

RESOLUTION NO. 2-21

**A Resolution of the Council of the Town of Leonardtown to
Adopt Outdoor Seating Guidelines**

WHEREAS, pursuant to Ordinance No. 206, passed on May 10, 2021, the Council of the Town of Leonardtown (the "Council") amended Chapter 128 of the Code of the Town of Leonardtown (the "Town Code") for the purpose of permitting outdoor seating in downtown Leonardtown and requiring any obstructions to sidewalks be approved by the Mayor and Town Council; and

WHEREAS, pursuant to §§ 128-3 shall comply with the Leonardtown Outdoor Seating Guidelines to the maximum extent practicable; and

WHEREAS, the Council is desirous of adopting design guidelines for outdoor seating in the downtown; and

WHEREAS, the Council deems it in the interest of the public health, welfare and safety of the citizens of the Town, and for the good government of the Town, to adopt this Resolution to adopt design guidelines for outdoor seating therefore in the Town.

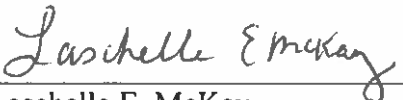
NOW THEREFORE BE IT RESOLVED, by the Council of the Town of Leonardtown:

1. The "Leonardtown Outdoor Seating Guidelines" attached hereto and incorporated by reference herein as fully set forth are hereby adopted as the outdoor seating guidelines in the Town.

2. In the event of a conflict between the provisions of the Design Guidelines adopted hereunder and Chapter 128 of the Town Code, as applicable, the Town Code shall control.

READ AND ADOPTED THIS 9th day of August, 2021.

Attest:


Laschelle E. McKay
Town Administrator


Commissioners of Leonardtown:



Daniel W. Burris
Mayor



J. Maguire Mattingly, IV
Vice President


Tyler Alt
Councilperson

Seal:


Nick Colvin
Councilperson


Christy Hollander
Councilperson


Mary Madal Slade
Councilperson



Outdoor Seating Guidelines

August 2021

Commissioners of Leonardtown

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Section 1: Purpose

The purpose of these guidelines is to provide guidance for restaurant owners and owners of places of entertainment who wish to offer sidewalk or outdoor seating on public or private property in the Downtown Leonardtown area. Many circumstances vary from location to location such as sidewalk width, speed of surrounding traffic, access, etc. The Mayor and Council will review each application on a case-by-case basis. However, these guidelines will be used to guide their decisions as uniformly as possible.

Ordinance No. 206-Streets and Sidewalks-Section 128-3 of the Leonardtown Code requires that no sidewalk, alley, roadway or private entrance or exit to or from said sidewalks, alleyways or roadways within the corporate limits of Leonardtown shall be obstructed in any manner, except with the permission of the Mayor and Council having first being obtained.

Section 2: Permit Process

Owners must acquire a building permit for outdoor seating which includes sign offs by the Town of Leonardtown, St. Mary's County Health Dept., State Fire Marshalls office and in some cases the St. Mary's County Sheriff's Dept. For Alcohol Beverage License the Alcohol Beverage Board is also included in the process.

1. Building Permit Application- Available at www.Leonardtown.somd.com or at the Town Office.
2. Site Plan- A scaled hand drawn plan is acceptable. Plan should show barriers, seat layout and access.
3. Photo of site.

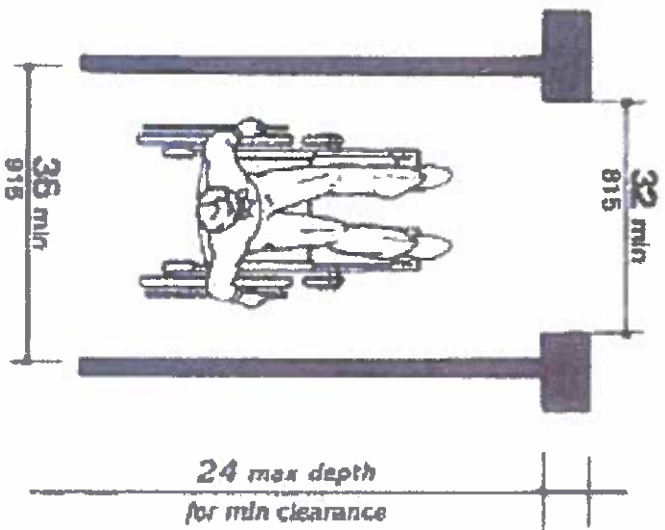
Section 3: Requirements

Leonardtown's retail liveliness depends on maintaining an attractive and comfortable atmosphere. Per the 2019 Downtown Strategic Plan, "Outdoor dining and displays reinforce and promote adjacent businesses while activating the pedestrian environment and experience". Following are specific requirements that must be followed to ensure a positive experience for all. Refer to Leonardtown Code Section 128-4 Violations and Penalties for information regarding enforcement.

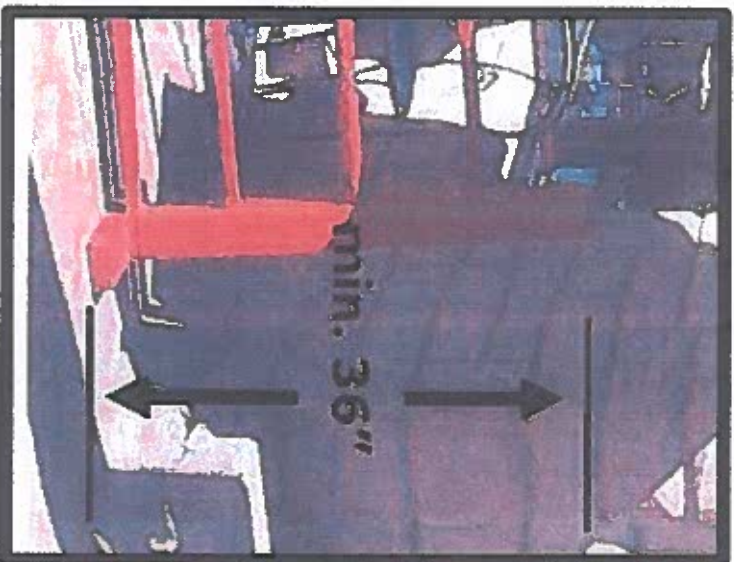
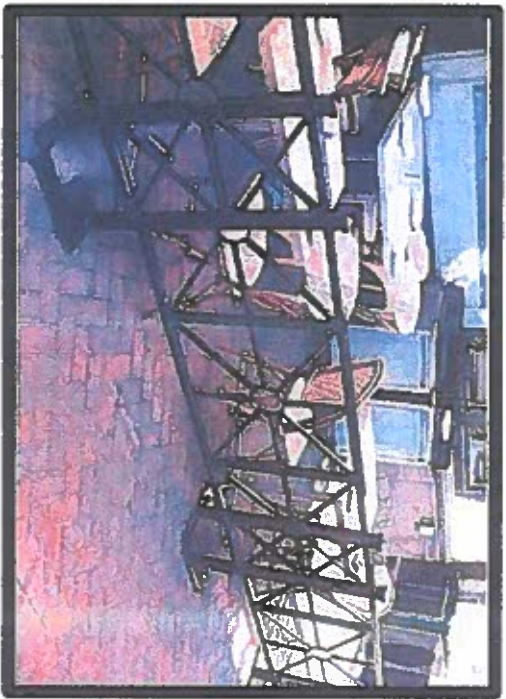


A. Sidewalk widths vary throughout the Town. Pass through access must not be less than 36 inches in width and must be unobstructed.

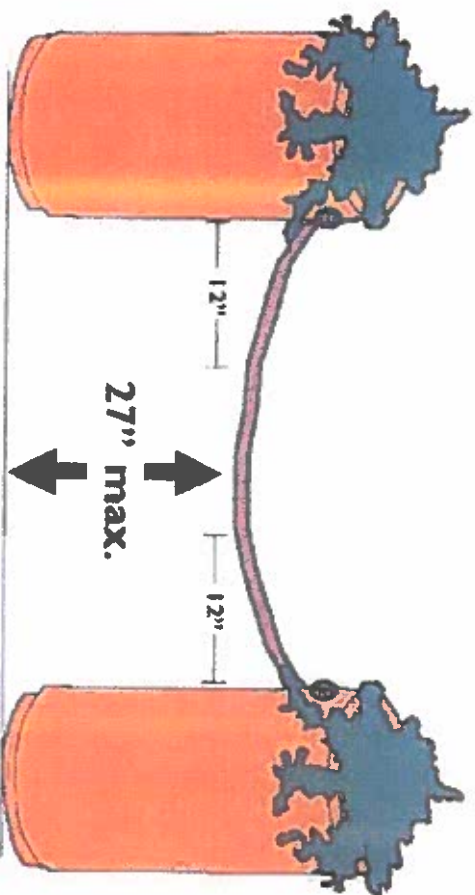
It is incumbent upon the restaurant management and employees to maintain the clearance for passage of pedestrians.



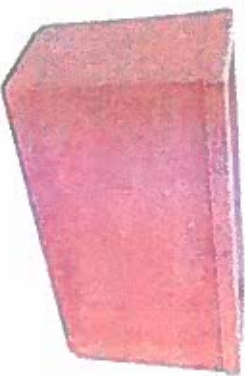
B. The minimum height for barriers must measure at least 36 inches with the exception of planters.



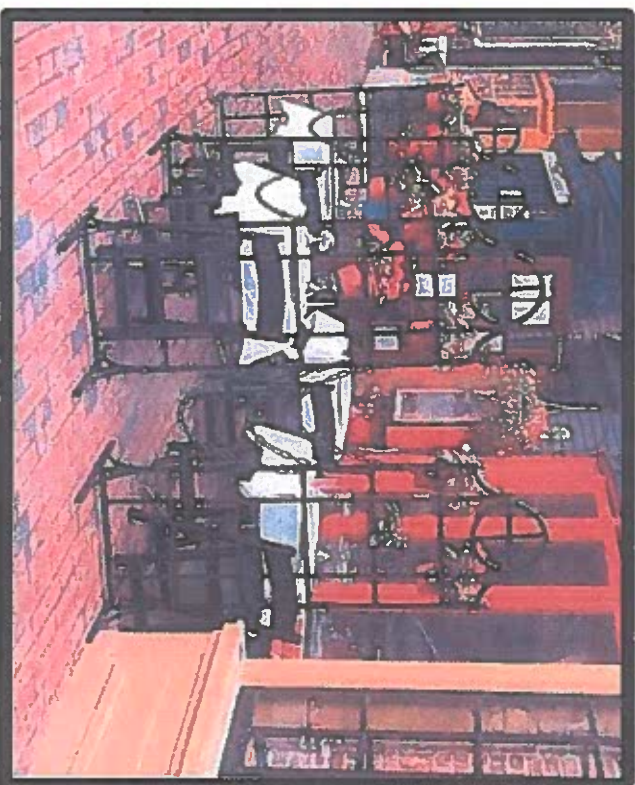
C. All barriers must be able to be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of a barrier must be no greater than 27 inches above the sidewalk surface.



D. Planters may be used in addition or in place of other barrier designs. Planters should be a maximum of 36 inches tall and the maximum height of plants within the planters should not exceed 96 inches above the sidewalk. All planters must have plants in them during the growing season and be maintained or replaced if they die.



E. Outdoor dining furniture becomes a prominent part of the streetscape and as such needs to uphold the high standard of other improvements around Town. A wide range of color, styles and materials are permitted. All furniture and fixtures must be maintained and in a clean condition at all times. All fixtures should be secured safely during windy conditions.



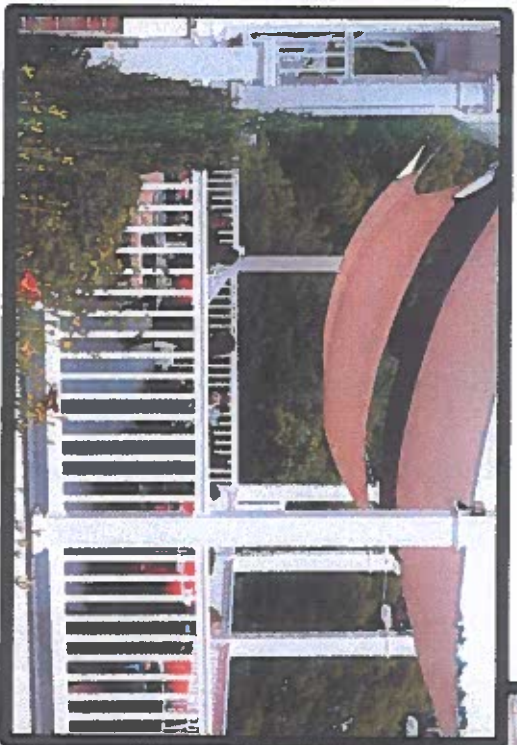
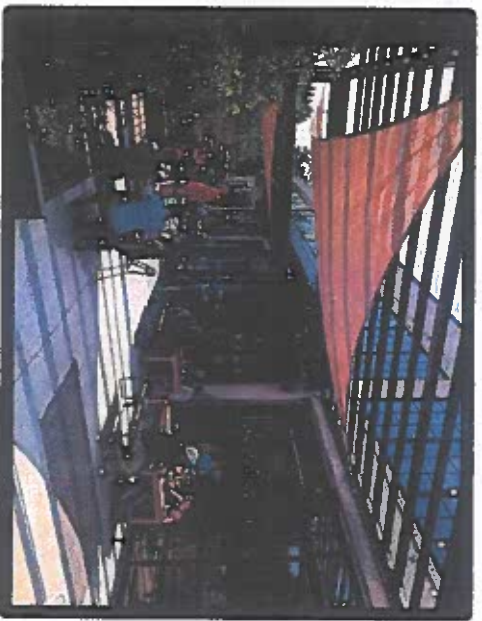
F. All furniture other than seating and portable heaters or firepits is prohibited. This includes but is not limited to serving stations, bar counters, shelves and racks.

*See letter I for non-restaurant seating guidelines (i.e. display merchandise).

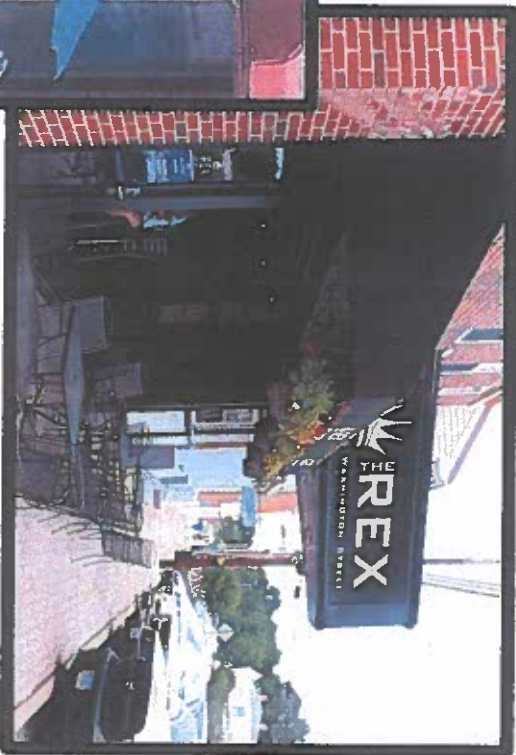


Other furniture or equipment not permitted

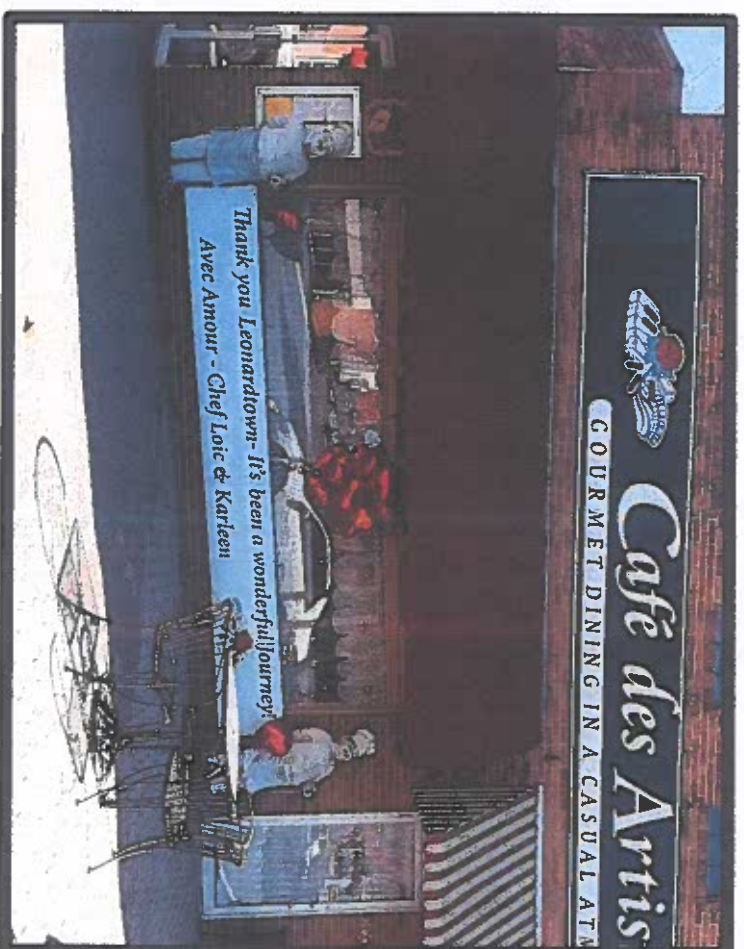
G1. Umbrellas, sunshades, pergolas or other sun blocking devices must be contained in the seating area and allow for safe passage as described in A. Sun coverings should be well maintained at all times and removed when worn or broken. All coverings should be secured in windy conditions. All coverings should be removable. There should be a minimum clearance of 7 feet above the surface of the dining area.



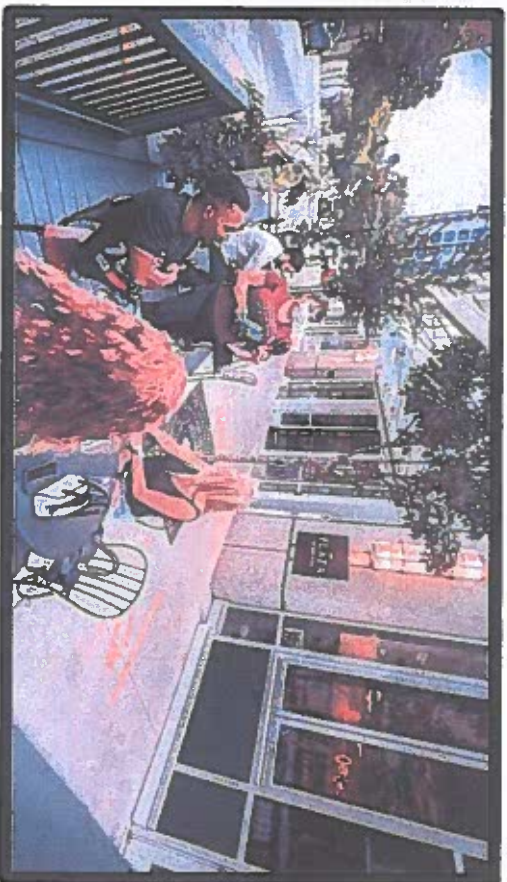
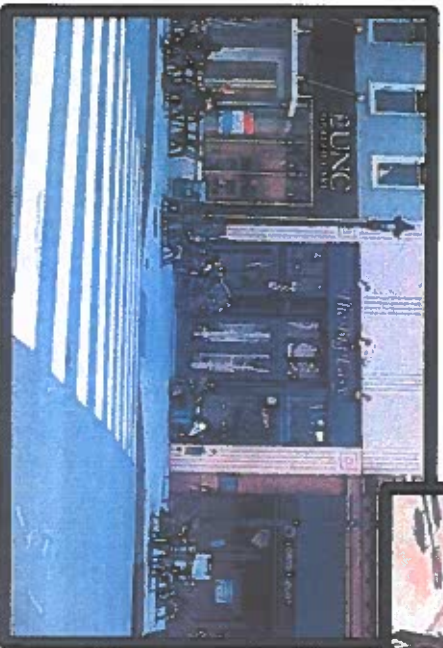
G2. The maximum height of any shade should be no more than 10 feet above the surface. The structure should not extend above the building wall signage or a second story window. Fabric should be suitable for outdoor use, color should appropriately blend in the surroundings, be of a solid color and contain no signage.



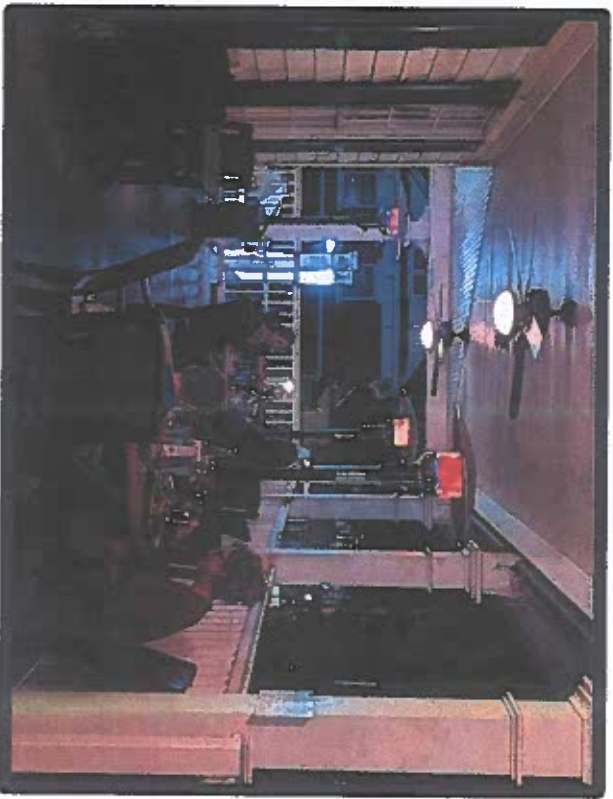
H. The floor of the seating areas should be uncovered sidewalk/asphalt material as to provide continuity of the surrounding public right of way. No carpet, rugs or raised areas should be within the dining area.



I. Business owners must be mindful of adjoining businesses when using outdoor seating areas. Ensure that neighboring businesses remain visible to pedestrians and motorists. In some cases approval for seating to extend in front of a neighboring building may be granted after receipt of a letter of approval by the neighboring building owner.

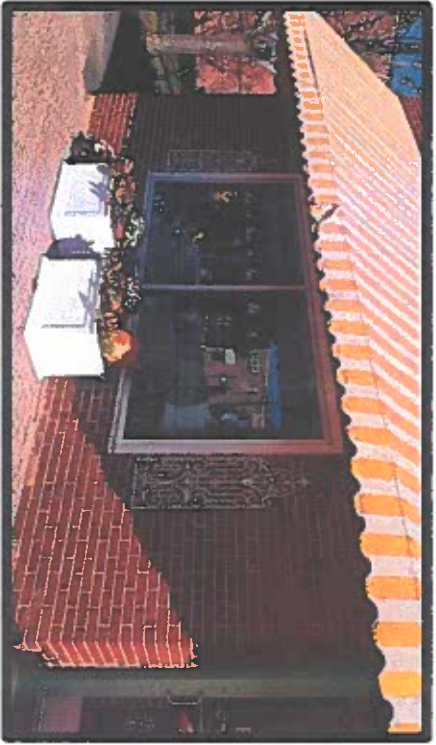


J. Lighting, electrical, ventilation and heating must not create a hazard for users or passersby. All plans must comply with state and local requirements.



K. Outdoor Display Guidelines

Businesses may wish to use the public sidewalk for temporary display of store goods, signs alerting pedestrians of specials/sales, for menus, special events, landscaping or even a bench to sit down. The goal is to avoid a cluttered appearance, maintain ADA accessibility (36 inches minimum open pathway) and be well maintained. Any permanent item must be approved in advance. Common sense should be used when displaying goods and should be kept neat and clean at all times.



L. Business owners must ensure adequate liability insurance coverage at all times. The Town of Leonardtwn should be listed as additional insured for public sidewalks.

