



## Exhibit A

### Temporary Outdoor Dining Program Program Guidelines for Public Property

Updated January 20, 2021

- A. Establishments that are allowed to reopen for outdoor dining with social distancing and safety measures, as allowed by the Restore Illinois Plan, that have existing outdoor areas for the consumption of food and drinking wanting to expand their current outdoor dining area and establishments seeking to temporarily add outdoor dining areas shall abide by the following:
1. Establishments must apply for a temporary outdoor dining permit from the City (attached at the end of this document). There shall be no fee for the permit.
    - a. The permit application shall include an aerial drawing that shows the existing outdoor dining area (if any) in a dotted line and the proposed new dining area in a solid line. Also:
      - i. If the proposed new dining area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.
      - ii. Parking lots over 25 stalls: Up to 50% of the parking area may be used for outdoor dining. Parking will need to be preserved to adequately serve the outdoor dining area and carry-out activities. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.
      - iii. Parking lots under 25 stalls: Small parking lots may convert the entire lot to outdoor dining, including ADA stalls, provided that effort is made to relocate the ADA stalls near the entrance using street parking where possible.
      - iv. If there is to be a covering over the new dining area, please indicate that on the drawing. The manufacturers guidelines for installation, all City code requirements, and flame spread requirements must be followed. A tent permit and inspection may be required (see Section A (13)).
      - v. Sidewalks may be utilized for outdoor dining provided there is still means for ADA compliant pedestrian traffic on the remaining portion of the sidewalk.
    - b. Applicants must demonstrate that they are the owner of the property on which the new outdoor dining space is to be located, if the applicant is not the owner of the property, the application must include the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor dining area as indicated on the drawing provided as part of the permit application submitted by the requestor.

- c. Businesses shall not set up any expanded outdoor dining prior to being notified of approval.
  - d. Any indemnification or insurance shall be provided as required by the City.
2. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.
3. Establishments shall comply with the City's outdoor liquor license provisions.
4. A physical barrier shall delineate all outdoor dining areas and shall be of sufficient size and design as to deter the unintentional encroachment of vehicles into the dining area.
5. If ample lighting is provided, the outdoor dining area shall close no later than as permitted under the Applicant's current liquor license in conjunction with indoor dining and drinking, as issued by the City.
6. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
7. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
8. No permanent plumbing, electrical and lighting fixtures shall be installed.
9. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
10. Smoking in the outdoor dining area is prohibited.
11. Tables shall be placed to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.
12. With the exception of the First Street Plazas, no amplified sound is permitted in temporary outdoor dining areas on public property. Only acoustic live music is permitted unless a special event permit has been secured to include amplified sound/live entertainment.
13. Tent canopies and enclosed tents are permitted on public property, but any existing or proposed tent that is either a) over 400 square feet in size, or b) includes tent side walls, shall require a separate tent permit to be submitted and approved by the City. Unless otherwise determined by the Illinois Department of Public Health, tent canopies with 50% or more of side walls down shall be considered enclosed for indoor dining and their use shall be subject to the Department of Health Regulations for indoor dining. If the Illinois Department of Public Health implements mitigation efforts, reverts the Region back to Phase 3, or takes any other action which prohibits indoor dining, then use of enclosed tents shall be prohibited.
14. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.

- a. For restaurants in the First Street Plaza required to fence in the premise where alcohol is served, fencing shall follow these guidelines:
  - i. Fencing shall be between 36-48” high
  - ii. Dark in color, preferably black
  - iii. Made of either metal or other material creating a similar aesthetic effect
15. Bar areas are prohibited in an expanded outdoor dining area.
16. Outdoor trash receptacles shall be provided and maintained and the outdoor dining area shall be kept free from litter and debris.
17. No liquor shall be removed in open containers from the outdoor dining area.
18. Incorporation of landscaping is encouraged to enhance ambiance and improve the aesthetics of the outdoor dining area.
19. Electrically-powered heating devices must be installed by a licensed electrical contractor, who will obtain an electrical permit. Electrical heating equipment must be marked “UL listed” or “UL classified”. We would need to see some sort of power plan as it relates to heating these units
20. Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces
21. Restaurants will need inclement weather plans in writing and trained to staff to prevent any injuries in storms, snow, or other unsafe situations
22. If plastic domes or other enclosed spaces are used, establishment must post placards advising about increased risk of transmission within an enclosed space
23. Any table umbrellas or similar features utilized for outdoor dining shall be maintained and kept in good repair (no tears, holes, rips, excessive fraying, etc.)

B. Applicant shall be required to abide by all other requirements of the Governor’s Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department, City of St Charles Municipal Code, and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of the temporary outdoor dining permit.