QUICK GUIDE
TEMPORARY OUTDOOR SEATING
FOR RESTAURANTS AND BARS
ON YOUR PROPERTY
(NO TENT OR CANOPY, NOT IN A PARKING LOT)
ON PUBLIC SIDEWALK
(NO TENT OR CANOPY, NOT IN A PARKING LOT)
UNDER TENT/CANOPY,
IN PARKING LOT OR
IN THE STREET

NEED A PERMIT?
No!
No!
Yes (see FAQs)

HOW DO I SET UP MY TABLES + CHAIRS?
- Tables at least six feet apart
- No more than six chairs per table
- Clear path at least 36 in. to or around tables + chairs
- Comply with all other State guidelines

APPLICABLE TO ALL OUTDOOR SEATING:
- HOURS
  6 A.M. - MIDNIGHT,
  7 DAYS PER WEEK
- STATE GUIDELINES:
  CITYOFELGIN.ORG/PHASE3
- MUSIC ALLOWED?
  YES, BUT NO SOUND AMPLIFICATION DEVICE OR SOUNDS CAN BE HEARD FROM 150 FEET AWAY FROM 6 A.M. - 10 P.M. AND FROM 75 FEET AWAY FROM 10 P.M. - MIDNIGHT

NEXT STEPS? CAN I START OPERATING?
- Call Elgin 311 for inspection
- YES - Operate once inspection is scheduled

- Call Elgin 311 for inspection, and provide license agreement + Insurance Certificate at inspection (see FAQs)
- YES - Operate once inspection is scheduled

- Apply for a Temporary Use Permit (see FAQs)
- Cannot operate until Temporary Use Permit is approved

FAQs are available online at cityofelgin.org/outdoorseating. Questions? Contact Elgin 311.

Alredy have outdoor seating area previously approved by the City? Start using immediately but check FAQs to determine which modifications are required in order to comply with all guidelines.
The Quick Guide to Temporary Outdoor Seating for Restaurants & Bars and the answers to these FAQs are intended to be a complete resource for a restaurant and/or bar wanting to establish a temporary outdoor seating area. If we have missed something, or something is unclear, please call 311 or 847-931-6001 from outside the City or email permits@cityofelgin.org.

Can My Business Have Outdoor Seating?
An outdoor seating area may be established at full-service restaurants, limited-service restaurants, snack and nonalcoholic beverage bars, taverns, and other food services and drinking places licensed to serve food, beverages and liquor for consumption.

Businesses must comply with the Quick Guide to Temporary Outdoor Seating for Restaurants & Bars and the answers to these FAQs.

Businesses must follow all minimum guidelines outlined within the State of Illinois COVID-19 2020 Outdoor Dining Guidelines (PDF).

I Already Have Outdoor Seating. What Should I Do?
Provided your outdoor seating area (OSA) was previously approved by the City, you may start using it after you move tables to at least 6 feet apart, limit chairs at each table to no more than 6, and otherwise comply with the State of Illinois COVID-19 2020 Outdoor Dining Guidelines (PDF).

If your previously-approved OSA is located along a public sidewalk and you do not have barrier devices to separate the tables and chairs from the sidewalk, you will need to provide those barrier devices. See the FAQ below regarding Barrier Devices.

If you want to substantially change your previously approved outdoor seating area, for example by expanding its size or by adding a tent or canopy, you must follow the Quick Guide to Temporary Outdoor Seating for Restaurants & Bars and the answers to these FAQs.

I Want to Add Outdoor Seating. Where Do I Start? Do I Need a Permit?
If you are only setting tables and chairs on your property, and you are not using a tent or canopy, and you are not in a parking lot, follow the Quick Guide for table and chair setup and call 311 to schedule an inspection. Once your inspection is scheduled with the city, you may start operating.

If you are setting tables and chairs on a public sidewalk, follow the Quick Guide for table and chair setup and call 311 to schedule an inspection. At that inspection, you must provide to the inspector a signed license agreement and provide a certificate of insurance. You will need to have a policy or policies of comprehensive general liability coverage on an occurrence basis from an insurance company licensed with the State of Illinois with at least $1 million single limit coverage on all risks. You will need to name the City as co-insured and furnish the City with duplicate policies or certificates evidencing insurance in force at the time of inspection.

Additional specificity about the insurance requirements is detailed within the outdoor seating area Right-of-Way Encroachment License Agreement template (Word document).
FAQs REGARDING TEMPORARY OUTDOOR SEATING FOR RESTAURANTS & BARS

Once your inspection is scheduled with the city, you may start operating.

You will need to apply for a Temporary Use Permit if you intend to use a tent, canopy, or install any other structure; if you intend to put your tables and chairs in a parking lot; or if you intend to put your table and chairs in the street. A Temporary Use Permit requires the review and approval of a Temporary Use Application with additional documentation that depends upon whether your OSA will be on public or private property.

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<th>Temporary Use Application Requirements for Outdoor Seating Areas</th>
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<tr>
<td><strong>Elements and/or Location of Outdoor Seating Area</strong></td>
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<td>Includes a tent, canopy, or other like structure</td>
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<td>In a Private Parking Lot</td>
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<td>In a Street Parking Space (AKA Parklet)</td>
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I Have to Apply for a Temporary Use Permit. When Can I Apply?

Immediately! The State has previously announced that our region is expected to be in Phase 3 on May 29th. The City will accept applications now so that we can better manage the volume that is expected to be received.

Where Do I Get a Temporary Use Application?

Click this link to download a Temporary Use Application (Excel document). Click this link for a PDF version.

Is There a Fee with My Application?

No. During the COVID-19 pandemic, the City has waived the permit fee for all temporary uses.

How Soon Will I Get My Temporary Use Permit?

We will review applications as soon as they are submitted. It is our goal to issue Temporary Use Permits for these outdoor seating areas within 1 or 2 business days, but our ability to approve it sooner than later depends greatly on whether or not you complete and submit the required information.
FAQs REGARDING TEMPORARY OUTDOOR SEATING FOR RESTAURANTS & BARS

What is a Site Plan and What Should It Include?

A site plan is best described as an outdoor floor plan. It is a dimensioned, graphic representation of where you intend to put your outdoor seating area (OSA) and how your OSA relates to your restaurant and/or bar and other things around it. Your site plan must include:

- The location of OSA in relation to your restaurant and/or bar.
- The dimensioned boundaries of your OSA.
  - OSA should generally be limited to the storefront width of the restaurant and/or bar.
  - OSAs extending beyond the limits of the restaurant and/or bar must provide written consent from the adjacent business in front of which the OSA is proposed.
  - OSA should not require patrons or employees to cross street or parking lot drive aisles.
- The location and size of all tables, chairs, reservation stations, planters, or other items that take up space on the ground of the OSA.
- The location and size of a tent, canopy, or other item intending to provide protection from the elements (if applicable).
  - Such items must be secured in accordance with manufacturer’s specifications.
  - Such items greater than 12’ x 12’ must include a fire retardation certificate with application.
  - Such items greater than 12’ x 12’ require a fire extinguisher(s) approved by the Fire Department.
  - Such items must be removed at the close of business or whenever the OSA is not being used, unless the item is specifically designed and installed for extended use.
  - Heaters are not permitted under such items unless specifically reviewed, approved, and inspected by the Fire Department.
- The dimensioned distance to any adjacent items that may present an obstacle, barrier, impediment, or hazard to pedestrians or persons within wheelchairs, such as bicycle racks, fire hydrants, light posts, curbs, benches, door swings, etc.

How Accurate Does My Site Plan Need to Be? Do I Need to Hire an Architect or Engineer to Prepare It?

Information on a site plan must be dimensioned, but it does not need to be drawn to scale (meaning that accurate measurements can be made from the site plan itself). At the very least, use a tape measure and record on your site plan the dimensions required above.

Can I Supplement My Site Plan with Photographs?

Photographs can be very helpful. You are encouraged to draw and dimension items right on the photographs.

Does My Outdoor Seating Area Need to Be Accessible to a Person in a Wheelchair?

Yes, all provisions of the State of Illinois Accessibility Code remain in effect. Persons in wheelchairs and with other physical limitations must be provided the same level of access as persons with no physical limitations.
At least 36-inches of horizontal clearance must be provided around and between all obstructions, and the slope of any ramp cannot exceed 1:12.

**What is a Barrier Device?**

A barrier device is a system of vertical support pieces, such as stanchions or posts, connected with delimiting devices, such as ropes or chains.

The State of Illinois encourages that, where practical, your outdoor seating areas (OSA) should be separated from the street or sidewalk traffic by an impermeable barrier (e.g. plexiglass).

When selecting the best barrier device for your OSA, consider the following:

- Vertical support pieces must be weighted at the base to prevent them from tipping over easily.
- Vertical support pieces must be at least 36-inches high.
- Barriers devices must be of appropriate design and location to protect patrons and employees from adjacent vehicles, if any.
- The design and location of barrier devices should consider whether small children will frequent the OSA. The space between vertical support pieces may be fencing or a solid wall.
- Barrier devices should be highly visible to persons outside the OSA, especially when the OSA is located near where vehicles move regardless of speed.
- Barriers devices must separate the OSA from sidewalks or other commonly used travel paths, and at least 36-inches of horizontal clearance must be provided along the sidewalk or path.

**What is the Best Format for My Permit Application and Documentation?**

The easiest documents to review and approve are PDFs. However, we can work with photos (JPEG) and text and/or images put into Microsoft Word, PowerPoint, or Publisher.

**Where Do I Send My Permit Application and Documentation?**

Send your application and additional documentation as attachments to permits@cityofelgin.org.

**Do You Have Any Other Tips to Get My Permit Application Approved Faster?**

Yes, thank you for asking. Prepare your application as if we had never been to your restaurant or bar. Provide as much documentation and detail as possible. Take and record measurements in all directions on your documents. These tips will help minimize the likelihood that we will need to ask you for more information.

**How Long Can I Have My Outdoor Seating? How Long is My Temporary Use Permit Good For?**

Outdoor seating allowed by the Quick Guide or approved by Temporary Use Permit may remain through Phase 3 of the Restore Illinois plan or until such time that said approvals are revoked by executive order of the Mayor.

The City will evaluate extending approved permits for OSAs into Phase 4 of the Restore Illinois plan on a case-by-case basis. Typically, temporary use permits are valid for only 30 days.
Do I Need a Liquor License to Serve Alcohol at My Outdoor Seating Area?

Yes, you must have a liquor license issued by the City of Elgin to serve liquor at your outdoor seating area. However, all previously-issued and valid liquor licenses have been extended to include outdoor seating areas.

What Kind of Beer, Wine, or Alcohol Can I Serve in My Outdoor Seating Area?

You can only serve the same type of alcoholic drinks that you are allowed to serve in your restaurant and/or bar. In other words, if you only have a liquor license to serve beer and wine, you may only serve beer and wine in your outdoor seating area.

What Insurance Will I Need If My Outdoor Seating Area Is On a Public Sidewalk or In a Street Parking Space?

The restaurant and/or bar will need to have a policy or policies of comprehensive general liability coverage on an occurrence basis from an insurance company licensed with the State of Illinois with at least $1 million single limit coverage on all risks. The restaurant and/or bar will need to name the City as co-insured and furnish the City with duplicate policies or certificates evidencing insurance in force prior to utilizing the Exterior Seating Area.

Additional specificity about the insurance requirements is detailed within the outdoor seating area Right-of-Way Encroachment License Agreement template (Word document).

Where Do I Get a City License Agreement?

Click this link to download a Right-of-Way Encroachment License Agreement template (Word document).

Fill in only those sections highlighted in yellow. All sections must be completed. After you provide each answer, remove the brackets and yellow highlighting, but please keep your entries underlined.

The agreement requires a site plan attached as Exhibit A. See previous FAQs regarding creating a site plan.

At What Times and On What Days Can I Use My Outdoor Seating Area?

Hours of operation are limited to 6:00 a.m. to 12:00 a.m. (midnight), any day of the week.

Can I Have Lighting in My Outdoor Seating Area?

Yes, light sources must be shielded as a courtesy to your neighbors and so as not to affect passing motorists.

If necessary, extension cords may span sidewalks or walkways in so long as they are placed within a trip-prevention device or otherwise secured to the pavement in a manner approved by the inspector.

If your lighting requires permanent electricity, you will need an electrical permit. Click this link to download an Application for Quick Permit and check the box for “Misc electrical” (PDF).

Can I Have Music in My Outdoor Seating Area?

Yes, music is permitted but no sound amplification device or system may be heard from 150 feet away from 6:00 a.m. to 10:00 p.m. or from 75 feet away from 10:00 p.m. to midnight.
Performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged.

**Can I Set Up a Grill or Other Cook Station in My Outdoor Seating Area?**

No, outdoor cooking or food preparation is not permitted.

**Do I Need to Provide Access to My Bathrooms for Patrons?**

Yes, bathrooms must be open for customers and be stocked with soap and/or sanitizer for hand-washing.

**Can I Just Have an Open Area for Standing? What About Bar Games?**

No, outdoor seating areas can only be used for sit-down dining or customer pick-up and carry-out service. They cannot be used for "standing areas" as such areas would promote congregating. They cannot be used for bar or yard games or other similar activities that would encourage people to congregate or share equipment.

**Can I Put Tables and Chairs In Front of My Neighbor? What About in the Parking Spaces In Front of Their Store?**

It depends. Outdoor seating areas (OSAs) should generally be limited to the storefront width of the restaurant and/or bar. OSAs extending beyond the limits of the restaurant and/or bar must provide written consent from the adjacent business in front of which the OSA is proposed.

An OSA may not require patrons or employees to cross street or parking lot drive aisles.

**Can I Share My Outdoor Seating Area with Another Restaurant and/or Bar?**

No, each restaurant and/or bar must maintain control of all operations and food and beverage service within their outdoor seating area.

**Do I Need to Provide Additional Parking for My New Outdoor Seating Area?**

No.

**Can Patrons Bring Their Dogs?**

Pets are not permitted except as provided within the Americans with Disabilities Act.

**What If Public Health Guidelines for COVID-19 Change? Can My Approval Be Revoked?**

Requirements may be changed without notice to reflect new public health guidelines, and the City can revoke a approvals issued in accordance with this Quick Guide or by Temporary Use Permit for an outdoor seating area at any time, particularly if mandated by the State of Illinois.

**These FAQs Have Been Very Helpful, But I Still Have Questions. Who Can I Call?**

You can always call 311 or email your questions to permits@cityofelgin.org. Persons from outside the city can call 847-931-6001.