Sidewalk Café or Tables & Chairs area must be aware of the Sidewalk Café or Tables & Chairs application approval before installation. The property owner must sign a Property Owner Consent Form prior to application approval. It should be noted that the property owner is ultimately responsible for the maintenance and condition of the sidewalk and are potentially liable for that which occurs on the sidewalk, i.e. a Sidewalk Café.





## Where can my Sidewalk Café or Tables & Chairs area be located?

A Sidewalk Café or Tables & Chairs area can only be located directly adjacent to your business' storefront. In addition, a Sidewalk Café or Tables & Chairs area will only be allowed where:

- The area is zoned to allow the use.
- The sidewalk, as measured from the property line to the back of the curb, is at least 7.5 feet wide for a Sidewalk Café and greater than 6' for a Tables & Chairs area.
- A Pedestrian Zone can be established.

Zoning can be determined on the website:

[www.incog.org/Land\\_Development/land\\_main.html](http://www.incog.org/Land_Development/land_main.html)

Sidewalk Café and Tables & Chairs operations are confined to a space referred to as the Area of Operation. All operations, furniture, and other obstructions must be within the Area of Operation at all times.

The area reserved for pedestrian and other travel is referred to as the Pedestrian Zone. This area must be free of all obstructions, including but not limited to: posts, signs, street lights, fire hydrants, bicycle racks, bicycles utilizing bicycle racks, vegetation, trees, tree-wells, planters, literature and news racks, parking meters, bus shelters, benches, tables, chairs, umbrellas, heaters, and waste receptacles. Obstructions such as cafe umbrellas are allowed in some instances to extend into the Pedestrian Zone from within the Area of Operation only when all parts are above a height of 7 feet and below a height of 8 feet within the Pedestrian Zone.

Please see this table for more information on minimum Pedestrian Zone and sidewalk widths (*page 10 and page 22*).

The Pedestrian Zone is allowed to meander from side to side to avoid obstructions, so long as the minimum width dimension exists. Keeping the Pedestrian Zone as straight as possible is encouraged.

The Area of Operation for a Sidewalk Café or a Tables & Chairs area is typically located between the business' building and the Pedestrian Zone.

## How will I know where the Area of Operation is located?

The applicant must provide a dashed line on the site plan delineating where the Area of Operation is to be located, including its dimensions. It is the Permittee or the Responsible Party's responsibility to ensure that all Sidewalk Café and Tables & Chairs operations, furniture, and other obstructions remain within this zone.

## What types of furniture can I place in the Area of Operation?

In addition to tables, chairs, and fencing, a Sidewalk Café Permit allows the placement of furniture and other items within the Area of Operation that are pertinent to the operation of the Sidewalk Café. This includes items such as umbrellas, planters, and bussing carts. All items are subject to approval by the City of Tulsa. Except for umbrellas; all items placed within the Area of Operation must not be higher than 42 inches above the sidewalk. Fabric furniture will not be permitted within the Area of Operation.



The guidelines above apply to Tables & Chairs, except fencing is not permitted in the Area of Operation. End barriers are required to define a Tables & Chairs Area of Operation.

### **Do I ever need to remove my furniture?**

You may leave your Sidewalk Café or Tables & Chairs furniture within your Area of Operation overnight or on days that your business is regularly closed. However, furniture should be secured after hours.

All furniture and equipment used in the operation of a Sidewalk Café or within a Tables & Chairs area shall be removed from the right-of-way when not used by patrons for a period of 10 or more days. (example: seasonal removal). Removal of furniture and equipment may be required, on a case by case basis, outside of the business' hours of operation if determined necessary for safety or other reasons.

### **Am I allowed to secure my furniture?**

Furniture is allowed to be secured within the Area of Operation. Furniture may only be secured to structures that are controlled by the Sidewalk Café or Tables & Chairs operator or, with permission, by the owner of the property adjacent to the Sidewalk Café.

It is preferred that furniture be secured in a fashion that allows quick removal of the furniture, such as with a cable and lock. Furniture is not allowed to be secured to the sidewalk with fasteners of any kind, other than approved Sidewalk Café fencing. Secured furniture still must be removed within ten (10) days when not available for use by patrons.

### **What if I want to adjust my Area of Operation after my permit is issued?**

If you would like to increase, decrease, or modify the footprint of your Area of Operation, you will need to submit an Amendment Form to the City of Tulsa for review, prior to making any modifications.

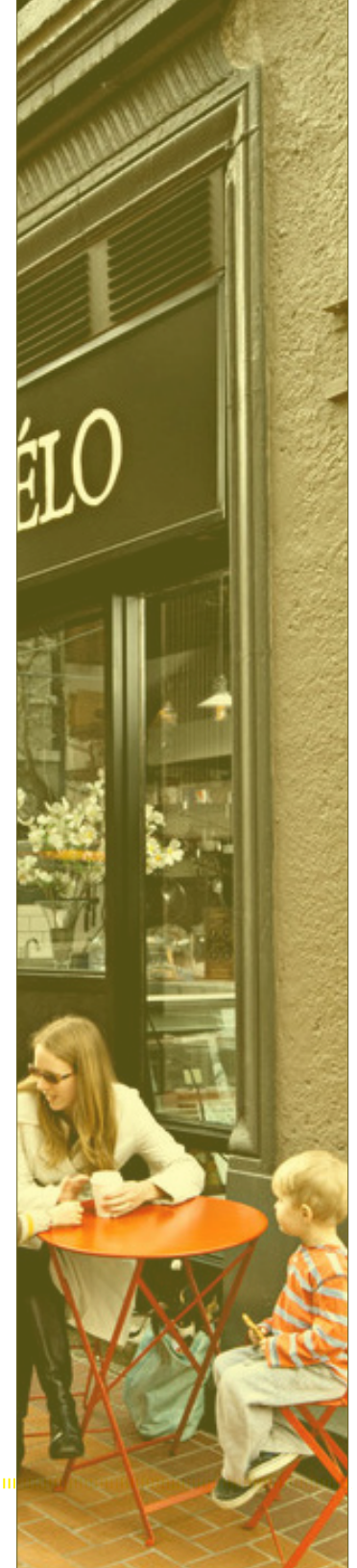
### **How do I report an issue with noise or a café that is encroaching into the sidewalk?**

The City of Tulsa Working in Neighborhoods Department (WIN) handles issues of sidewalk encroachment. **Call 311** for any complaints related to Sidewalk Cafés or Tables & Chairs areas. The City of Tulsa has the right to require immediate changes if a Sidewalk Café or Tables & Chairs area has expanded beyond its permitted area, and may revoke an approved permit due to any on-going problems.

Noise-related issues can be sent to the City of Tulsa Police Department non-emergency number at: (918) 596-9222.

### **Will Sidewalk Cafés and Tables & Chairs areas be required to provide ADA access?**

It is the food service establishment's responsibility to comply with all regulations of the Americans with Disabilities Act (ADA). The City of Tulsa will evaluate the design plan and make recommendations. Our approval of a site plan does not guarantee that it meets federal accessibility requirements. Moreover, the City of Tulsa's approval of a Sidewalk Café or Tables and Chairs area does not relieve the property owner or the operator of the establishment from complying with all aspects of the Federal Americans





with Disabilities Act (ADA) requirements.

### **What about Sidewalk Cafés on private property?**

Outdoor seating areas on private property beyond the public right-of-way are likely allowed, but will require a separate City of Tulsa review and approval and must follow standards in zoning, building and trade codes as applicable.

### **Is there anything else I should consider?**

Your Sidewalk Café or Tables & Chairs area must accommodate customers who are on the sidewalk and waiting in line for your business. The location and configuration of your Area of Operation cannot be such that it encourages customer waiting areas that obstruct the Pedestrian Zone. You may be required to provide a location for waiting or in line customers that is on private property or incorporated into your Area of Operation.

All food must be prepared within your building; cooking and preparation of food within the sidewalk area is prohibited.

Before purchasing your furniture, consider the accessibility of your furniture and design for customers with disabilities, wheelchairs, or mobility devices.

The sale of alcohol within the State of Oklahoma requires that you comply with all ABLE requirements. Please visit [www.ok.gov/able](http://www.ok.gov/able) for more information.

### **How do I apply for a permit and what should I do first?**

Before you apply for a Sidewalk Café or Tables & Chairs Permit, review all of the information in this document. Look at the area that you plan to use and assess if it will meet the requirements of the program. Make a plan for how you intend to use the area.

All of the materials that you need to start your application are located in City Hall at the 4th Floor Permit Center. You may also request an emailed copy of the application documents.

Feel free to contact the Sidewalk Café Permit Program through the City of Tulsa Planning and Development Department (contact information on the front cover) if you have any questions or concerns.

## **Disclaimer**

**The City of Tulsa reserves the right to amend any aspect of these guidelines at any time. Program applicants that do not agree with the amended terms may withdraw their applications.**

## Fee Chart



<b>Fee Chart</b> <i>Based on the provisions of Title 49, City of Tulsa Code of Ordinances (non-refundable)</i>	<b>Initial Application</b>	<b>Annual Renewal / Reinstatement</b>	<b>Application Cancellation</b>	<b>Resubmission, Amendment, or Addenda to an Application or Approved Permit</b>
<b>Permit Application Fee</b> <i>Title 49, Section 1501</i>	\$100.00	–	–	–
<b>Inspection Fee (each)</b> <i>Title 49, Section 108</i>	\$50.00	\$50.00	–	\$50.00 <i>(if applicable)</i>
<b>Renewal Application Fee</b> <i>Title 49, Section 1502</i>	–	\$55.00	–	–
<b>Application Cancellation Fee</b>	–	–	<i>May withdraw application at anytime without a fee penalty. All fees are non-refundable.</i>	–
<b>Resubmission or Amendment Fee</b> <i>Title 49, Section 106</i>	<i>(Includes one site plan resubmission to city staff, if needed) See Resubmission Fee for more than one resubmission</i>	–	–	\$55.00
<b>Subtotal</b>	<b>\$150.00</b>	<b>\$105.00</b>	<b><i>See above</i></b>	<b>\$55.00-105.00</b>
<b>System Maintenance Fee</b> <i>Title 49, Section 103</i>	\$4.00	\$4.00	–	\$4.00
<b>System Development Fee</b> <i>Title 49, Section 116</i>	\$5.00 + 7% of the license or permit fee	\$5.00 + 7% of the license or permit fee	–	\$5.00 + 7% of the license or permit fee
<b>Record Retention Fee</b> <i>Title 49, Section 110</i>	\$1.50 per page	\$1.50 per page	–	\$1.50 per page



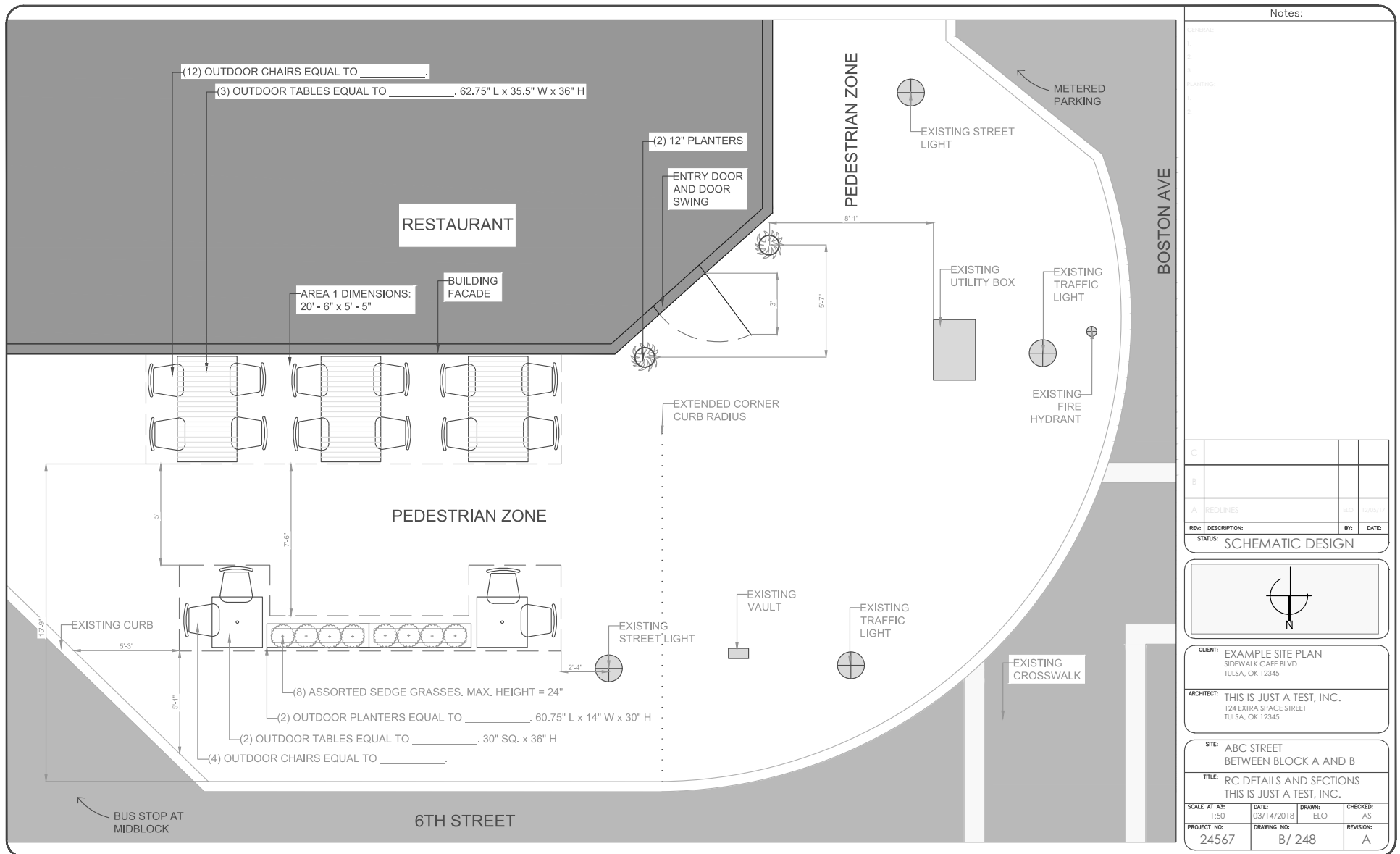
## Design Standards



<b>Design Standards</b> <i>Based mainly on 2010 ADA Design Standards - last updated (13 April 2018)</i>	<b>Measurement</b>
<b>Pedestrian Zone Width</b>	5' min.
<b>Sidewalk Café Area of Operation Width</b>	2' 6" min.
<b>Tables &amp; Chairs Area of Operation Width</b>	1' min.
<b>Protrusion from post, wall, pole, etc.</b> <i>(into Pedestrian Zone)</i>	4" max.
<b>Perpendicular Curb Ramp Level Landing Area</b>	4' x 4'
<b>Setback from Fire Hydrants</b>	8' min.
<b>Setback from Alleys, Bus Stops, Handicap Parking Spaces, and Commercial Loading Zones</b>	5' min.
<b>Setback from Parking Meters and Pay Stations, Traffic Control Devices, Utility Poles, Bike Racks, and other street fixtures</b>	5' min.
<b>Setback from Crosswalk Intersection area</b> <i>(Intersection area beginning at the corner curb radius extension or the edge of the crosswalk, whichever is closest to the Area of Operation)</i>	10' min.
<b>Fencing/End Barrier Height</b>	36" - 42"
<b>Fencing Toe Rail-Bottom Edge</b> <i>(Sidewalk Café)</i>	No higher than 4" above grade
<b>Fire Department Connection Setback</b>	3' min.
<b>Direct Exit Path Width</b> <i>(From Sidewalk Café to sidewalk)</i>	3' min.
<b>Opened Portion of Umbrella</b> <i>(Height from sidewalk grade)</i>	7' min.

## Example Site Plan





Note: This is only a graphic example of a site plan. Dimension requirements are subject to change. Both computer-aided site plan drawings and handdrawn site plans are acceptable. For handdrawn site plans, a Site Plan Graph Paper Template can be provided by the City of Tulsa. All drawings should be drawn to scale. All other site plan requirements can be found within this permit program manual.



24 July 2018