



## Sidewalk Dining Permit Process in the Old and Historic District

A valid permit is required for any business to use public sidewalk space for sidewalk dining. Sidewalk dining permits are only issued for months within the same calendar year. To apply, please see Sidewalk Dining Guide Application at [www.leesburgva.gov/sidewalkdiningpermit](http://www.leesburgva.gov/sidewalkdiningpermit).

### Process:

1. Submit completed application and required attachments by one of these three methods:
  - a. **Mail:** Mail all submission requirements and a check for the \$100 application fee to: Town of Leesburg, Department of Public Works and Capital Projects, 25 W. Market St., Leesburg, VA 20176.
  - b. **Email:** Attach all submission requirements as a PDF to an email and send to [nchandrapu@leesburgva.gov](mailto:nchandrapu@leesburgva.gov) (mail \$100.00 check to address below or make payment at Town Hall).
  - c. **Hand Deliver:** Bring all submission requirements and \$100 application fee to: Town of Leesburg Department of Public Works and Capital Projects, 25 W. Market St., Leesburg, VA 20176 during regular business hours.
2. The initial review timeframe is approximately 10 days. For alcoholic beverages to be served in sidewalk dining area, additional approval is required by the Virginia Department of Alcoholic Beverage Control prior to final Town approval. Please check with Loudoun County and the Commonwealth of Virginia to see if additional approvals are needed.
3. Obtain the approved permit from the Department of Public Works and Capital Projects, and all other approvals as required. The permit will be mailed or emailed to the applicant upon approval.
4. Once the sidewalk dining area is established, Town staff will make periodic inspections to ensure compliance. A copy of your sidewalk dining permit, Health Department and Alcoholic Beverage Control approvals must be available for inspection at all times.
5. Upon expiration of the permit, all furnishings and other objects must be removed immediately from the public right-of-way. Tables, chairs, and other furnishings shall not be stacked or stored outdoors in the public right-of-way. If all furnishings are not removed, the Town reserves the right to remove them without further notice. A renewal application should be submitted prior to the expiration date of the current application.

### Submittal Requirements:

1. Completed Dining Permit application.
2. Copy of Current Certificate of Insurance. An insurance certificate must be provided documenting a general commercial liability policy of at least \$2,000,000. The certificate of insurance shall name the Town of Leesburg as an additional insured for general liability showing coverage for the time span you will have sidewalk dining. If insurance is cancelled, the applicant is responsible for notifying the Town of the effective cancellation date and shall remove tables, chairs and other furnishings within thirty (30) days.
3. Written authorization from the Alcohol Beverage Control Board, if applicable.
4. Consent from property owner, if not applicant.
5. Consent letter from adjoining property owner, if proposed sidewalk dining area extends beyond subject property frontage.
6. Sketch Plan. A drawing showing dimensions, square footage, layout of furniture, barrier placement and exit paths of the proposed sidewalk dining area as well as the dimensions of sidewalk clearance from the outer edge of dining area to curb and other obstructions (e.g. trees, poles, fire hydrants, etc.). Barriers are required for sidewalk dining applications that include the serving of alcohol.



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7. Furniture design. Photographs, product information, and/or description of all proposed furnishings including barriers, tables, chairs, and umbrellas. Planters, trash containers, and serving stations, are prohibited in the sidewalk dining area. Logos, advertising and signs are also prohibited on all sidewalk dining furniture and furnishings.

### **Operational, Design, and Environmental Regulations:**

The applicant must comply with all applicable rules, regulations, ordinances, laws and statutes, including the American with Disabilities Act and those enforced by the Virginia Alcoholic Beverage Control Board and the Town of Leesburg Zoning Ordinance. Sidewalk dining permits shall be revocable with or without cause at the discretion of the Town Manager.

#### 1. Dates of Operation

- a. Sidewalk dining is permitted on a regular basis from February 28<sup>th</sup> to November 30<sup>th</sup> of each year. The business may apply to use the space the entire year or a portion of the year. Sidewalk dining permits are only issued for months within the same calendar year. In the event of unseasonably warm weather from December 1<sup>st</sup> through February 27<sup>th</sup>, sidewalk dining may be permitted. However, all furnishings shall be removed once the temperature returns to below 45 degrees or snow/freezing rain is imminent.

#### 2. Hours of Operation

- a. Sidewalk dining areas may be used daily from 7:00 a.m. until 2:00 a.m., subject to these exceptions:
  - i. Food and alcohol consumption must cease by 2:00 a.m.
  - ii. During a Town-sponsored or Town-supported special event using the subject right-of-way for which an Event Permit has been issued by the Town. Affected businesses will be notified at least 10 days in advance of the event date by the event organizer.
  - iii. All tables/chairs and furnishing shall be removed under declared snow emergencies.

#### 3. Dining Area Layout

- a. If alcohol is to be served, an appropriate barrier shall be erected around the perimeter of the sidewalk dining area pursuant to the Virginia Department of Alcoholic Beverage Control requirements.
- b. An aisle with a minimum 4-foot width shall remain unobstructed at all times for active entrances, doorways, and emergency exits. Sidewalk dining areas shall not be placed in front of or block alleyways.
- c. All furnishings (tables, chairs, umbrellas, etc.) must be located completely within the dining area.
- d. The dining area shall not reduce the sidewalk clearance for pedestrians to less than **5 feet** between the outer edge of the sidewalk dining area and the back edge of curb. A 4 foot pedestrian clear zone must be kept around all other obstruction (e.g. trees, light fixtures, trash receptacles, traffic control devices, benches, street signs, etc.). Failure to maintain required clearance may result in revocation of Sidewalk Dining Permit.
- e. Dining area must be confined to the space within the right-of-way that is contiguous to the applicant's business location. If the applicant wishes to use space in front of an adjoining property or separate commercial storefront, the applicant must obtain written consent from the adjoining property owner and include it as part of their application package.

#### 4. Design of Furnishings

The design and style of all furnishings must be similar in color, material, and appearance and must be compatible with the storefront and adjacent buildings. **Please refrain from purchasing any furnishings prior to receiving approval from the Town.**



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- a. Barriers: Shall be made of wrought iron, plated metal in chrome, black or bronze, or painted wood and shall meet all applicable building and fire codes (e.g. widths and swing of gate). The barrier must also comply with the Virginia Department of Alcoholic Beverage Control's regulations.
  - b. Tables & Chairs: Shall be made of metal, wood, fiberglass, or combination thereof in chrome, black or bronze, or painted wood.
  - c. Umbrellas: Minimum 7-foot overhead clearance required and must be fully contained within the sidewalk dining area, including overhead spread. A maximum of two (2) colors compatible with the design of other furnishings is permitted.
5. Environmental
- a. Garbage, trash, refuse, and other waste materials shall be frequently monitored by the business to maintain a clean and usable space and to protect the right-of-way from damage. Any food, drink or other items spilled on the right-of-way must be properly cleaned and removed for the safety of pedestrians and for environmental concerns. It is not permissible to sweep, rinse, or otherwise move any such waste materials to the street, gutter, or any portion of the municipal storm sewer system.
  - b. Access to, and use of, Town outdoor electrical outlet(s), shall be prohibited. Commercial outdoor heaters may be utilized so long as the use and operation is in compliance with all applicable building and fire codes and does not present a threat to the health, safety, or welfare of the public.
  - c. The sidewalk dining area shall be used and occupied in a safe and reasonable manner and in accordance with all applicable laws. The Town maintains the right to enter the sidewalk dining area at any time for inspections or to make repairs to sidewalks or streets. The applicant shall keep and maintain the sidewalk dining area in good repair and condition, except for ordinary wear and tear.



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Diagram showing Minimum Clear Zone Requirements

