



Village of Winnetka Temporary Outdoor Dining Policy

INTRODUCTION

This document provides guidance for Winnetka restaurants and other food service establishments licensed to serve food, beverages, and liquor for on-site consumption (“Restaurants”) during Phase 3 and Phase 4 of the State of Illinois Restore Illinois response to COVID-19. **Phase 3 limits food and beverage services provided by restaurants to: (i) outdoor dining and/or drinking only; and (ii) parties of 6 persons or fewer. Phase 4 limits food and beverage services provided by restaurants to (i) limited indoor dining and/or drinking capacities with proper social distancing of parties of 10 persons or fewer and (ii) outdoor dining and/or drinking.**

While providing food services during Phase 3 and Phase 4, Restaurants should also follow all guidance provided by:

- i. Center for Disease Control;
- ii. Illinois Department of Commerce & Economic Development Opportunity;
- iii. Illinois Department of Public Health;
- iv. Cook County Department of Health; and
- v. Other official authority.

In addition to following guidance from the above entities, any restaurant wishing to provide food services in an outdoor setting (“outdoor dining”) must comply with the guidelines in this document. This guidance, as well as other COVID-19 recovery plans, are subject to change based on newly acquired data or circumstances regarding COVID-19 and economic recovery. Updates will be posted on the Village website at www.villageofwinnetka.org. **By following these guidelines, the Village of Winnetka will allow restaurants to temporarily offer outdoor dining, but the Village of Winnetka makes no other representations as to the consent or authorization by other entities, agencies or departments.**

The Village of Winnetka may revoke permission for a restaurant to temporarily provide outdoor dining for failure to comply with these criteria. Any directions by the Local Liquor Commissioner to modify or discontinue the service of alcohol shall be heeded immediately.



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DISCLAIMER

Any business that chooses to open does so at their own risk and may risk liability. Adherence to any recommendations included in these guidelines, by individuals and/or businesses, will not fully prevent the communication of disease, including COVID-19, in every situation. Furthermore, the recommendations contained in these guidelines should not be interpreted as setting a standard of precaution or care, or be deemed inclusive of all proper methods of precaution or care, nor exclusive of other methods of precaution or care reasonably directed to obtaining the same results.

All information, content, and material contained herein is for informational purposes only and are not intended to serve as a substitute for the consultation, diagnosis, and/or medical treatment of a qualified physician or healthcare provider. The ultimate judgment regarding the propriety of any specific action must be made by each individual in consultation with their physician and in light of all the circumstances presented by the current pandemic, and the known variability and biological behavior of the individual's medical condition.

These guidelines and their conclusions and recommendations reflect the available information at the time they were prepared. The results of future studies may require revisions to the recommendations in these guidelines.

The Village of Winnetka does not make and hereby disclaims any warranty, express or implied, as to the accuracy or completeness of these guidelines whether authored by the Village of Winnetka or others or any of the measures described therein, and undertakes no obligation and assumes no responsibility for any injury or damage to persons or property arising out of or related to any use of these guidelines and any information provided therein or for any errors or omissions. The sole risk of relying on these guidelines is that of each individual alone. The Village of Winnetka disclaims any liability based on information provided in these guidelines.

If you have a medical emergency, call your doctor or 911 immediately.



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The following Village temporary outdoor dining requirements apply to all existing, expanded, or new Restaurant outdoor dining areas to ensure such outdoor dining areas address applicable life safety issues, while also providing proper social distancing and operating procedures to minimize the spread of the coronavirus.

Outdoor dining areas on public property (outdoor service area), which have already been previously approved by the Village in April 2020 for the 2020 outdoor dining season and which will operate within the same footprint of the Village-approved area, may operate within the boundaries designated in the prior approval without requiring any further review or approval by the Village. However, the holders of these previously approved permits must adhere to social distancing and operating procedures issued by the State of Illinois, other governmental entities with the authority to regulate and provide guidance to Restaurants, and those contained within this policy. If a Restaurant wishes to expand its approved outdoor service area, the Restaurant must submit a request to amend its approved site plan.

REQUIRED SUBMITTAL FOR TEMPORARY OUTDOOR DINING AREAS (OUTDOOR SERVICE AREA) PERMITS

Any expansion of an existing outdoor dining area on public property, any new outdoor dining area on public property, or any new outdoor dining area on private property must submit the following information for review and approval by the Village of Winnetka:

1. 2020 Outdoor Seating Area Permit Application - Attachment A, which includes the submittal of a signed "Outdoor Dining Agreement" and a site plan (drawing, simple sketch, aerial with markups) including general location of tables and chairs and dimensions showing a minimum of 6 feet distance between tables as measured from back of chair to back of chair, when the chair is positioned closest to the table.
2. If located on Village property or public right of way, a certificate of insurance with minimum \$1,000,000/occurrence and \$2,000,000 aggregate coverage and the Village of Winnetka named as additional insured.
3. Temporary Tent permit application, if applicable - Attachment B
4. Other materials deemed necessary by the Village to evaluate compliance with all applicable local, state, and federal laws, rules, and regulations, as amended.

Submit the above application and materials via email to Brian Norkus, Assistant Community Development Director, at bnorkus@winnetka.org. For questions, please email or contact Brian at 847-716-3522.



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TEMPORARY PROTOCOLS FOR ALL OUTDOOR DINING AREAS:

- A. Restaurants shall comply with all applicable orders, protocols, and guidelines issued by the United States Center for Disease Control, Illinois Department of Commerce & Economic Opportunity (DCEO), Illinois Department of Public Health (IDPH), Cook County Health Department, Village orders, and other official authority.
- B. The Village may choose not to strictly enforce the Zoning Ordinance's off-street parking and off-street loading requirements for restaurants or other food service establishments during the COVID-19 emergency.
- C. The location of outdoor dining areas must not create a visual impairment for vehicular, bicyclist, and pedestrian traffic.
- D. Once Illinois' Northeast Region of the Governor's Restore Illinois Plan moves from Phase 3 or Phase 4, the Village may require, at its sole discretion, removal of temporary outdoor dining areas, or any portion thereof, and that required parking be re-established. Outdoor dining areas utilizing on-street and off-street parking spaces will be re-evaluated by Village staff in accordance with the latest State guidance for Restaurants.
- E. Tables shall be spaced to allow for a minimum of 6-foot separation between tables measured from back of chair to back of chair, when chair is positioned closest to the table.
- F. The outdoor dining area in which alcoholic beverages are served shall comply with Section 6.09.250 of the Village Code which states the hours as follows:
 - a. For indoor service and service in private outdoor seating areas:
 - i. Not before 9:00 a.m. any day.
 - ii. Not after midnight any day.
 - b. For sidewalk service on public property:
 - i. Not before 9:00 a.m. on any day
 - ii. Not after 11:00 p.m. on Friday and Saturday.
 - iii. Not after 10:00 p.m. on Sunday through Thursday.
- G. Live entertainment, televisions, and electronically amplified music or sound is permitted; however, any noise must not cause a nuisance or otherwise violate any local ordinances.
- H. Liquor served in an open container shall not be removed from the outdoor dining area.
- I. During Phase 3 indoor premises are closed for public use except for restroom visits, take-out orders, and areas authorized for public use by the DCEO.
- J. Restaurants shall require all members of the public that enter the indoor premises (e.g., for restroom visits and take-out orders) to wear masks or face coverings.
- K. Social distancing markers in 6-foot intervals and signs shall be placed in queue areas (e.g., restrooms and take-out order lines).



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- L. Restaurants may not expand outdoor dining in front of neighboring businesses without consulting with neighboring business/property owner and approval from the Village.
- M. Permanent plumbing, electrical, and lighting fixtures shall not be installed without first securing the appropriate building permit.
- N. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences or business.
- O. Where necessary, Restaurants should considering providing fencing, planter boxes, or other method of protecting their outdoor dining patrons.
- P. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, State and Village laws, ordinances, regulations concerning accessibility and nondiscrimination in the provision of services.
- Q. Open-side tents are permitted to provide shelter for designated outdoor dining areas provided that the Village issues a temporary tent permit.
- R. Restaurants may not use public streetscape improvements, such as public benches, in their outdoor dining area.
- S. Restaurants must keep building exits, fire hydrants and fire lanes free from obstructions at all times.
- T. Any extension cords need to be covered or moved to a location so they do not create a trip hazard.
- U. Restaurants are required to maintain the cleanliness of their outdoor dining areas.
- V. Restaurants who wish to serve alcohol in an outdoor dining area must obtain the local liquor commissioner's approval and comply with directives issued by local liquor commission or state liquor control authorities.
- W. Inspection of the outdoor dining areas are required. Outdoor dining areas will be conditionally approved until inspections are completed by Village staff.
- X. Failure to comply with the terms or conditions of this Policy or any permit issued pursuant to this Policy shall provide the Village grounds to suspend or terminate a permit issued pursuant to this Policy, in addition to all other remedies available to the Village at law or in equity.

ADDITIONAL TEMPORARY PROTOCOLS FOR OUTDOOR DINING ON PRIVATE PROPERTY

Restaurants seeking to temporarily add or expand outdoor dining areas by using a private parking lot or other private outdoor areas should comply with the following:

- A. If the expanded dining area is in a private parking lot, a temporary physical barrier should separate the outdoor dining area from the parking lot being used for parking.
- B. Restaurants that do not own their parking lot or other outdoor areas shall secure correspondence from the property owner or property manager granting permission to use the area for outdoor dining.
- C. Restaurants within a multi-tenant building shall secure correspondence from the



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property owner or property manager prior to expanding outdoor dining into common parking, pedestrian or greenspace areas.

- D. Driveways, drive aisles or other means for traffic circulation may not be impeded or blocked.
- E. ADA parking spaces are required and access to/from those spaces shall not be impeded.
- F. Temporary barriers to safely delineate the seating area do not require additional permitting so long as the temporary barriers do not pose a safety hazard to occupants. No permanent barriers may be installed without proper permits.

ADDITIONAL TEMPORARY PROTOCOL FOR OUTDOOR DINING ON PUBLIC PROPERTY (OUTDOOR SERVICE AREAS)

Restaurants seeking to temporarily add or expand outdoor dining areas by using a public property should also comply with the following:

- A. Public sidewalks may be utilized for outdoor dining area as long as the outdoor dining area maintains a 5-foot wide accessible route for pedestrian traffic to pass-by.
- B. In order to minimize the spread of the coronavirus, Restaurant operators should discourage their customers from engaging in extended conversations with members of the public passing by on the public sidewalk.
- C. On-street public parking spaces may be temporarily used for outdoor dining areas as long as the outdoor dining area:
 - a. Does not change the traffic operations of the adjacent street;
 - b. Does not use accessible parking stalls;
 - c. Receives prior approval of the Village of Winnetka;
 - d. Is not within 5 feet of a fire hydrant;
 - e. Is not within 5 feet of a driveway, accessible access ramp, stop sign or traffic signal;
 - f. Is more than 10 feet from a crosswalk;
 - g. Provides a diagram how the area will be defined and protected (e.g. planters, barricades, etc.)
- D. Travel lanes on public streets may only closed with approval by the Village Council.