



**Date of Council Meeting: December 7, 2015**

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** Outdoor Dining on Public Sidewalks

**Staff Contact:** Barbara Notar, Town Attorney  
Marantha Edwards, Economic Development Director  
Charlie Mumaw, Public Works Manager, Public Works and Capital Projects  
Tom Brandon, Capital Projects Manager, Public Works and Capital Projects  
Calvin Grow, Transportation Engineer, Public Works and Capital Projects

**Council Action Requested:** Work session briefing and discussion.

**Staff Recommendation:** Staff recommends that that Council initiate a permit application and review process as well as Town Code changes to facilitate outdoor dining (including the service 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 Public Works and Capital Projects, 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:** 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.

**Background:** Town staff investigated the permitting and implementation process for outdoor dining on public sidewalks in the cities of Alexandria, Fredericksburg, Roanoke, Harrisonburg, 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 furnishings, hours of operation, Virginia Alcohol and Beverage Control (ABC) and Health Department approvals, payment of all outstanding meals and 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 and for the service of alcoholic beverages in the Town right-of-way.