

PLANNING & ZONING COMMISSION
MONDAY, APRIL 7, 2014
MINUTES

The Rochelle Planning and Zoning Commission met at 7:00 p.m. April 7, 2014 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068.

Present on Roll Call were Board members: Johns, Colwill, Snyder-Chura, Carson and Chairman Thiele. Absent: McNeilly, Shaw-Dickey, and Huddleston. Also present was Building Inspector Countryman and City Clerk McKinney. There was a quorum of five present. McNeilly entered the meeting at 7:02 p.m.

Minutes: Colwill moved and seconded by Carson, **“I move minutes of the February 3, 2014 Planning and Zoning meeting be approved.”** Motion passed by voice vote without dissent.

Public Commentary: None.

Commissioner Comments: None.

Director’s Report: None.

Discussion Items:

1. **Comprehensive Plan Workshop #3.**
 - a. RMU/Community Facilities & Service Plan. Barbara Bell spoke on Chapter 6 concerning RMU.
 - b. Rochelle Hospital Facilities & Service Plan. Mark Batty updated the committee on plans for the hospital. Chapter 6.
2. **Ordinance and sign variances:** Report from Kip Countryman. Inspector Countryman updated the commission on changes in sign ordinance. No action taken.

Business Items:

Case PZC-2-14. Community Development is continuing to bring in new ideas for businesses and promoting a greater shopping experience. One of these ways is to allow businesses if they choose to have seating and tables in front of their store fronts to serve beverages (nonalcoholic unless they meet the guidelines in Chapter 6) and or food. Due to the building setbacks in the B1 Zoning District there will need to be certain restrictions set forth to allow these Sidewalk Cafes. Below are some changes to the sidewalk ordinance in Chapter 82 of the Municipal Code to review and recommend to council for Ordinance.

82-15: *Sidewalk cafes.* A sidewalk cafe is an outdoor area located on the sidewalk portion of the public right-of-way and which is maintained and operated by an establishment, coffeehouse, teashop or restaurant for purposes of providing seating for patrons for the consumption of food or nonalcoholic beverages. Sidewalk cafes shall be permitted in the B-1 Central Business zoning district only after receiving a permit as set forth herein and pursuant to the terms of this section and the issued permit. Sidewalk cafes may be subject to regulation by other portions of this Code, including, but not limited to, the zoning ordinance (chapter 110) and may be prohibited in certain areas where prohibited by other sections of this Code. The following regulations shall apply to sidewalk cafes in the B1 zoning district:

a.

Applicants for sidewalk cafe permits shall submit on the appropriate forms an application to the Community Development Department. Each application shall state: Name and address of applicant, permit and space desired, period of time, hours of operation, a description or photo of any

table or chairs or other equipment and a drawing to scale of their location, and any electrical or other services desired. All applications must be accompanied by proof of issuance of all necessary building, health or other required permits or licenses and there is no application fee annually.

b.

All tables and chairs and other structures or equipment shall conform to the following requirements and restrictions:

1. Meet all applicable city, state and federal regulations.
2. Benefit the public or enhance the ambiance of the downtown.
3. Be maintained in a high-quality state of repair.
4. *Size requirements.* Activities shall not extend more than half the width of the sidewalk, and must not block or impede pedestrian traffic along the sidewalk, or ingress and egress to the business it fronts, or neighboring businesses. A sidewalk cafe may not extend beyond the width of the face of the business it fronts. A minimum pedestrian width of four feet shall be maintained at all times.
5. The city reserves the right to deny any request for a sidewalk cafe permit if it reasonably determines that there is insufficient sidewalk space to accommodate the request either due to the actual width of the sidewalk, volume of pedestrian traffic in the area, or the condition of the sidewalk.
6. Sidewalk cafes shall be temporary in nature capable of being disassembled and securely stored on the premises of the establishment operating the cafe within ten minutes. Furniture cannot be fastened to the sidewalk or store front. Furniture will need to be removed during inclement weather.

c. Sidewalk cafes shall be manned by a minimum of one responsible individual over the age of 18 at all times. The individual may also be employed within the establishment but shall also maintain vigilant supervision over the sidewalk cafe.

d. Sidewalk cafes must be an extension of the existing business fronting the sidewalk space they are occupying.

e. During the course of business, no call out, cry, or by use of any device make any noise to call attention to the sale of any goods, wares, merchandise or service whatsoever, or in any manner obstruct or interfere with the orderly flow of pedestrian traffic. No music or other noisy distractions shall be allowed.

f. Sidewalk cafe operators must provide adequate garbage cans for disposal of any trash, and must maintain the area within and in proximity to any cart, structure or location in a neat, clean and hazard-free condition.

g. An establishment operating a sidewalk cafe shall supply the city with a certificate of insurance, reasonably acceptable to the city, covering the activity of the operator. The certificate of insurance shall name the city as an additional insured and shall be primary to any insurance carried by the city. The operator of a sidewalk cafe shall indemnify, defend and hold harmless the city from and against any and all loss, cost, damages or expenses to persons or property, including property of the city, arising out of or claimed to have arisen out of such use. Furthermore, all users shall defend, at no cost to the city, any such claims or suits,

provided that the city may, in its sole option, join in the defense of such claim or suit without relieving the user from any of its promises or obligations.

h. Sidewalk cafes must comply with all existing restrictions of the county health department.

i. Sidewalk cafe operators shall cooperate with inspection of the premises, goods, or articles at any reasonable hour by the authorized agent, officer or employee of the city or its designate.

j. Sidewalk cafes must ascertain and at all times comply with all laws, ordinances and regulations, and all state statutes, applicable to such permitted business or premises, including but not limited to all building, zoning, fire, health and labor regulations.

k. Sidewalk cafes must post and maintain any and all permits delivered for use in a conspicuous place.

l. Sidewalk cafes may operate between the hours of 7:00 a.m. and the close of business that day. Vendor permits shall be valid for the period of April 1, through November 1 annually.

m. Sidewalk cafe operators shall remove any structure, furniture or equipment from the sidewalk area at the close of business for the day. No structure, furniture or equipment shall be permitted to remain on the public sidewalk overnight. All structures, furniture or equipment shall be of a metal type material and maintained so as to enhance the aesthetic and overall appearance of the downtown. The city reserves the right to determine the acceptability of structures, furniture or equipment for use on public sidewalks.

(b) Whoever violates any provision of this article for which no penalty is otherwise provided, shall be subject to punishment as provided in section 1-15. A separate offense shall be deemed committed on each day that a violation occurs or continues. The permits granted in this section shall be subject to the provisions of chapter 22, sections 22-201-202 et seq. regarding licensing regulations and discipline

Johns moved and seconded by Carson: “**I move the Planning and Zoning Commission recommends to the City Council to approve Petition PZC-2-14 for an Ordinance Allowing for the Permitting of Sidewalk Cafes.**” A Roll Call Vote was taken. Ayes: Johns, Snyder-Chura, Carson, McNeilly, Colwill, and Chairman Thiele. Nays: None. Motion passed 6-0.

Adjournment: The Planning and Zoning Commission adjourned at 8:20 p.m.

Bruce W. McKinney
Bruce W. McKinney, CMC
City Clerk, City of Rochelle