

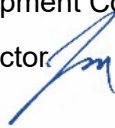
**AGENDA**

**ECONOMIC DEVELOPMENT COMMISSION**

**April 7, 2022, at 7:00 pm  
Village Hall, 1 N Prospect Avenue**

- 
- I. CALL TO ORDER**
  
  - II. ROLL CALL**
  
  - III. APPROVAL OF MINUTES – December 9, 2021**
  
  - IV. OLD BUSINESS – None**
  
  - V. NEW BUSINESS**
    - a. Outdoor dining discussion – using public on-street parking spaces
  
  - VI. DISCUSSION ITEMS**
  
  - VII. ADJOURNMENT**

## MEMORANDUM

TO: Chairman and Members of the Economic Development Commission  
FROM: Jonathan Mendel, Community Development Director   
DATE: April 7, 2022

RE: **Policy Discussion: Permitting outdoor dining to occupy on-street public parking in public rights-of-way**

The attached memo was provided to the Village Board and discussed at their 3/21/22 meeting. There was good discussion regarding the desire for more outdoor dining options in the Downtown. After the discussion, the Village Board directed staff to further analyze the community desires and the how and what regarding implementation with the intent to return to them for final policy and operational direction.

As part of the following data assembly steps, it is important for the EDC to discuss this as part of the gauging community input and interest.

- gather objective desirability through a direct business survey
- perform several parking occupancy counts throughout the downtown during current peak parking times
- evaluate the enabling legislation in Section 8.4E to determine if amendments are required to permit and regulate private use of on-street parking spaces

**Discussion:**

Discuss the concept and possible operational methods and implications.


**Attached:**

March 21, 2022 staff memo to Village Board – Policy Discussion: Permitting outdoor dining to occupy on-street public parking in public rights-of-way



## MEMORANDUM

TO: Village President and Board of Trustees  
Kevin Barr, Village Manager

FROM: Jonathan Mendel, Community Development Director 

DATE: March 21, 2022

RE: **Policy Discussion: Permitting outdoor dining to occupy on-street parking in public rights-of-way. (LAND USE)**

### Background:

With the outdoor dining season quickly approaching, the idea to continue the use of downtown public on-street parking spaces for outdoor dining has been suggested by some in the business community. This could be like the form and implementation we had during COVID restrictions on in-door dining.

Neighboring communities, such as Downers Grove, have already institutionalized the ability for restaurants to use the on-street public parking spaces adjacent/in front of their building/tenant unit for additional dining/seating area. They accomplished this through detailed community discussion that then proceeded to regulatory/procedural changes. As for Clarendon Hills, we currently have any outdoor dining/seating regulatory and licensing regime established in Section 8.4E of the Village Code. This has been normally applied to just outdoor dining/seating on the public sidewalks throughout the downtown but could be read/interpreted more broadly.

### Considerations:

Policy discussion regarding whether private outdoor dining and seating areas in public on-street parking spaces is desired and a preferred method of how to implement. If so directed, staff should then:

- gather objective desirability through a direct business survey
- perform several parking occupancy counts throughout the downtown during current peak parking times
- evaluate the enabling legislation in Section 8.4E to determine if amendments are required to permit and regulate private use of on-street parking spaces

After the above analysis and data gathering, return to the Village Board for implementation or further discussion.

### Attached:

Village Code Section 8.4E (Outdoor Dining and Outdoor Seating on the Public Right of Way)  
Current Village Business License application with the administrative requirements for outdoor dining and seating

#### **8.4: ENCROACHMENTS ON STREETS AND PUBLIC RIGHTS OF WAY:**

A. Structures On Public Ways: No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk, or other public way except by permit from the Village Manager or his designee. Application for such permit shall describe the nature of the encroachment in such detail as the Manager shall require. The Manager may issue or deny the permit based on the information made available by the applicant.

B. Awnings: Awnings made of a pliable substance attached to a building and extending above the surface of the sidewalk may be erected and maintained without a permit so long as they do not create a hazard.

C. Encroachments; Design, Limitations: Any permitted encroachment on any street, alley, sidewalk, or other public way shall be installed and constructed in accordance with the design standards developed by the Village Engineer and approved by the Board of Trustees. Such encroachments shall be designed and maintained so as to not endanger or obstruct the public. Such encroachments shall be limited in accordance with the following:

(1) Private Installation Prohibited: The private installation or construction of any new off street parking facilities within the public right of way is expressly prohibited.

(2) Alterations Prohibited: No existing off street parking facility within the public right of way shall be enlarged, altered or maintained by any person.

(3) Removal: Existing, privately installed, off street parking facilities within the public right of way, shall be permanently removed at such time that drainage and/or roadway improvements are undertaken by the village.

(4) Exemptions: Off street parking facilities within the public right of way designed and installed by the village, or in concert with the village, for use by the public, shall be exempt from these provisions.

D. Nuisance: Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village manager or his designee. (Ord. 90-03-03)

#### **E. Outdoor Cafes And Outdoor Seating On The Public Right Of Way:**

(1) Permit Required: Notwithstanding any other provision in this code it shall be unlawful for any person, firm, corporation, organization or association to use the public right of way to operate an outdoor cafe and/or outdoor seating area without first obtaining a permit. Permits will be issued for outdoor cafes and/or outdoor seating areas in public right of way only to businesses which abut a public right of way under the jurisdiction of the village and which have a valid business license issued pursuant to chapter 31 of this code. Such permits may be obtained at anytime during a calendar year, but all permits shall expire on December 31 of the same calendar year in which issued. No permit shall be issued to any business which is not in compliance with all provisions of this code which are applicable to said business.

(2) Application And Fee: All applicants for permits for outdoor cafes and/or outdoor seating areas on the public right of way must complete an application in a form approved by the village, which must be submitted to the village's director of community development. There will be a ten dollar (\$10.00) fee for this permit. All applications shall include the following information:

(a) Name and address of the business for which the permit for an outdoor cafe and/or outdoor seating area on the public right of way is sought.

(b) The name, address and phone number of the proprietor/contact person for the business.

(c) A detailed site plan showing all existing buildings, structures and objects on the business property adjacent to the public right of way and on the public right of way adjacent to the business, including a depiction of the on street parking adjacent to the business, and the proposed location of each item to be placed within the public right of way including, but not limited to, any temporary fencing, partitions, chairs, tables and serving stations. For those businesses that do not propose to serve food or beverages on the public right of way, a sketch of the impacted area of the public right of way, with the location of the proposed seating, will suffice.

(d) A certificate of insurance evidencing insurance in the following amounts:

1) Comprehensive general liability insurance: One million dollars (\$1,000,000.00) per occurrence, with the village, and its officers, employees, agents and volunteers listed as additional insureds, along with a statement that said policy shall not be changed or canceled without thirty (30) days' prior written notice to the village; and

2) Workers' compensation: Statutory amount.

(e) A signed indemnification statement on the form provided by the village.

(3) Inspection: An inspection of the public right of way adjacent to the business, to document the existing conditions of the public improvements, shall be performed by the village prior to the issuance of an outdoor cafe and/or outdoor seating area on the public right of way permit. Applications should be filed at least two (2) weeks prior to scheduled use to allow sufficient time for such inspection.

(4) Regulations: All permit holders shall be subject to the following regulations:

(a) The outdoor cafe and/or outdoor seating area in the public right of way, and the public right of way area adjacent thereto, shall be maintained clean and free from refuse and debris at all times, regardless of the source of such refuse and debris.

(b) Items located in the public right of way, in furtherance of a permit issued pursuant to this 2 subsection E, shall not be permanently attached and shall be removed when not in use during cold weather months (generally October through March) or at the request of the village.

(c) All public improvements shown on the site plan, including, but not limited to, pavers, benches, light poles and trees, shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. Permit holders shall immediately report any damage to such public improvements to the director of community development. The village shall repair or replace any such damaged public improvement at its discretion, and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the outdoor cafe and/or outdoor seating area in the public right of way permit.

(d) Activities conducted by the permit holder in regard to the outdoor cafe and/or outdoor seating area in the public right of way shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

(e) The permit shall be posted in a conspicuous place inside the business.

(f) In the event that a permit holder under this subsection E desires to serve alcoholic liquor in conjunction with an outdoor cafe and/or outdoor seating area in the public right of way, the following additional conditions shall be applicable to said permit:

1) Alcoholic liquor shall only be served if the permittee also holds a valid class A, B or C liquor license and a valid class H liquor license;

2) Alcoholic liquor shall only be served in the outdoor cafe and/or outdoor seating area in the public right of way in conjunction with the service of one or more food item(s) ordered from the menu of the permit holder's establishment by the patron requesting the alcoholic liquor, with said food item(s) being an item(s) for which the patron is charged by the permit holder, as opposed to a free food item offered by the permit holder (e.g., popcorn, peanuts, etc.).

(5) Restrictions:

(a) Items located in the public right of way in furtherance of a permit issued pursuant to this subsection E:

1) Shall be located so that no less than a five foot (5') wide and no less than a seven foot (7') high unobstructed walkway is maintained on the public right of way at all times;

2) Shall not obstruct normal ingress to or egress from the permit holder's business or to or from other businesses;

3) Shall be located so that clearances required for pedestrian/patron movement within and adjacent to the outdoor cafe and/or outdoor seating area in the public right of way will be maintained when a chair is pulled out from a table; particularly where the chair backs face the street or pedestrian walkway; and

4) Shall not be of a design and/or weight that will create a windblown hazard within the public right of way.

(b) The following items or actions are prohibited in an outdoor cafe and/or outdoor seating area in the public right of way:

1) Items located in the public right of way at locations not approved by the director of community development;

2) Electrical appliances; and

3) Sound transmittal or amplification devices.

(6) Enforcement; Revocation:

(a) Any person, firm, corporation, organization or association violating any of the provisions of this subsection E shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each day of which said violation has occurred or continues to occur.

(b) In addition to the fine imposed by subsection E(6)(a) of this section, the permit revocation provisions of section 31.12 of this code shall be applicable to permits issued under this subsection E.

(c) The village manager, chief of police, fire chief or director of community development of the village, upon determining that the method or manner of operations by a business in furtherance of a permit issued pursuant to this subsection E poses an immediate threat to the public health, safety or welfare, shall have the power and authority to cause any items placed on the public right of way in furtherance of a permit issued pursuant to this subsection E to be removed and/or relocated immediately. (Ord. 02-11-29)

#### F. Decorations In The Public Right Of Way:

(1) Permit Required: Notwithstanding any other provision in this code, it shall be unlawful for any person, firm, corporation, organization or association to place any decorations on the public right of way without first obtaining a permit. For purposes of this subsection F, "decorations" shall be defined to include benches, planters, windsocks, flags and other like items of a decorative nature, other than signs which shall be controlled by section 20.4.9 of this code, which are physically located within the public right of way or above the public right of way. Permits will be issued for decorations in the public right of way only to businesses which abut a public right of way under the jurisdiction of the village and which have a valid business license issued pursuant to chapter 31 of this code. Such permits may be obtained at anytime during a calendar year, but all permits shall expire on December 31 of the same calendar year in which issued. No permit shall be issued to any business which is not in compliance with all provisions of this code which are applicable to said business.

(2) Application And Fee: All applicants for a public right of way decorations permit must complete an application in a form approved by the village, which must be submitted to the village's director of community development. There will be no fee for this permit. All applications shall include the following information:

(a) Name and address of the business for which the permit for placing decorations on the public right of way is sought.

(b) The name, address and phone number of the proprietor/contact person for the business.

(c) A sketch of the impacted area of the public right of way, with the location of the proposed decorations, including an identification of each proposed decoration.

(d) A certificate of insurance, evidencing comprehensive general liability insurance with the village, and its officers, employees, agents and volunteers listed as additional insureds, along with a statement that said policy shall not be changed or canceled without thirty (30) days' prior written notice to the village.

(e) A signed indemnification statement on the form provided by the village.

(3) Inspection: An inspection of the public right of way adjacent to the business, to document the existing conditions of the public improvements, shall be performed by the village prior to the issuance of a public right of way decorations permit. Applications should be filed at least two (2) weeks prior to the placement of the decorations on the public right of way to allow sufficient time for such inspection.

(4) Regulations: All permit holders shall be subject to the following regulations:

(a) Decorations located in the public right of way, in furtherance of a permit issued pursuant to this subsection F, shall not be permanently attached and shall be removed when not in use during cold weather months (generally October through March) or at the request of the village.

(b) All public improvements in the vicinity of the decorations, including, but not limited to, pavers, benches, light poles and trees, shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. Permit holders shall immediately report any damage to such public improvements to the director of community development. The village shall repair or replace any such damaged public improvement at its discretion, and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the public right of way decorations permit.

(c) The decorations in the public right of way shall be placed in a manner that does not interfere with pedestrians, parking or traffic.

(d) The permit shall be posted in a conspicuous place inside the business.

(5) Restrictions:

a) Decorations located in the public right of way in furtherance of a permit issued pursuant to this subsection F:

1) Shall be located so that no less than a five foot (5') wide and no less than a seven foot (7') high unobstructed walkway is maintained on the public right of way at all times;

2) Shall not obstruct normal ingress to or egress from the permit holder's business or to or from other businesses;

3) Shall not be of a design and/or weight that will create a windblown hazard within the public right of way.

(b) Decorations shall not be located in the public right of way at locations not approved by the village.

(6) Enforcement; Revocation:

(a) Any person, firm, corporation, organization or association violating any of the provisions of this subsection F shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each day of which said violation has occurred or continues to occur.

(b) In addition to the fine imposed by subsection F(6)(a) of this section, the permit revocation provisions of section 31.12 of this code shall be applicable to permits issued under this subsection F.

(c) The village manager, chief of police, fire chief or director of community development of the village, upon determining that the method or manner of operations by a business in furtherance of a permit issued pursuant to this subsection F poses an immediate threat to the public health, safety or welfare, shall have the power and authority to cause any decorations placed on the public right of way in furtherance of a permit issued pursuant to this subsection F to be removed and/or relocated immediately. (Ord. 02-11-30)



# Village of Clarendon Hills - Business License Application

(Reference: Chapter 31, Article 1 of the Village Municipal Code)

**CALENDAR YEAR 2022**

**License ID** (completed by VOCH CD Department)

**Number** \_\_\_\_\_ **Date Assigned** \_\_\_/\_\_\_/\_\_\_\_\_

### **Business Information**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_  
Website \_\_\_\_\_  
State Retail Occupation Tax  
No. \_\_\_\_\_

### **Business Profile**

Describe Business and All Services Offered:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Number of Employees at this Location \_\_\_\_\_ full-time  
\_\_\_\_\_ part-time  
Square Footage of Business \_\_\_\_\_

### **Business Owner Owner(s) Information**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_

### **If Corporation:**

State of Incorporation \_\_\_\_\_  
Date of Incorporation \_\_\_\_\_  
Certificate No. \_\_\_\_\_

### **If Leased,**

Management Agent \_\_\_\_\_  
Management Address \_\_\_\_\_  
Management City/State/Zip \_\_\_\_\_  
Management Phone \_\_\_\_\_  
Term of Lease \_\_\_\_\_

### **Liability Insurance Coverage:**

Name of Agent \_\_\_\_\_  
Name of Insurance Co. \_\_\_\_\_  
Policy No. \_\_\_\_\_  
Policy Period \_\_\_\_\_

### **Fee: (check all that apply)**

- Basic Business (< 1,000 square feet of floor area) ..... \$ 62.00
- Basic Business (between 1,000 and 5000 square feet of floor area) ..... \$ 87.50
- Basic Business (over 5,000 square feet of floor area) ..... \$ 134.50
- Downtown Outdoor Seating/Dining or Display in Pubic Rights-of-Way ..... \$ 10.00
- Hotel or Motel (contact Community Development Department).....[separate form and fee required]



# Village of Clarendon Hills - Business License Application

(Reference: Chapter 31, Article 1 of the Village Municipal Code)

I hereby certify that all of the information contained in this application for a Business License is true and correct, further that any false information provided for in this application shall be grounds for revocation of the Licenses as well as any other penalties provided for by law. NOTE-THIS IS AN APPLICATION FOR A BUSINESS LICENSE AND IT IS UNDERSTOOD THAT A BUSINESS CANNOT BE CONDUCTED UNTIL A LICENSE IS ISSUED BY THE VILLAGE OF CLARENDON HILLS, ILLINOIS. (I)(We) further state that (I)(we) understand all of the ordinances of the Village of Clarendon Hills that pertain to the operation of a Business in the \_\_\_Zoning District of the Village of Clarendon Hills and have confirmed the classification of our business is listed in this Zoning as permitted use.

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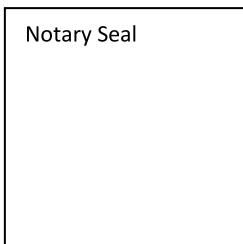
**Businesses having Outdoor Seating/Dining or Display in Public Rights-of-Way or on Private Property must complete the following HOLD HARMLESS AND INDEMNIFICATION AGREEMENT and provide a separate SITE PLAN relative to outdoor seating and sales within the Village of Clarendon Hills, Illinois.**

In consideration of the Village of Clarendon Hills, DuPage County, Illinois (the "Village") allowing \_\_\_\_\_ (the "Business") to engage in Outdoor Seating within Clarendon Hills.

The Business hereby agrees to indemnify, defend and save harmless the Village, and its officers, agents, employees, representatives and assigns, (the "Indemnified Parties"), from any and all lawsuits, actions, costs (including attorneys' fees), expenses, claims or liabilities of any character, including, as allowed by law, liabilities incurred due to any allegation of negligence, joint negligence of any of the Indemnified Parties and the Business, or other alleged actionable conduct directed to the Indemnified Parties, brought because of any injuries or damages allegedly received or sustained by any person, persons or property because of any act or omission, neglect or misconduct of said Business, or its officers, agents, members, volunteers and/or employees, arising out of, or in the performance of providing Outdoor Seating within the Village. In connection with any such claims, lawsuits, actions or liabilities, the Indemnified Parties shall have the right to defense counsel of their choice. The Business shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements, and all other costs arising out of such claims, lawsuits, actions, or liabilities.

Executed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ (name),  
the \_\_\_\_\_ (title) and authorized agent for the Business.

Signature: \_\_\_\_\_



State of Illinois  
County of \_\_\_\_\_.  
Signed before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Notary Public Signature

**ALL BUSINESSES WILL BE INSPECTED ANNUALLY RELATIVE TO BUILDING AND FIRE DEPARTMENT CODES.**





# Village of Clarendon Hills - Business License Application

(Reference: Chapter 31, Article 1 of the Village Municipal Code)

I hereby certify that all of the information contained in this application for a Business License is true and correct, further that any false information provided for in this application shall be grounds for revocation of the Licenses as well as any other penalties provided for by law. NOTE-THIS IS AN APPLICATION FOR A BUSINESS LICENSE AND IT IS UNDERSTOOD THAT A BUSINESS CANNOT BE CONDUCTED UNTIL A LICENSE IS ISSUED BY THE VILLAGE OF CLARENDON HILLS, ILLINOIS. (I)(We) further state that (I)(we) understand all of the ordinances of the Village of Clarendon Hills that pertain to the operation of a Business in the \_\_\_\_\_ Zoning District of the Village of Clarendon Hills and have confirmed the classification of our business is listed in this Zoning as permitted use.

**Applicant's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**RETURN COMPLETED APPLICATION WITH PROPER FEES TO:**

**ATTN: Community Dev. Dept.  
Village of Clarendon Hills  
One North Prospect Avenue  
Clarendon Hills, Illinois 60514**

**VILLAGE USE ONLY:**

**Reviewed by:**

\_\_\_\_\_  
Community Development Director

\_\_\_\_\_  
Date

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPROVED**

**DENIED**

Reason for Denial: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ECONOMIC DEVELOPMENT COMMISSION

MINUTES

December 9, 2021, at 7:00 pm

Village Hall, 1 N. Prospect Avenue, Clarendon Hills, Illinois

- I. **CALL TO ORDER.** The meeting of the Economic Development Commission was called to order at 7:00 pm.
- II. **ROLL CALL.**
  - Present: Chair Don Price, Vicky Hurst, Dena Arendt, Jan Morel, and David Farra
  - Absent: Mark Haraburda
  - Others Present: Jonathan Mendel, Community Development Director  
Derek Berg, Clarendon Hills Chamber of Commerce
- III. **APPROVAL OF MINUTES** – Commissioner Hurst made a motion, seconded by Commissioner Farra, to approve the minutes of the March 10, 2021, EDC meeting. A vote unanimously passed the motion.
- IV. **OLD BUSINESS.** None
- V. **NEW BUSINESS.** None
- VI. **DISCUSSION ITEMS.**

The meeting was a general roundtable discussion. Mr. Mendel started by indicating the planned and ongoing economic development efforts being managed at this time by Village staff and the various private sector projects as well. The various items were outlined in the staff memo provided in the agenda packet.

After Mr. Mendel finished, the Commission and staff discussed general economic ideas and possible new conceptual ideas and efforts.

Chair Price discussed a desire for a possible year round Farmers Market. Could a survey of the current Market vendors occur to gauge interest? Mr Berg with the Clarendon Hills Chamber of Commerce outlined the current strength and desirability of the Farmers Market. Moving to the Village Hall grounds was a good and has been objectively beneficial.

The Commission discussed the times and availability of the train station off-street parking lot for general downtown visitors' use. They wish for this information to be provided to the community.

Mr. Berg outlined the Chamber's wish to seek funding from the Village for a 'full-time' employee in the Chamber to manage events and marketing/PR. This is an effort to move the Chamber from a primarily volunteer driven operational model. The Chamber and the Village are working on the details of this partnership and anticipates formally requesting this to the Village Board in the new year.

Chair Price asked about wayfinding signage directed to the Downtown and how to expand/rethink our current status to improve readability of individual signs and expand their geographic locations to maximize exposure particularly in the Ogden Ave, Chicago Ave and 55<sup>th</sup> Street corridors.

The Commission discussed possible locations and desire for more groundup redevelopment within the Downtown TIF District and considered specific locations such as the Village owned property in the 200 block of Burlington Ave, vacant 200 Park Ave building/property and a portion of the private parking lot on the south side of the 4 Walker property.

Commissioner Morel discussed a further analysis of the zoning code through an economic development lens.

Chair Price wants staff to set regular Commission meetings for 2022 and forward.

The Commission and staff had general discussion regarding the above items and subjects.

- VII. **ADJOURNMENT.** A motion was made and seconded to adjourn the meeting at 8:30 pm. The motion passed unanimously by a voice vote.

Respectively Submitted,



Jonathan Mendel  
Community Development Director