

VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
19 East Chicago Avenue
Hinsdale, Illinois 60521-3489
(630) 789-7030

ANNUAL APPLICATION FOR COMMERCIAL USE OF SIDEWALK AND OUTDOOR SEATING

The following items must be submitted: **Do not make copies of the directions.**

- | | |
|-----------------|--|
| 30 copies | Completed <u>Application</u> , including site plan drawn to scale and picture of proposed table and chairs and private refuse containers. The application also includes a one page Certification that must be signed and notarized. All drawings shall be submitted on legal (8.5 x 11) or ledger (11 x 17) size paper and must be legible. All drawings shall be property dimensioned. Drawings larger than 8.5 x 11 shall be folded down to that size. |
| 30 copies | Legible copy of <u>site plan</u> of the subject site. Document must be drawn to scale. Legal (8.5 x 11) or ledger (11 x 17) size is acceptable if legible. One full size copy is required. Drawings larger than 8.5 x 11 shall be folded down to that size. |
| 1 copy | Completed <u>Application for Certificate of Zoning Compliance</u> (\$50 fee) |
| 1 copy | Proof of Ownership and if needed letter of authorization |
| 1 copy | Certificate of Liability Insurance as required per the Code |
| 1 copy | Completed Hold Harmless Agreement |
| 1 copy | Applicable Health Department Approval |
| Application Fee | \$50 + \$5 per table + Certificate of Zoning Compliance fee (\$50) |

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General Information

Applicant must complete **all** sections of the application. Failure to complete any section of the application will result in delay in the consideration of the application. A public hearing will not be scheduled until the application is complete and complies with all applicable sections of the Zoning Ordinance. If a section of this application is not applicable, please right “N/A” in the appropriate place.

Important Boards and Commission meeting dates

The Zoning and Public Safety Committee meets on the **fourth Monday** of each month and consists of four (4) members of the Board of Trustees.

The Hinsdale Board of Trustees meets on the **first and third Tuesday** of each month and consists of the elected Village President and six trustees. In some cases, the Village President may cast the deciding vote in the case of a tie vote of the trustees.

PROCESS:

The application is filed with the Community Development Department and all applicable fees are paid at that time.

1. Completed application packets must be submitted at least **two (2) Fridays prior** to the **Zoning and Public Safety Committee** meeting to the Staff Secretary/Village Planner. The Zoning and Public Safety Committee typically meets on the fourth Monday of the month. Staff examines the application to determine whether it is complete and complies with all applicable codes and regulations.
2. Village staff prepares a report to the **Zoning and Public Safety Committee** prior to the public meeting being conducted. The Zoning and Public Safety Committee may complete its review and discussion that night or continue the item to the following month. The Committee makes a recommendation to the Village Board of Trustees.
3. The **Village Board of Trustees** receives the Zoning and Public Safety Committee recommendation and may take action on the application. The Village of Board of Trustees typically meets the first and third Tuesday of each month. Staff completes the necessary documents that must be signed by the applicant prior to Board action.
4. After receiving approval the applicant must submit the necessary documentation regarding liability insurance, applicable health department approval and completed hold harmless agreement.

Section 7-1-5-1 of the Hinsdale Village Code: COMMERCIAL USE OF SIDEWALK SPACE

Use Authorized: Subject to the conditions and requirements of this section, the board of trustees shall have the power to issue permits for the use of public sidewalks for restaurant tables and chairs and outdoor seating on private property.

Permit Required; Term: No person shall use public sidewalk for restaurant tables or chairs or outdoor seating on private property without obtaining in advance a permit therefore and paying the fee required in subsection G of this section. All permits issued under this section shall be for a term beginning May 1st and ending April 30th of the succeeding year.

Application For Permit: An application for a permit under this section shall be made to the Community Development Department, who shall review said application and report thereon to the Hinsdale Board of Trustees. Said application shall include: 1) a brief statement of the proposed use, 2) a description of the exact location for placement of the proposed restaurant tables and chairs, 3) a description of said tables and chairs, 4) a drawing depicting the location of said tables and chairs in relation to the restaurant and the surrounding area, and 5) any other information requested by the Community Development Department or the Hinsdale Board of Trustees.

Conditions: The use of public sidewalks for restaurant tables and chairs and outdoor seating on private property shall be permitted only under the following conditions:

1. The use of public sidewalks for restaurant tables and chairs shall be permitted only incidentally to the operation of a restaurant on private property contiguous to such sidewalks.
2. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic in the area as determined by the Village of Hinsdale.
3. The applicant shall furnish to the village clerk evidence of public liability insurance, including the village as a party insured and insuring the village against any and all liability resulting from the uses permitted under this section, in an amount to be determined and specified by the board of trustees, at the time of the issuance of a permit, but in no event less than one million dollars (\$1,000,000.00).
4. The applicant shall furnish to the village clerk in a form approved by the village attorney, an indemnification and hold harmless agreement in which the applicant agrees to indemnify and hold the village harmless against all lawsuits and related costs, fees and expenses, including attorney fees, arising out of the use of the public sidewalks as authorized by this section or arising out of any acts or omission of the applicant.
5. In no event shall a use permitted by this section reduce the **open portion of any sidewalk to less than six feet (6) in width**. For the purposes of this subsection, "open portion" shall be defined as that area of sidewalk lying between the outermost restaurant table or chair placed in its normal position for use by restaurant patrons and the curb or, if closer, the nearest obstruction, including, but not limited to, any parking meter, traffic sign, tree well, bicycle rack or other natural or manmade object located on the sidewalk.

6. The applicant shall maintain the sidewalk areas subject to the permit in a clean and safe condition at all times.
7. Any other conditions judged by the Hinsdale Board of Trustees as necessary to protect the general welfare and assure that permits issued under this section shall benefit the general public.

Renewal: A permit issued under this section may be renewed upon payment of the required annual fee and completion and filing of a renewal form with the village clerk, including a certification signed by the applicant that the proposed use complies with all of the conditions of this section and with every other condition imposed by the Hinsdale Board of Trustees on the original permit.

Revocation: Permits issued under this section are licenses at will, revocable by the board of trustees with or without cause. In addition, the board of trustees shall revoke any permit if the applicant: 1) intentionally or carelessly misrepresented any material fact on a permit application or permit renewal form, 2) fails to continuously comply with all conditions of the permit, 3) violates any applicable regulation or provision of this code, 4) conducts the permitted activity in such a manner as to constitute a threat to the public health, safety or general welfare, or 5) violates any applicable federal, state or county law or regulation.

Fees: The annual fee for any permit issued under this section shall be fifty dollars (\$50.00) plus five dollars (\$5.00) per restaurant table. The fee for permits issued after August 1st shall be twenty-five dollars (\$25.00) plus two dollars fifty cents (\$2.50) per restaurant table. (Ord., 9-2-1986)

**VILLAGE OF HINSDALE
COMMUNITY DEVELOPMENT DEPARTMENT
ANNUAL APPLICATION FOR COMMERCIAL USE OF SIDEWALK AND OUTDOOR SEATING**

I. GENERAL INFORMATION (all information must be printed)

Site Address: _____

Business Name: _____

Name of On-Site Store Manager or Owner: _____

Telephone Number for Business: _____

Name of Local or Regional Manager: _____

Address of Local or Regional Manager: _____

Telephone Number of Local or Regional Manager: _____

Name of Property Owner or Management Group: _____

Address of Property Owner or Management Group: _____

Telephone Number of Owner or Management Group: _____

II. SPECIFIC SITE INFORMATION (all information must be printed)

Location of tables and chairs: _____

Number of tables: _____

Number of chairs: _____

Type (materials) of tables and chairs: _____

Size (dimension) of tables and chairs: _____

Number of exterior private refuse disposal containers to be provided by business: _____

Dimension of sidewalk clearance (minimum 6-foot required) from table/chair (while being used) to edge of pavement or public improvement found on sidewalk: _____

Proposed time frame for the outdoor seating to be on the site: _____

Explain your businesses maintenance program for litter control and use of the area: _____

Explain how the tables, chairs and private refuse containers will be stored during the hours that the business is closed: _____

Submit a Site Plan drawn to scale that depicts the above-mentioned items and the regulations as stated in Section 7-1-5-1 of the Village Code (attached).

CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.

- B. The applicant understands that an incomplete or nonconforming application will not be considered. In addition, the applicant understands that the Village may require additional information prior to the consideration of this application which may include, but is not limited to, the following items:
 - 1. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
 - 2. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
 - 3. Location, size, and arrangement of any proposed outdoor signs (will need permit) and lighting.
 - 4. Location and height of any proposed temporary fences or screen plantings.

- C. The Applicants shall make the property that is the subject of this application available for inspection by the Village at reasonable times;

- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicants shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten days following the change, and that failure to do so shall be grounds for denial of the application; and

- E. The Applicant understands that he/she is responsible for all application fees and any other fees, which the Village assesses under the provisions of Subsection 11-301D of the Village of Hinsdale Zoning Code as amended April 25, 1989.

- F. THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER HAS AGREED TO PAY SAID FEE, AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST SUBJECT PROPERTY FOR THE FEE PLUS COSTS OF COLLECTION, IF THE ACCOUNT IS NOT SETTLED WITHIN THIRTY (30) DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

On the _____, day of _____, 2_____, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of applicant or authorized agent

Signature of applicant or authorized agent

Name of applicant or authorized agent

Name of applicant or authorized agent

SUBSCRIBED AND SWORN
to before me this _____ day of _____,
_____.

Notary Public

**GENERAL RELEASE, COVENANT NOT TO SUE
AND HOLD HARMLESS AGREEMENT**

WHEREAS, the Village of Hinsdale, an Illinois Municipal Corporation ("VILLAGE") has agreed to permit the Applicant(s), _____ [print name(s)] ("APPLICANT"), to maintain outdoor seating on VILLAGE owned sidewalk adjacent to the property commonly known as _____ [print address].

NOW, THEREFORE, in exchange for the authority to maintain outdoor seating on VILLAGE property, the APPLICANT agrees as follows:

1. To forever release and discharge the VILLAGE, its officials, agents, employees and attorneys from all debts, claims, demands, damages, actions, or causes of action, which may arising out of the APPLICANT being permitted to maintain outdoor seating on VILLAGE property.
2. To hereby covenant not to sue or otherwise bring any action in law or equity against the VILLAGE, its officials, employees, agents or attorneys for any claims, loss, damage, expense, debt or liability of any nature whatsoever which the APPLICANT may sustain arising out of APPLICANT'S use of VILLAGE property for outdoor seating.
3. To indemnify, hold harmless and defend the VILLAGE, its agents, officials, and employees, for and against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, including reasonable attorneys' fees, which may in any way accrue against the VILLAGE as a consequence of APPLICANT'S use of VILLAGE property for outdoor seating.

I/We have read and fully understand that this Agreement is a general release, hold harmless and a covenant not to sue regarding any and all claims we or any others may sustain against the VILLAGE, its officials, agents, employees, and attorneys by reason of my/our being permitted to maintain outdoor seating on VILLAGE property, and I/we fully intend to be bound by the terms of this Agreement and that it shall further bind my/our successors in interest, heirs, administrators, devisees, assigns and personal representatives from and after the date of execution.

Signed this ___ day of _____, 200__.

signature: _____

signature: _____

print name: _____

print name: _____

SUBSCRIBED AND SWORN
to before me this _____ day of
_____, _____.

Notary Public