

1 ARTICLE 25-XV TEMPORARY OUTDOOR SEATING AND PARKLET PERMITS

2 (a) Definitions.

3 (1) “Adjacent Building” shall mean a building whose principal facade fronts on the sidewalk
4 where the temporary outdoor seating is to be located.

5 (2) “Parking Space” shall mean a designated area between the travel lane of a street and
6 the face of curb.

7 (3) “Parklet” shall mean a temporary extension of the private terrace area into the parking
8 lane of a public street which provides additional space for amenities, including, but not
9 limited to, seating, dining, bike racks, and/or landscaping. A parklet may occupy up to
10 two (2) parking spaces or parking space equivalent units.

11 (4) “Sidewalk” shall mean the paved surface provided for the exclusive use of pedestrians
12 and situated between and extending from any building to the curb of any street,
13 excluding therefrom any unpaved area.

14 (5) “Temporary Outdoor Seating Area” shall mean any group of tables, chairs, or other
15 seating fixtures and all related appurtenances maintained within the public sidewalk or
16 any other public area and intended for the purpose of consumption of food or beverages
17 by patrons, when such is located adjacent to a food or beverage service establishment
18 having the same operator.

19 (b) Permit Required. No person shall operate a temporary outdoor seating area or maintain a
20 parklet without first obtaining a permit from the city.

21 (c) Application for Permit. Each applicant for a temporary outdoor seating or parklet permit shall
22 submit and file an online application with the Economic Development Division staff containing
23 the following:

24 (1) The name, address, and phone number of the applicant.

25 (2) The name, address, and phone number of the business affiliated with the applicant.

26 (3) Written approval from the owner of the property for the outdoor seating area to be used
27 by the applicant if the applicant or the city is not the owner of the property.

28 (4) The name, address, and phone number of the owner of the adjacent building(s), if other
29 than the applicant.

30 (5) The written authorization for the use of the property for temporary outdoor seating or
31 parklet from the owner of the adjacent building(s), if other than the applicant.

32 (6) A written site plan setting forth the following information and such other additional
33 information, if any, as may be subsequently requested by the city:

34 a. A description of the adjacent building and a description of all properties
35 immediately adjacent to such building.

- 1 b. A diagram of the proposed design and location of the temporary outdoor seating
2 area or parklet and all temporary structures, equipment, and apparatus to be
3 used in connection with its operation, including tables, chairs, planters,
4 awnings, lighting, and electrical outlets, if any.
- 5 c. A diagram of the design and placement of tables and chairs, as well as other
6 equipment demonstrating compliance with applicable requirements of the
7 Americans with Disabilities Act and the Illinois Accessibility Act. The diagram
8 shall also demonstrate that pedestrian traffic will not be impeded along the
9 sidewalk or other city right-of-way upon which the temporary outdoor seating
10 area or parklet is proposed to be located.
- 11 d. A description of the proposed location of the temporary outdoor seating area or
12 parklet showing the actual dimensions of the area to be used and the building,
13 street, and sidewalk upon which it fronts and on which it is to be located.
- 14 (7) The name, address, and phone number of the person who has prepared the applicant's
15 site plan.
- 16 (8) A statement of the seating capacity of the proposed temporary outdoor seating area or
17 parklet and of the existing business operated by the applicant in the adjacent building.
- 18 (9) The required insurance policy with requested endorsements.
- 19 (10) The required dramshop insurance naming the City of Aurora as a primary,
20 noncontributory, additional insured if applying to sell and serve alcohol.
- 21 (11) The required indemnification, waiver of subrogation, and hold harmless agreement.
- 22 (12) The required Maintenance Agreement; and
- 23 (13) The License Fee.
- 24 (d) Site Plan Review and Approval. Staff shall review and refer the application and accompanying
25 documents to the Fire Marshal, Engineering Department, Police Department and any other
26 departments as staff may require for their review and recommendations.
- 27 (e) Insurance Required. No temporary outdoor seating or parklet license shall be issued unless the
28 licensee shall have first filed with staff a certificate of insurance and requested endorsements
29 for the area to be used, wherein the city is named as a primary, noncontributory, additional
30 insured party. The insurance policy shall be issued by a company duly authorized to transact
31 business under the laws of the State of Illinois with the minimum required insurance amounts:
- 32 (1) Worker's compensation insurance in at least the required Illinois statutory limits;
- 33 (2) Comprehensive general liability insurance, including contractual liability insurance
34 covering claims for personal injury and property damage with limits of at least one
35 million (\$1,000,000) dollars per occurrence, and two million (\$2,000,000) dollars in the
36 aggregate;

- 1 (3) Liquor liability insurance with limits of at least one million (\$1,000,000) dollars per
2 occurrence, and one million (\$1,000,000) dollars in the aggregate;
- 3 (4) Umbrella Liability: two million (\$2,000,000) dollars per occurrence; and
- 4 (5) The required insurance policies shall each provide that they shall not be changed or
5 cancelled during the life of the licensee period or until thirty (30) days after written
6 notice of such change has been delivered to the city. Permittee must meet all
7 requirements for insurance from the city's current policy.
- 8 (f) Indemnification Agreement. No temporary outdoor seating or parklet license shall be issued
9 unless the licensee shall have first executed and filed with staff an indemnification agreement
10 pursuant to which the permittee, in further consideration of the issuance of the permit, shall
11 agree to forever defend, protect, indemnify and save harmless the city, its officers, agents,
12 employees, and volunteers from and against any and all claims, causes of action, injuries,
13 losses, damages, expenses, fees and costs arising out of or which may arise out of the
14 permittee's operation of such temporary outdoor seating or parklet area.
- 15 (g) Maintenance Agreement. No temporary outdoor seating or parklet permit shall be issued
16 unless the permittee shall have first executed and filed with city staff a maintenance agreement
17 pursuant to which the permittee, in further consideration of the issuance of the permit, shall
18 agree, at the option of the city, either to repair at its sole cost and expense any damage caused
19 to the sidewalk or other city right-of-way by the operation of the temporary outdoor seating area
20 or parklet, or to reimburse the city in full for all costs and expenses incurred by it in making any
21 such repairs. Staff may require a bond to be filed by the permittee in an amount to be fixed by
22 the city.
- 23 (h) Permit Fee. The annual fee for a temporary outdoor seating or parklet permit shall set by
24 resolution from time to time beginning in 2027.
- 25 (i) Term of Permit; Renewals. All temporary outdoor seating and parklet permits shall be issued for
26 a seasonal period commencing May 1st and ending October 31st. Permittees must be renewed
27 annually.
- 28 (j) Allowed Hours of Temporary Outdoor Seating.
- 29 (1) Coffee Shops and Restaurants serving breakfast may open for outdoor seating at 6:00
30 a.m. each day and remain open as indicated below, dependent upon business location.
- 31 (2) Businesses with temporary outdoor seating permits may operate outdoors from 8:00
32 a.m. until 10:00 p.m. on weekdays and weekends.
- 33 (k) Limited Live or Amplified Music for Businesses with Approved Outdoor Seating Permits.
- 34 (1) Non-Residential areas (not adjacent to or within 75 feet of private residences). May play
35 live or amplified music outdoors only at volume levels consistent with that of
36 background music for the enjoyment of patrons until 10:00 p.m. unless written
37 permission is obtained from the city via Special Event Permit.
- 38 (2) Businesses adjacent to or within 75 feet of private residences. Written approval for
39 outdoor music must be provided by the owner of the property if leased by the business.
40 May play live or amplified music outdoors only at volume levels consistent with that of
41 background music for the enjoyment of patrons until 9:00 p.m. Said music shall not

- 1 interfere with the quiet use and enjoyment of the property by neighboring or nearby
2 residents.
- 3 (3) Outdoor live or amplified music that is advertised as a “concert” or “event” and/or for
4 which admission, tickets (free or paid), or a cover charge is assessed require a Special
5 Event Permit.
- 6 (4) All outdoor cooking requires a Special Event Permit.
- 7 (l) All businesses approved for temporary outdoor seating must strictly adhere to the outdoor
8 seating design layout that has been approved by the city. All approved barriers must remain in
9 place and utilized at all times of outdoor seating. Businesses found to be noncompliant with
10 this requirement will be subject to the revocation of their temporary outdoor seating permit.
- 11 (m) Alcoholic Beverages. Only liquor licensed businesses licensed for on-site consumption of
12 alcoholic beverages may apply to allow alcohol service and consumption in a temporary
13 outdoor seating or parklet area. The restaurant to which the temporary outdoor seating or
14 parklet area is physically connected must hold a valid and in good standing city liquor license
15 and State of Illinois liquor license for on-site consumption. A temporary outdoor seating
16 application must be submitted to the city clerk and approved by the local liquor commissioner
17 for the extension of the on-site consumption liquor license to the temporary outdoor seating or
18 parklet area. Such approval shall be separate from, and must be obtained in addition to, the
19 license to operate a temporary outdoor seating area or parklet area pursuant to this section. At
20 least one (1) BASSET trained employee of the liquor licensed business must physically frequent
21 the temporary outdoor seating or parklet area at least once every twenty (20) minutes to monitor
22 when patrons are present. Failure to comply with these requirements may result in the
23 termination of the temporary outdoor seating area or parklet permit.
- 24 (n) Compliance with Laws. All temporary outdoor seating areas and parklets operating pursuant to
25 this section must comply with all applicable laws, including the regulations contained in this
26 section, and all resolutions, ordinances or other regulations now or hereinafter passed or
27 adopted by the city council.
- 28 (o) Notice of Violation; Failure to Comply; Revocation. Upon determination by an officer or
29 employee of the city charged with enforcing the provisions of this section that a temporary
30 outdoor dining or parklet area permittee has violated one or more provisions of this section of
31 the Code of Ordinances, the City shall provide a written notice to the permittee to correct the
32 violation within 24 hours of receipt of such notice. In the event the permittee fails or refuses to
33 correct the violation, staff shall revoke the temporary outdoor dining area or parklet permit and
34 the City Clerk shall revoke the accompanying temporary outdoor dining endorsement, if any.
35 Upon revocation of a temporary outdoor dining or parklet permit or accompanying
36 endorsement, the permittee, upon written request, shall be entitled to a hearing in accordance
37 with Sec 3-107 of the Code of Ordinances.