




## MEMORANDUM

**TO:** Trustee Peter Breen, Chairperson  
Economic and Community Development Committee Members

**FROM:** William J. Heniff, AICP   
Director of Community Development

**DATE:** December 10, 2012

**SUBJECT: Outdoor Cafes and Seating: Follow Up Report**

In May, 2012, the Economic and Community Development Committee (ECDC) completed its review of the provisions set forth within Section 119 of the Village Code as it pertains to outdoor seating and dining within public rights-of-way. Within the recommendations that were ultimately adopted by the Village Board, the ECDC also made a finding that staff shall prepare a report for the December 2012 ECDC meeting identifying any issues as result of the revised provisions.

The following summarizes the key changes recommended by the ECDC that were specifically identified and adopted into Village Code. Below each topic is a discussion of the activities which occurred and/or the observations over the 2012 year.

- ***Waiving the permit fee for 2012.***

As the ECDC members will recall, the permit fee of \$150 for new outdoor seating/dining business or \$50 for renewals was to be waived by staff in order to encourage businesses to undertake outdoor seating.

Location	Type of Seating	Status
Punky's Pub	They have 3 tables on the public right-of-way along Park Avenue and 4 tables at the rear of their business.	Permit issued
Capone's Restaurant	They are allowed to have up to 6 tables on the public right-of-way along St. Charles Road.	Permit issued
Corner House	They have 3 tables along Park Avenue and 1 table along St. Charles Road.	Permit issued
Café 101	They have 6 tables on their property and 3 tables in the public right-of-way.	They did not secure final approval.
Bricks Pizza	They have 2 tables along St. Charles Road	Permit issued.

The two businesses that recently opened (Shannon's Deli and Vino Cellar) also sought outdoor seating permits, but have yet to proceed with the activity. Praga/Bon Ton was not included on the list as they received separate zoning approvals for outdoor seating on their private property.

- ***Restricting businesses with outdoor seating areas in the public rights of way from using the public waste receptacles.***

Staff did not observe significant issues pertaining to the use of public receptacles and outdoor seating/dining. However, staff was made aware of excessive use of such containers for general refuse during Cruise Nights for one establishment.

- ***Allow the Village the right to require the establishment to remove or modify their outdoor seating on the public rights-of-way if deemed necessary by the Village at any time. This could accommodate Public Works activities or special events.***

The Village did not have to relocate any street furniture during the 2012 outdoor dining season. However, given the pending Metra construction work, this will occur in 2013.

- ***Limitations on the hours for the use of the outdoor seating areas and outside music and entertainment were established.***

The Police Department was not made aware of any excessive noise issues associated with outdoor seating/dining this year.

- ***Limiting outdoor seating to the buildable area of a lot when on private property.***

This provision did not present itself as an issue.

- ***Restricted the expansion of outdoor seating beyond the front area of the eligible business, unless approved by the affected business or occupant.***

This issue did not materialize in 2012.

- ***Require the availability of public restrooms for patrons of the outdoor seating area.***

Staff is not aware of any issues regarding this provision.

- ***Restricted the consumption of alcohol to within the defined outdoor seating area.***

Staff is not aware of any problems with this provision. Punky's did make an effort to help ensure that the code provisions were being met. The photo below was typical for 2012.



- ***Removal of the previous requirement of having a lunch or dinner entrée with the consumption of alcohol within the outside seating areas within the public rights of way.***

Staff did not see any substantive issues with the removal of the food requirement.

- ***Outdoor cafes and outdoor seating areas shall be regularly monitored and bussed by an employee or contractor of the establishment.***

Staff was unaware of any issues pertaining to this element.

- ***Outside seating areas on private property, not in conjunction with outdoor seating on the public rights-of-way, shall be fenced or screened in a manner that prevents patrons from congregating outside of the designated seating areas.***

Punky's already had their rear area fenced. No other properties took advantage of this provision.

### **RECOMMENDATION**

In observation of the activities in 2012, staff does not have any recommendations to further amend the outdoor seating/dining regulations at this time. Staff will continue to monitor the operations of the outdoor seating elements accordingly.