

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 4e
	Title:	An Ordinance Amending Title 12, “Streets, Sidewalks, Public Places and Special Events” Section 12.04.102 “Outdoor cafes and food carts in public places” (Increase to Permits Fees for use of First Street Plaza for Outdoor Dining)	
	Presenter:	Derek Conley, Economic Development Director	
Meeting: Planning & Development Committee		Date: November 13, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: TIF 4 - First Street (VOTING RESTRICTION)			
<p>Executive Summary (if not budgeted, please explain):</p> <p>In previous years, the City has charged for outdoor dining based on total square footage. Staff is proposing changing the fee structure to be based on total number of seats. The primary reason for this change is because the expanded plaza includes irregular spaces, grading slopes and various obstacles such as light poles. These challenges essentially create unusable space. Basing the fee structure off square footage will not accurately charge each restaurant and lead to inequitable fees between restaurants. Shifting toward charging by the total number of seats accurately charges restaurants for the actual capacity of the outdoor dining area.</p> <p>For a term of one hundred (100) days:</p> <ul style="list-style-type: none"> • Current permitting fee language: Use of the First Street Plaza, based upon a layout approved by City Council: \$0.50 per square foot of Outdoor Café area within the plaza. • Proposed new permitting fee language: Use of the First Street Plaza, based upon compliance to outdoor dining layout approved by City Council and determined by a site plan with total of proposed seats and application submitted to staff: \$20 per seat with the Outdoor Café area within the plaza. <p>Please note that the proposed \$20 per seat is for 1 – 100-day permit. For the entire summer outdoor dining season, the fee would \$40 per seat. Based on the projected seat count for each restaurant this would more than double what the City has collected in the past. In 2022, the City collected approximately \$7,228.00, with the new proposed fee the City would collect approximately \$16,480.00.</p> <p>The proposed \$20 fee would equate to an average of approximately \$1.10 per square foot per - 100-day permit or a full year equivalent to \$4.02 per square foot. Below is a chart shows a range other possible fees amounts.</p>			

Cost per Seat	Total Estimated City Collection (Per 100 - days)	100 Day – Permit Fee SF Equivalent	Full Year - Permit SF Equivalent
\$15	\$6,180.00	\$.083	\$3.02
\$20	\$8,240.00	\$1.10	\$4.02
\$25	\$10,300.00	\$1.38	\$5.03

*Based on combined outdoor dining plans square footage of 7,475

City staff may audit restaurants at any time to verify number of tables and seats accurately correspond to the information submitted on the application. A penalty of \$50 fine shall be imposed for each addition seat discovered at the time of a City staff audit.

The Ordinance amendment also includes the addition of an application fee of \$125 per 100-day period. The City currently does not charge an application fee. The application fee is intended account for the additional staff time required to review applications and audit of seat counts.

Also consider that outdoor dining is a major attraction to the St. Charles. The expanded plaza and continuation of outdoor dining will benefit the City and community in the form of sales tax and increase foot traffic.

Attachments (please list):

EXHIBIT A: Ordinance Amending Title 12.04.102

Recommendation/Suggested Action (briefly explain):

Recommendation to Approve An Ordinance Amending Title 12, “Streets, Sidewalks, Public Places and Special Events” Section 12.04.102 “Outdoor cafes and food carts in public places” (Increase to Permits Fees for use of First Street Plaza for Outdoor Dining)

City of St. Charles, IL
Ordinance No. 2023-M-_____

An Ordinance Amending Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions,” Section 12.04.102, “Outdoor Cafes and Food Carts in Public Places” of the St. Charles Municipal Code

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions,” Section 12.04.102, “Outdoor Cafes and Food Carts in Public Places” of the St. Charles Municipal Code is hereby deleted in its entirety and replaced by new Section 12.04.102, “Outdoor Cafes in Public Places,” attached hereto as Exhibit “A”.

2. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of November 2023.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of November 2023.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of November 2023.

Lora Vitek, Mayor

Attest:

City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

Exhibit A

B. Permit fees shall be:

1. Use of Public Sidewalk within right-of-way: \$50
2. ~~Use of the First Street Plaza, based upon a layout approved by City Council: \$0.50 per square foot of Outdoor Café area within the plaza~~

2. Use of the First Street Plaza, based upon compliance with Outdoor Café layout approved by City Council: \$125 submittal fee + \$20 per seat, determined by a permit application and site plan with total of proposed seats

~~F. Prior to issuance of a permit, the applicant shall furnish a dimensioned plan showing the sidewalk or other public space and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates and bicycle racks. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture, carts, and other equipment to be placed on the sidewalk.~~

F. Prior to issuance of a permit, the applicant shall furnish a dimensioned plan showing the sidewalk or other public space and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates and bicycle racks. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture including tables, seats, carts, and other equipment to be placed on the sidewalk or plaza. City staff may audit Permittees at anytime to verify number of tables and seats accurately correspond to the submitted application. A penalty of \$50 fine shall be imposed for each addition seat discovered at the time of a City staff audit. In order to keep the discovered seats, the Permittee would need to pay for the per seat fee in addition to the fine.