



City of Rockford COVID-19 TEMPORARY OUTDOOR SEATING/SIDEWALK CAFÉ GUIDE May 26, 2020

This information guide has been developed in response to the Governor's announcement that restaurants and bars 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 City of Rockford (City) has determined that, subject to the requirements of the Governor's Executive Order, guidelines of the Illinois Department of Commerce & Economic Opportunity (DCEO), Illinois Department of Public Health (IDPH), and the requirements of the Winnebago County Health Department (WCHD), restaurants and bars may provide a temporary outdoor seating area or temporarily expand an outdoor seating area by using parking spaces or other areas that are not currently approved for outdoor seating areas including dining and liquor sales. Please note that modifications to this Guide may be necessary as further guidance is issued by the State of Illinois, or the Winnebago County Health Department.

A no-fee permit is required to allow for the establishment to have a temporary outdoor seating area or to expand a temporary outdoor seating area. Also, no modification to an existing liquor license is required to apply for a temporary outdoor seating permit. Following the issuance of a permit and the establishment of the temporary outdoor seating area, the City will inspect the temporary outdoor seating area for compliance with the approved plans. 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 will need to 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of the Governor; or iii) as required by state law; or iv) when the City determines that such temporary permits are no longer valid. Applications may be located at <https://rockfordil.gov/preparing-for-covid-19/> and submitted via email to Businessfirst@rockfordil.gov.

The following items must be submitted with an application for a Temporary Outdoor Seating Permit:

- 1. Permit Application** – Provide all requested information on the application form, and sign and date the Temporary Outdoor Seating Disclaimer/Acknowledgment. Incomplete or unsigned forms will result in review and processing delays.
- 2. Property Owner Approval** – If the applicant for the temporary outdoor seating area is not the property owner, the applicant must submit written approval from the property owner authorizing the establishment of the temporary outdoor seating area. If any portion of the temporary outdoor seating area would be located within a parking lot, the property owner's written approval must specifically authorize the installation of approved barriers that would be placed to isolate or protect customers from vehicular traffic, and must also specifically authorize any proposed temporary reduction of available parking spaces.
- 3. Site Plan or Aerial Photo** – A site plan or aerial photo of the temporary outdoor seating area illustrating compliance with IDPH, DCEO, and WCHD requirements, including the following:
 - The location of the seating area on the property, including the overall dimensions (in feet) of the seating area and an indication of the location of the door into the building that employees will use to serve customers;
 - The location of the outdoor host/hostess station (if provided);

- The number and layout of tables and chairs and an indication of the maximum outdoor seating capacity;
- If the seating area is proposed to be located within or immediately adjacent to a parking lot, the site plan must show the quantity, location and dimensions of barriers to be installed to isolate or protect customers from vehicular traffic. Acceptable barriers may include concrete or water-filled jersey barriers or drums, substantial masonry planters, bollards or substantial parking blocks/wheel stops
NOTE: A temporary outdoor seating area may not be established within any handicapped accessible parking stall, and access to handicapped accessible parking stalls may not be blocked by a temporary outdoor seating area.

4. 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.
NOTE: Temporary outdoor seating shall be closed no later than 10:00 p.m. Sunday-Thursday; 11:00 p.m. Friday and Saturday;
- The plan for controlling any adverse impacts (such as noise) associated with the temporary outdoor seating area when located in proximity to residential uses;
- The plan for monitoring of customer activity and enforcement of physical distancing to the greatest extent possible;
- 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 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.
- The plan for emergency action due to inclement weather, fire or police emergencies in and near the area.
- Description of food & beverage menu

5. Submitting Your Application – Although City Hall remains closed to the public, there is a drop box in the parking lot next to the south entrance at 425 East State Street or applications may be emailed to **BusinessFirst@rockfordil.gov**. Please place all documents in an envelope marked “Outdoor Seating Application”.

6. Permit Review – Permit applications for temporary outdoor seating areas will be reviewed in the order in which they are received and the City will allocate additional staff to expedite approvals. Staff may request revisions to the plans or to the written operations plan, and permits that are issued will include conditions of approval.

7. Required Inspection – Following issuance of the permit, the restaurant may set up the temporary outdoor seating area in accordance with the approved permit. Once the temporary seating area is set up, the applicant should contact the Public Works Engineering Division at **779-348-7174** to schedule an inspection.

8. Additional Requirements – The following may also apply and may introduce additional requirements depending on the nature of the temporary outdoor seating area:

- **Existing Outdoor Seating Areas** – If the restaurant already has an approved outdoor seating area, a permit is not required. However, outdoor dining shall only be conducted in accordance with the Governor’s Executive Order, and the rules and regulations of the IDPH, DCEO, WCHD and the City.
- **Tents and Canopies**– If the temporary outdoor seating area would be located within a tent or canopy, the tent/canopy must be installed and used in accordance with all City Building and Fire Code requirements. Tents and Canopies shall be open (e.g. no more than 50% side walls) per the Health Department guidelines.
- **Restroom Facilities** – Except for the use of restroom facilities indoor seating areas and dining rooms remain closed to the public. Restaurant employees should limit the number of customers allowed to enter the building to utilize restrooms. Masks must be worn by customers allowed to enter the building, and signs must be posted in the restrooms advising customers of the need to wash their hands.
- Smoking is prohibited.
- Outdoor dining area shall be in conjunction with current liquor license practice, however outdoor consumption within described area will be allowed.
- The outdoor dining area shall not disturb the lawful use and quiet enjoyment of nearby properties.
- Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
- Outdoor trash receptacles shall be provided and maintained by the business.
- No liquor served in an open container shall be removed from the outdoor dining area. Expansion into private parking lots shall not utilize greater than 25% of the parking area.
- Off-site expansion for shared parking lots must obtain written permission from the adjoining businesses and property owner(s).
- Any outdoor dining area must be accessible to the disabled and comply with all applicable federal, state and City laws concerning accessibility and nondiscrimination in the providing of services.