

Request For Board Action

REFERRED TO BOARD: July 13, 2020

AGENDA ITEM NO: 7

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of an Ordinance approving a set of “Outdoor Dining Regulations” related to any outdoor dining on Village owned sidewalks or rights-of-way.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Village has recently seen a real interest in “outdoor dining” partially as a response to the Covid-19 crisis. Based on this growing interest in outdoor dining, Staff wanted to establish a set of standards that could be used in the future which would provide a process in approving outdoor dining that is placed on village owned sidewalks or public right-of-way. These standards are intended to protect the Village, while allowing for the continuation of the outdoor dining on public right-of-way.

Staff has been contacted by one restaurant, Vegas about investing in new outdoor furniture and the ability to have outdoor dining next year. Based on this expressed interest, Staff wanted to create a set of standards and permitting process for outdoor dining.

Enclosed

- 1) Outdoor Dining Regulations
- 2) Outdoor Dining Ordinance

Based on the foregoing analysis, Staff would make the following motion:

We move that the Village Board approve the herewith attached Ordinance for Outdoor Dining Regulations.

RESOLUTION NO. 20-

**A RESOLUTION APPROVING OUTDOOR DINING STANDARDS ON VILLAGE
SIDEWALKS and PUBLIC RIGHT OF WAYS**

WHEREAS, permitting outdoor dining on Village owned sidewalks and right of way creates a more vibrant Downtown and business environment and is consistent with the Village's economic development goals; and

WHEREAS, outdoor dining provides the Village's restaurant community with additional opportunities to seat patrons and provides additional revenue to these businesses; and

WHEREAS, outdoor dining improves the public realm if properly monitored and creates additional street life which creates more vibrant Downtowns; and

WHEREAS, the Village is seeing more interest in outdoor dining and has never formally adopted any standards that will help ensure that public safety is maintained concurrent with allowing for the use of Village owned sidewalks and right-of-way for outdoor dining;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Trustees of the Village to Approve a Resolution for the adoption of Outdoor Dining Standards for any outdoor dining on Village sidewalks and public right of way.

APPROVED this _____ day of July 2020.

Lawrence M. Hanson
Mayor

ATTEST:

Lori K. Romine
Village Clerk

OUTDOOR DINING REGULATIONS

The following standards apply to any proposed outdoor dining area located on Village sidewalk or right of way. In accordance with Section 10-5-3 (d) (4), "On-site outdoor seating areas for the patrons of eating and drinking establishments are allowed as an accessory use so long as the establishment complies with any permitting requirements that the Village, from time to time, may establish. Based on the language incorporated within the Zoning Ordinance, Staff wanted to establish specific guidelines for any outdoor dining:

A. Permit Process

Any owner who seeks to incorporate outdoor dining shall issue a permit application to the Community Development Department and all outdoor dining permits issued shall be revocable by the Village. Any permit issued shall be subject to the Village of Antioch's Liquor Code and the following standards.

I. All outdoor dining permits shall be renewed on an annual basis and shall be administered by the Community Development Department. Any permit shall be reviewed by the Community Development Department within a period of seven (7) days and any denial shall be subject to review by the Village Board.

II. All applications shall be completed by the applicant and shall include a conceptual illustration showing the proposed outdoor seating configuration with total number of seats identified. III. Prior to the issuance of any outdoor dining permit, the Village should receive a certificate of insurance, naming the Village of Antioch as an additional insuree, and providing a minimum of \$1 million in Comprehensive General Liability Insurance. The policy shall insure against all claims of bodily injury and property damage with respect to the sidewalk uses. The applicant shall continue the insurance during the duration of the use of any outdoor dining and shall include written notice to the Village no less than 30 days prior to any cancellation of the policy.

B. Outdoor Permit Restrictions

- i. Any permit issued by the Village of Antioch for outdoor dining may be revoked by the Village if the applicant fails to comply with any of the following conditions:
 - a. Failure to comply with the plans submitted and approved by the Village Board.
 - b. Failure to comply with the outdoor guidelines set out in this document.
 - c. Failure to maintain insurance coverage.
 - d. Violation of the Village's Liquor Code.
- ii. Prior to any suspension of an outdoor dining permit, the Village shall tender a written notice with a minimum thirty (30) day notice outlining the specific violations. The permit holder shall have the right to remedy any outlined violation during the subject thirty (30) days.
- iii. If the permit holder has not addressed the aforesaid violations, the Village Board shall reserve the right to revoke the outdoor dining permit after a hearing is afforded to the permit holder.
- iv. The Village reserves the right to suspend outdoor dining on Village right-of-way due to the following:
 - a. In order to conduct required maintenance or repairs to the sidewalk, street, utilities or other public improvements
 - b. Any Downtown event or festival that may require the full use of a sidewalk, street, or public right of way.

C. Design Guidelines

- i. Sidewalk Placement
 - a. The placement of any outdoor dining shall provide a minimum of five (5) feet of clear path for pedestrian travel parallel to the street. The five-foot clear path area should be free of any major obstructions which would make pedestrian traffic difficult or unsafe.
 - b. With permission of other adjacent businesses, outdoor dining can encroach the permit holder's property lines if the outdoor dining is located on village right-of-way and does not encumber access to any business's entrances.
 - c. A clear path with a minimum width of 42 inches shall be maintained leading to any main

business entrance. In addition, a five-foot (5') area must be maintained for any cross-walk that intersects with a Village sidewalk.

D. Site Furnishing

i. Tables, chairs, umbrellas and other furniture shall be reviewed and approved by the Village of Antioch. All outdoor furnishing shall add to the aesthetic character of Downtown Antioch and shall not have a negative impact on the visual character and appearance of the Village's streetscapes. While no specific design for outdoor furnishing is prescribed, the following guidelines should be followed:

- a. All outdoor furnishing should match and no mixing and matching of furniture shall be permitted.
- b. All umbrellas shall be secured to a base and anchored to prevent damage during heavy wind events.
- c. Outdoor dining maintenance

ii. Storage-All outdoor dining furnishing may be permitted to remain outdoors during the outdoor dining season. All site furnishing shall be removed at the end of the outdoor season.

iii. It shall be the responsibility of any business owner who always operates outdoor dining to maintain the sidewalk in a clean and neat appearance. All outdoor furnishing shall be maintained in a well-kept manner and items experiencing excessive wear, fading, tearing, or other forms of deterioration shall be repaired in a timely fashion.

iv. All outdoor dining areas shall provide at least one trash receptacle within the outdoor dining area. The business owner shall have the responsibility emptying the receptacle at least once a day and to ensure that no overflow of garbage exists.

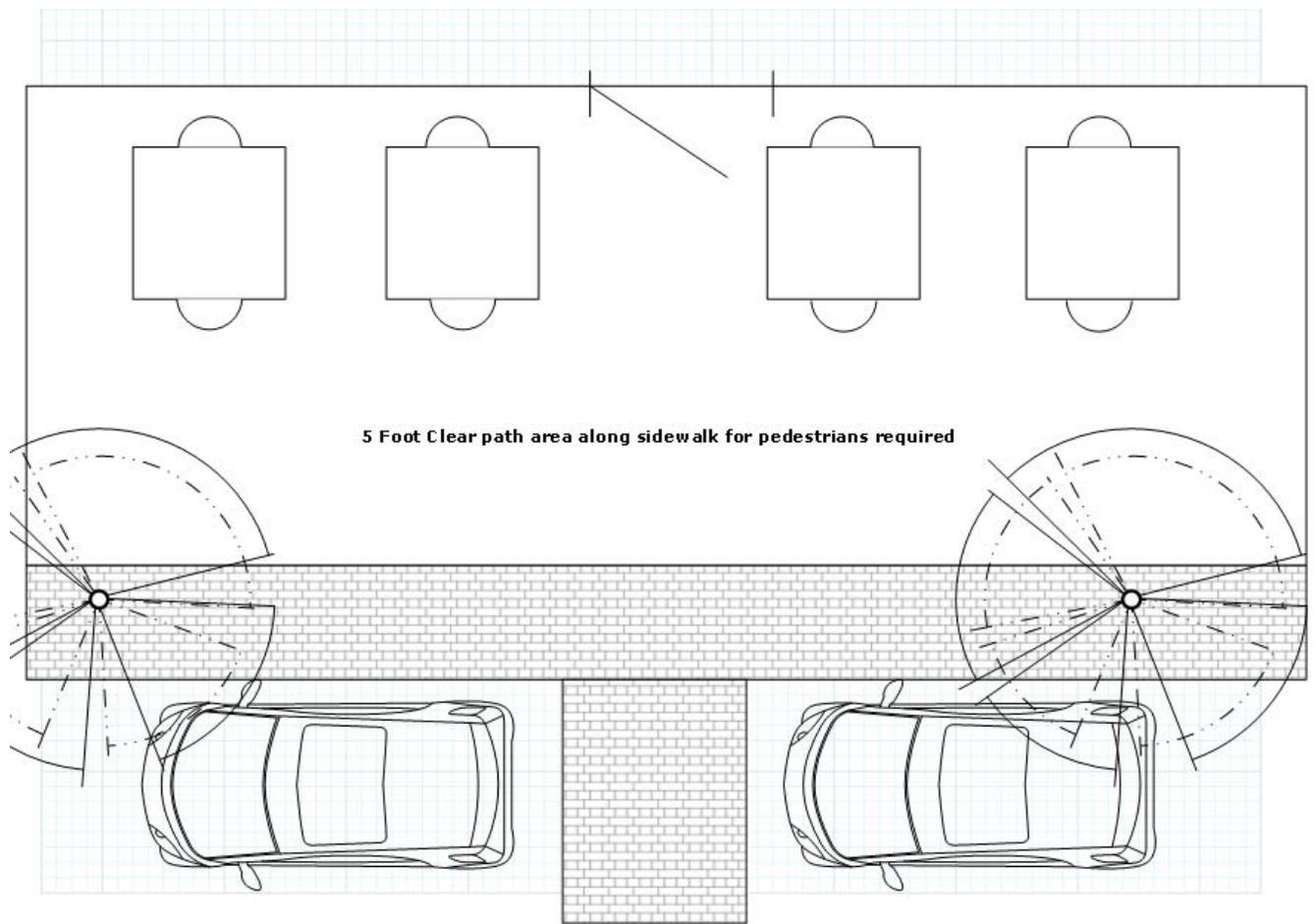


Figure 1: Regulations for outdoor dining