

VILLAGE OF DOWNERS GROVE
Report for the Village

SUBJECT:	SUBMITTED BY:
2021 Outdoor Dining Rules	Mike Baker Deputy Village Manager

SYNOPSIS

A resolution has been prepared amending and extending the outdoor dining program.

STRATEGIC PLAN ALIGNMENT

The Goals for 2019-2021 include Strong Diverse Local Economy

FISCAL IMPACT

It is estimated that the cost of the barricades for the program in the Downtown area will be \$45,000. The Downtown TIF Fund includes funding for these costs. The Downtown Management Corporation has agreed to purchase covers for the barricades that will improve their aesthetic appearance.

RECOMMENDATION

Approval on the March 2, 2021 consent agenda.

BACKGROUND

This item, if approved, would establish a temporary outdoor dining program effective March 15, 2021. The program would be similar to the one that was put in place in May 2020, in response to restrictions brought on by the COVID-19 Pandemic. The program will be available to restaurants throughout the Village. It will also continue to include portions of on-street parking areas and public sidewalk in the Downtown. As an enhancement in 2021, decorative covers will be placed over the barricades in the Downtown to enhance the aesthetic appearance of the outdoor dining areas.

The Village has worked in partnership with the Downtown Management Corporation (DMC) regarding the program that would be available to Downtown restaurants. At its February 4 Board meeting, the DMC Board of Directors unanimously recommended approval of the general program of expanded outdoor dining in the Downtown in 2021.

This program will be temporary in 2021 for several reasons:

- Restore Illinois Plan restrictions remain in effect, which continue to limit the number of patrons that can dine indoors.
- Restaurants overall experienced negative financial impact due to COVID-19. Food & Beverage Tax revenue from March through December 2020 declined by 34.2% compared to the same period in 2019.

The Village will work closely with the DMC throughout the year to determine which elements should be recommended to remain permanent in 2022 and beyond.

ATTACHMENTS

Resolution

2021 Outdoor Dining Program Rules

Long Range Plan Priority Action Report

**A RESOLUTION EXTENDING AND AMENDING
RESOLUTION NO. 2020-58 AND CERTAIN
EMERGENCY ORDERS REGARDING OUTDOOR DINING**

WHEREAS, on November 10, 2020, the Village Council of the Village of Downers Grove adopted a resolution entitled, “A Resolution Extending and Amending Resolution No. 2020-54 and Certain Emergency Orders Regarding Outdoor Dining”;

WHEREAS, January 19, 2021, JB Pritzker, Governor of Illinois, issued Executive Order 2021-03, which states that the State of Illinois has progressed to Phase 4 of the Restore Illinois Plan, and will remain in Phase 4 until a vaccine or highly effective treatment is widely available (Phase 5);

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that:

1. Resolution No. 2020-58, dated November 10, 2020, Extending and Amending Resolution No. 2020-54 and Certain Emergency Orders Regarding Outdoor Dining is hereby amended as follows:
 - All outdoor dining areas operating in the Village may continue to operate through November 15, 2021 in conformance with the attached rules and regulations; provided that a valid temporary use permit is issued by the Village. The Village Manager shall have the authority to extend outdoor dining areas on public property beyond November 15, 2021, if deemed necessary and weather permitting.
2. All other provisions contained within Resolution No. 2020-58, dated November 10, 2020, Extending and Amending Resolution No. 2020-54 and Certain Emergency Orders regarding Outdoor Dining shall remain in full force and effect.
3. All resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed
4. This Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

Develop a Plan for Outdoor Dining for 2021 and Beyond

Issues/Recommendations, Project Schedule & Attributes

Background

- The [Long-Range Plan](#) includes a Priority Action Item *Develop a Plan for Outdoor Dining for 2021 and Beyond*, which is described as follows: This project will result in a permanent outdoor dining program for the restaurants located in the downtown.
- At the [August 18, 2020 Village Council Meeting](#), Deputy Manager Baker introduced this item as part of the Manager's Report.
- The Village Council approved the [Extension of Emergency Order Regarding Outdoor Dining](#) on Nov. 10, 2020. The Executive Order was signed by Mayor Barnett on October 30, 2020, following the restrictions imposed by Governor Pritzker beginning on October 23 that prohibited indoor dining and bar services.
- Current [Restore Illinois Plan Mitigations](#) are being adjusted based on regional COVID-19 metrics and reduce capacity levels for indoor dining.
- Restaurant financial performance has been significantly impacted during the pandemic. Food & Beverage Tax revenue from March through December 2020 declined by 34.2% compared to the same period in 2019.

Issues & Recommended Actions

Issues	Recommended Strategies/Actions
1. The Restore Illinois Plan Mitigations and continued impact of COVID-19 create significant financial and operational uncertainty for restaurants	1a. Develop the outdoor dining program in 2021 with some attributes that are temporary and some that may become permanent in 2022 and beyond 1b. Do not charge restaurants for barricades in 2021 1c. Pursue cost-share opportunities with the DMC, especially for aesthetic costs related to the program.
2. Concrete barricades lack visual attractiveness	2a. Develop creative solutions to cover or otherwise enhance the aesthetic appearance of the barricades, while ensuring they remain safe and visible. Any aesthetic improvements should be in compliance with the Village's Sign Ordinance.
3. The volume of traffic on Main Street necessitates enhanced safety measures	3a. Continue to use concrete barricades along Main Street; consider alternatives on other streets. Consider more aesthetic and safe approaches along Main Street in 2022 and beyond.

Program Attributes

Schedule

Presentation/recommendation at DMC Board Meeting	Feb. 4
Notification to restaurants	Feb. 17
Village Council action	Mar. 2
Program Effective Date (if adopted)	Mar. 15-Nov. 15
Barricade Installation (coordinated with each participating restaurant)	March-May

Allocation of Public Space - Public space, including sidewalk (provided that 6 feet of sidewalk width is maintained for pedestrian access) and parking spaces, will be allocated by the Village to each participating restaurant based on a number of factors, including:

- 1) The amount of space allocated during the 2020 temporary outdoor dining program;
- 2) The amount of restaurant street frontage;
- 3) Input from the Downtown Management Corporation;
- 4) Restaurant location relative to other establishments and general pedestrian activity levels in the Downtown

Eligibility - All Downtown restaurants currently in operation or planning to open will be contacted regarding participation in the program. New restaurants to the Downtown will be considered on a case-by-case basis, taking into consideration the factors described in "Allocation of Public Space" above.

Impact on On-Street Parking - Additional 15-minute spaces may be provided in certain areas to accommodate short-term and pick-up/drop-off needs for Downtown businesses. The number and location will be determined based on consultation with the Downtown Management Corporation.

Construction Project Impact - Downtown construction projects planned for 2021 include reconstruction of Forest Lot North, crosswalk/corner replacement and resurfacing of portions of Burlington Avenue. These projects may impact the location of outdoor dining activities or require temporary removal of barricades to allow for the construction work to be completed.

Compliance with Sign Ordinance - Any signage or decorative elements incorporated into the program will comply with the Village's sign ordinance, specifically:

Sec 28.9.030 Signs Allowed Without A Sign Permit: The following signs do not require a sign permit and are subject to the following regulations:

Governmental signs, public signs and other signs incidental to those signs for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

Impact on Community Events - Organizations applying for temporary use permits to hold events will be notified that the 2021 outdoor dining program may necessitate changes in their event application to be considered/approved.

Rules for 2021 Outdoor Dining Program

Updated - 2/16/21

Please be aware that the rules established by the Village are subject to change based on updated information from the Illinois Department of Public Health or DuPage County Health Department.

- Program effective dates: March 15 through November 1 (with potential to extend, weather permitting)
- Tables must be placed a minimum of 6 feet from each other
- No more than 10 persons may be seated at a single table
- Total outdoor dining seating capacity may not exceed current interior seating capacity (max occupancy limit)
- Outdoor dining areas may be located on patios and in limited areas in parking lots
- Sidewalks and service walks must be a minimum of 6 feet wide
- Dining areas located in parking lots:
 - May not be placed in handicap parking spaces
 - May not block pass-through drive aisles
 - May not be located within designated fire lanes
 - Must maintain 50% of the existing parking spaces
 - Must maintain all access points to adjacent roads
 - Must be separated from adjacent parking spaces and drive aisles with barricades with a minimum height of 18 inches such as traffic safety cones, fencing or stanchions
- For restaurants located in shopping centers or strip centers with parking lots of 160 parking spaces or less, the number of parking spaces available for each restaurant's outdoor dining area shall be:
 - 0 - 10 ft of tenant frontage = 1 parking space
 - 11 - 20 ft of tenant frontage = 2 parking spaces maximum
 - 21 - 30 ft of tenant frontage = 3 parking spaces maximum
 - 31 - 40 ft of tenant frontage = 4 parking space maximum
 - 41 - 100 ft of tenant frontage = 5 parking space maximum
 - 100 ft + of tenant frontage = 6 parking space maximum
- Outdoor dining areas must follow the Restore Illinois Plan and all applicable State and County regulations. Here are the [Restore Illinois Phase 4 Indoor and Outdoor Dining Guidelines](#)
- Regular cleaning, removal of trash and disinfection of outdoor seating areas
- Restaurants must currently have public restroom availability and must make them available for use by outdoor dining patrons
- Social distancing requirements apply in waiting areas
- Temporary signage up to 36 square feet in area is permitted to identify outdoor dining areas
- Property owner approval is required
- Hours of operation are limited to 6am to 11pm daily
- Outdoor amplification of sound is not allowed
- Trash receptacles shall be provided if area is self-service
- Tents and canopies may be permitted on private property only under a separate permit process
- The Village of Downers Grove assumes no responsibility for any injury or damage to persons or property arising out of or related to the use of property or issuance of a permit
- The Village Manager may, in his sole discretion, order changes to the outdoor dining operation, including, but not limited to, the immediate cessation of the use, and removal of any or all equipment and facilities in order to protect the public health, safety and welfare of the community

Downtown specific regulations

- Use of public property requires permit application and site plan approved by the Village
- The outdoor dining area must be within or contiguous to the restaurant frontage
- Attachments to Village utilities, barricades, utility poles, street lights, trash cans or other street furniture are prohibited
- Decorative lighting is permitted per the following conditions:
 - Lights and cords are at least 8 feet above the ground
 - Private power source is used
 - No cords may be placed on the ground
 - Only lighting that is manufactured for outdoor use is permitted
- Insurance Required
 - The applicant shall procure and maintain throughout the duration of the outdoor dining period such insurance as will protect against claims which may arise out of any actions by applicant, applicant's employees, applicant's independent contractors and by anyone whose acts applicant may be liable, stemming from an outdoor dining permit. The insurance policy must equal or exceed both in type and in amount that which is outlined below or that which is required by law, whichever is greater

Commercial General Liability	\$1,000,000 / \$2,000,000 Per occurrence / aggregate
Liquor Liability	\$2,000,000
Umbrella Liability	\$2,000,000

- The insurance certificate shall also include the following language:
 - The Village of Downers Grove, and its officers, boards, commissions, elected and appointed officials, agents, employees and volunteers are named as Additional Insureds