

Village of Niles

Temporary Outdoor Seating Information Guide

This information guide has been developed in response to the Governor's announcement that restaurants may offer outdoor seating and service under Phase 3 of the Restore Illinois Plan. The Governor anticipates that Illinois will move to Phase 3 on May 29, 2020. The Village has determined that, subject to the requirements of the Governor's Executive Order, regulations adopted by the [Illinois Department of Public Health](#), and the regulations of the Village, restaurants may provide a temporary outdoor seating area subject to the approval of a permit from the Village.

A no-fee permit is required to allow for the establishment of a temporary outdoor seating area. Following the issuance of a permit and the establishment of the temporary outdoor seating area, the Village will inspect the temporary outdoor seating area for compliance with the approved plans prior to its use.

Outdoor seating areas established under this permit are considered temporary and shall not constitute a property right in the form of permanent outdoor seating. Outdoor seating areas granted a temporary permit be removed: i) when indoor restaurant dining resumes; or ii) as required by Executive Order of the Governor; or iii) as required by state law; or iv) when the Village determines that such temporary permits are no longer valid.

The intent of the program is to allow for greater physical distancing and safety for patrons. This program could include expansion into designated outdoor areas such as adjacent parking lots, streets and sidewalks. During this time period regulations regarding parking, site plan, signage, and alcohol service are relaxed in coordination with an approved plan submitted through a Temporary Use Permit. This is a guide to assist restaurants and bars in the village to prepare and submit a plan for a temporary outdoor expansion that complies with social distancing guidelines and creates a safe environment for your customers.

Follow Illinois Department of Public Health website at DPH.Illinois.org for updated guidance and public health orders. Regardless of approval by the Village for outdoor seating, restaurants will need to ensure that state and local health orders are followed as they are amended. Guidance changes frequently and as a responsible business owner / operator you need to be aware of and follow this guidance for the safety of employees and the public. Please refer specific guidance resources at <https://www.vniles.com/1243/COVID-19-Pandemic>.

For additional guidance or to request a variance from the public health guidance, contact the Village of Niles Health Department from Monday-Friday 8a.m.-5p.m. Businesses can access this service by emailing healthinspectpros@gmail.com or calling 224-257-0774.

Questions on outdoor dining permits: 847-588-8042, Rich Wlodarski (rjw@vniles.com)

Questions on liquor licenses rules: Liquor Licensing: 847-588-8081, Pat Byrne (pbb@vniles.com)

Submitting your Plan

The Village of Niles is utilizing the temporary use permit process to evaluate requests for temporary outdoor retail. For businesses with a current permanent location in the village seeking this relief, the fee for the permit is waived. A temporary use permit can be obtained at: <https://vniles.com/692/Forms-Documents>

In addition to the temporary use permit, you may need to submit all or some of the following with your permit. Email these documents with application to msd@vniles.com

Site Plan:

- A professional design is not required. Email msd@vniles.com for a village provided aerial site plan that you can depict the outdoor area with social distancing spacing details, outside dining barriers and other required clearances
- Please be as detailed and clear as possible so that review can be done as quickly as possible.
- Read through the requirements in this document for clearances that may be required
 - Permission of the property owner if required
 - Permission of a neighboring business if necessary (using space or impacting access)
 - Certificate of insurance if using the city right of way
 - Once the temporary use permit is approved. Post it in a visible location in the extended location.

Parking lots:

- Enable temporary use of on-street parking or other ROW (private or public)
- Traffic operations unchanged
- May not use space designated for disabled-accessible parking stalls
- Subject to landlord/property management pre-approval
- 6-foot separation (backs of chairs) must be met.
- Not within 15 feet of a fire hydrant
- Not within 5 feet of a driveway or disabled-accessible access ramp
- Must be 30 feet from crosswalks, stop signs or traffic signals
- Consider speed of passing traffic and safety of patrons. Submit as part of your diagram how the area will be defined and protected. For example, will you use, planters, barricades, or decking.
- Subject to landlord/property management pre-approval
- Ensure fire lane and fire hydrants remain accessible at all times.
- Ensure disabled parking stalls and access aisles/routes remain open and accessible
- Food must be prepared and finished inside of the restaurant
- Consider traffic flow in the parking lot and how vehicular traffic will be routed safely around the service area.
- Ensure proper barrier (pedestrian and vehicular) for liquor service and signage.
- Event area in parking lot should be secured from moving vehicular traffic.
- Follow any guidance on tents and canopies.
- Provide a detailed diagram showing traffic flow and fire lane access and how the area will be defined and protected. For example, will you use, planters, barricades, positioning vehicles as a barrier....

Common Sidewalk Activation

- Temporary use of sidewalk for restaurant seating or retail
 - Limited to adjacent frontage
 - Subject to landlord / property management approval
 - All ADA and other access standards and guidance apply
 - with a minimum of 36 inches of clearance.
- Maintain 48 inches of clearance on each side of door
- 6-foot separation (backs of chairs) must be met.

Tents and Canopies

- Canopies (no sides) are limited to 700 square feet.
- If your canopy will be over 700 square feet or you have multiple canopies within 12 feet of each other totaling more than 700 square feet, prior to submitting an application contact
- Fire Inspections to discuss an Operational Permit at 847-588-6800.
- Tents over 400 square feet contact Fire Inspections to discuss a plan 303-326-8998.
- Ensure tent does not impact traffic visibility.
- Must be well maintained and made of fire resistant material.
- Submit a site plan to indicate location of tables.
- If occupant load greater than 10, then there shall be a minimum of two-6-foot-wide exits and shall be located so that all points within the tent are 100 feet or less from an exit.
- Guywires or other support shall not cross an exit opening at a height less than 8 feet.
- Ensure that utility location is performed for any staking of tents and canopies
- Tent or Canopy should be placed such that motorists and pedestrians view of other traffic is not restricted.

Fire Safety Guidance

- Fire Hydrants / Fire Lanes cannot be blocked
- If you need to control and area for liquor service area that includes a fire lane, utilize cones or tape so as to not obstruct emergency access
- A designated fire lane must remain at least 20' wide
- Propane fueled patio heaters shall not be closer than 10' to any entrance / exit of any structure. Heaters of any kind shall not be used under tents or umbrellas
- Smoking is prohibited in all temporary outside spaces

Signage

- Village of Niles is more lenient on temporary banners as long as they are well maintained (not tattered or flapping) and in relation to supporting an operation impacted by the public health orders. For example, banners advertising curbside pickup, delivery, now open are temporarily allowed with a permit, the permit fee is waived.
- Pennants will still require a permit.
- Signs or Banners should be placed such that motorists and pedestrians view of other traffic
 - Signage is required to be more specific other than open. At minimum, complimentary sign must accompany "OPEN" sign such drive-thru, curb side, outdoor dining.



Important considerations for alcohol service

- Outdoor “beer gardens” are not allowed;
- Hours for alcohol service for on premise consumption must comply with the hours indicated on your liquor license;
- Beer, wine and Cocktail To Go kits may still be offered with carry out and delivery service, until further notice;
- Follow all liquor service laws and best practices, including up-to-date liquor liability insurance;
- Barriers: ensure that there is adequate control of the service area so that customers are not leaving the designated premises with open containers. You may need to post signage indicating “No Alcohol Beyond this Point”. Barriers need not be physical if they provide adequate information to the customer that it is the end point of the service area.

Noise

- Outdoor operations should not be located so close to residential as to have a negative impact on neighbors.
- Noise will be a consideration in permitting and allowing the outdoor extension to operate.
- Food service must be completed inside of the business.

Written Operations Plan –

A written plan describing the proposed operation of the temporary outdoor seating area, including descriptions of each of the following:

- The proposed days and hours of operation.. In some cases, outdoor seating areas may need to close earlier due to proximity to residential areas.
- A statement of the restaurant's policy related to face coverings for employees and customers (when customers are not eating or drinking);
- The plan for notifying customers when it is their turn to be seated, once all outdoor seating is occupied. Restaurants are encouraged to require reservations for outdoor seating, to require customers to wait in their vehicles until their table is available, and to contact customers by mobile phone to let them know when their table is available;
- A statement describing the manner in which customer orders will be accepted. Restaurants are encouraged to require orders to be accepted online or over the phone. Any physical (paper, etc.) menus provided to customers must be single-use menus and must be disposed of after use by each customer.
- The plan for customer use of restroom facilities, if such use will be allowed, and measures that will be taken to limit the number of customers allowed to enter the building at any one time; and
- The plan for sanitizing tables, chairs, etc. prior to opening for business and after each customer is served. NOTE: If at all possible, shared items such as condiment bottles, salt and pepper shakers should not be used, and these items should instead be provided in single use/disposable containers. Where not possible, shared items should only be provided upon request and must be disinfected after each use.
- Food service must be completed inside of the business.

Resources:

Village of Niles: <https://www.vniles.com/1243/COVID-19-Pandemic>

Illinois Department Public Health: <https://dph.illinois.gov/covid19>

Director of Economic Development: 847-588-8074, John Melaniphy II (jcm@vniles.com)

Business Licensing: 847-588-80447, Kim Delia (kad@vniles.com)

Liquor Licensing: 847-588-8081, Pat Byrne (pbb@vniles.com)

Permits- Village of Niles Building Division: 847-588-8040 (msd@vniles.com)

Village of Niles Health: 224-257-0774 (healthinspectpros@gmail.com)

Fire Department: 847-588-6800 Non-emergency

Fire Inspections: 847-588-8069 (rpm@vniles.com)

Planning: 847-588-8075 (kel@vniles.com)