



Date of Council Meeting: December 8, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Outdoor Dining on Public Sidewalks

Staff Contact: Barbara Notar, Town Attorney

Council Action Requested: Initiate Town Code amendments and a permitting process to allow outdoor dining on Town sidewalks.

Staff Recommendation: Staff recommends that that Council initiate a permit application process as well as Town Code amendments to facilitate outdoor dining (including the service and consumption of alcoholic beverages) on Town sidewalks.

Commission Recommendation: Not applicable.

Fiscal Impact: Minimal, and only if fees are collected for the use of Town sidewalks for outdoor dining.

Work Plan Impact: The impact will be minimal. The Department of Capital Projects and Public Works which now reviews and issues permits for the use of Town right-of-way (streets), will add the issuance of permits for outdoor dining in Town right-of-way (sidewalks) in its work plan.

Executive Summary: With the most of the downtown improvements completed, Council should consider providing downtown businesses the opportunity to provide outdoor dining on the public sidewalk. As such, Town Code sections regulating encroachments into/onto the public right of way and public intoxication must be amended to authorize the service and consumption of alcoholic beverages and tables, chairs, umbrellas and barriers, and other encroachments on Town sidewalks.

Background: As a result of the Downtown Improvement Project, parts of the H-1 Old and Historic District now include wider and expanded sidewalks. Several local restaurants have inquired about outdoor dining, including serving alcoholic beverages on these expanded sidewalks. Town staff has investigated how other jurisdictions permit outdoor dining in public right-of-way, and has developed a plan for the Town to implement a process for the permitting and oversight of outdoor dining on sidewalks. Town Code amendments will be required to legally permit this type of outdoor dining. Town staff investigated the permitting and implementation process for outdoor dining on public sidewalks in the cities of Alexandria, Fredericksburg, Roanoke, Harrisonburg,

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Charlottesville and Richmond. All cities require a similar application and permitting process which includes a sketch design of the outdoor dining area, description of the furniture, hours of operation, Virginia Alcohol and Beverage Control (ABC) and Health Department approvals, payment of all outstanding meals and Business Professional and Occupational licenses (BPOL), taxes, liability insurance indemnifying the locality, proper ADA access, and the ability for the locality to revoke the permit.

It is not anticipated that this permitting process will be included in the Town Code, but amendments to the Town Code will be necessary to permit these types of encroachments (Sections 30-31 et seq.), and for the service and consumption of alcoholic beverages in the Town right-of-way (Section 24-184).

Attachment: Initiating Resolution

PRESENTED December 8, 2015

RESOLUTION NO. _____

ADOPTED _____

A RESOLUTION: INITIATING TOWN CODE AMENDMENTS AND A PERMIT PROCESS TO AUTHORIZE AND REGULATE OUTDOOR DINING, INCLUDING THE SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, ON TOWN SIDEWALKS AND PUBLIC RIGHT-OF-WAY.

WHEREAS, the widening and expansion of Town sidewalks has occurred in the downtown as a result of the Downtown Improvements Capital Improvement Project; and

WHEREAS, downtown restaurant owners have inquired about utilizing these expanded sidewalks for outdoor dining including the service and consumption of alcoholic beverages; and

WHEREAS, in order to permit outdoor dining on the Town's sidewalks, an application and permitting process is advisable, similar to the application and permitting process for use of the Town's streets; and

WHEREAS, in order to permit outdoor dining on the Town's sidewalks, including the service and consumption of alcoholic beverages, sections of the Town Code which currently prohibit encroachments and the consumption of alcohol in public, must be amended.

THEREFORE, RESOLVED, the Council of the Town of Leesburg in Virginia directs the Town Attorney to prepare amendments to the Town Code and a permitting process to authorize and regulate outdoor dining, including the service and consumption of alcoholic beverages, on Town sidewalks and Town owned right-of-way.

PASSED this _____ day of _____, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council