



**DEPARTMENT OF PLANNING & COMMUNITY
DEVELOPMENT**

810 Union Street
Room 508
Norfolk, VA 23510
(757) 664-4752 / FAX (757) 664-1569
www.norfolk.gov/planning

**ADULT USE SPECIAL EXCEPTION APPLICATION
EATING AND DRINKING ESTABLISHMENT**



Application Procedures

1. **A pre-application meeting is required.** To arrange for an appointment, please call (757) 664-4752.
2. Contact the Virginia Department of Alcoholic Beverage Control located at 1103 S. Military Highway, PO Box 1486, Chesapeake, VA 23327-1486; Telephone No.: 757-424-6700.
3. Submit floor plans, prepared by a certified architect, to the Division of Building Construction Services. The floor plans must be approved by Building Construction Services prior to submittal of application. Please call (757) 664-6525 to schedule an appointment.
4. Contact appropriate Civic League prior to public hearing. Applicant must provide written documentation to Planning Staff of the outcome of that meeting/discussion prior to the public hearing.
5. Submit completed application with all required attachments including:
 - Exhibit A
 - Survey/Site plan
 - Floor plan approved by the Department of Division of Building Construction Services
 - Check for \$265 made payable to Treasurer, City of Norfolk.
6. Staff will review application to determine completeness.
7. Staff to post legal notice of application in Virginian Pilot and on property and photograph subject property.
8. The Planning Commission will visit the site on the 2nd Wednesday of the month (it is not necessary for the applicant to be present).
9. Applicant must attend public hearing:
 - ▶ Where: City Hall Building
11th Floor, Council Chambers
 - ▶ Time: 2:30 p.m.
10. During the Commission's hearing:
 - ▶ Applicant must register to speak
 - ▶ Staff will present application and recommendation
 - ▶ Applicant/representative may make a presentation
 - ▶ Proponents may speak
 - ▶ Opponents may speak
 - ▶ Rebuttal

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
ZONING SERVICES**

5th Floor

(757) 664-4752 / FAX (757) 664-1569

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Application Procedures

11. The Planning Commission will make a recommendation on the application at their hearing which will be forwarded to City Council.
12. The applicant may contact staff 2 weeks after the hearing to obtain a tentative Council date (the City Manager's Office establishes Council's agenda).
13. In accordance with The City of Norfolk Zoning Ordinance, construction shall begin or the use of land for which the special exception has been obtained shall commence within 12 months from the adoption of the ordinance; otherwise the ordinance shall be void.
14. The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
ZONING SERVICES**

5TH FLOOR,
(757) 664-4752 / FAX (757) 664-1569

**ADULT USE SPECIAL EXCEPTION APPLICATION
EATING AND DRINKING ESTABLISHMENT**



City of Norfolk

APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT

Date of Application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) _____ (Street Name) _____

Existing Use of Property _____

Current Building Square Footage _____

Proposed Use _____

Proposed Building Square Footage _____

Trade Name of Business (If applicable) _____

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) _____ (MI) _____
(First) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax number () _____

E-mail address of applicant: _____

2. Name of property owner: (Last) _____ (MI) _____ (First) _____

Mailing address of property owner (Street/P.O. box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of owner () _____ Fax number () _____

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CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- ✓ Check for \$265.00 made payable to Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

_____ / /
(Property owner or authorized agent signature) (Date)

SIGNED:

_____ / /
(Applicant signature) (Date)



City of Norfolk

EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date of Application _____

Trade name of business: _____

Address of business: _____

Name(s) of business owner(s)* _____

Name(s) of property owner(s):* _____

Name(s) of business manager(s)/operator(s): _____

Daytime telephone number: () _____

* If business or property owner is an LLC or Corporation, all partners must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From _____ To _____	Weekday	From _____ To _____
Friday	From _____ To _____	Friday	From _____ To _____
Saturday	From _____ To _____	Saturday	From _____ To _____
Sunday	From _____ To _____	Sunday	From _____ To _____

2. Seating (Approved floor plan must be attached)

a. Indoor

Number of seats _____ Number of bar seats _____
(not including bar seats) Number of tables _____

b. Outdoor

Number of seats _____ Number of tables _____

c. Number of employees _____

Total Occupancy (Indoor and Outdoor and employees) _____

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Exhibit A
Eating and Drinking Establishment
Page 2

3. Describe type tables and booth (i.e., rounds of 4, booth seats 6, etc.)

_____ 2-Tops _____ 4-Tops _____ 6 Tops

Other: _____

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)

Yes (Different application required) No

5. Type of alcoholic beverage applied for:

Beer Wine Mixed Beverage

6. Will video games, pool tables, game boards or other types of entertainment be provided?

Yes No

6a. If yes, please describe type and number of each game to be provided:

7. Will patrons ever be charged to enter the establishment?

Yes No

7a. If yes, why:

7b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

8. Will the facility or a portion of the facility be available for private parties?

Yes No

8a. If yes, explain:

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**Exhibit A
Eating and Drinking Establishment
Page 3**

9. Will a third party (promoter) be permitted to lease, let or use the establishment?
 Yes No

9a. If yes, explain:

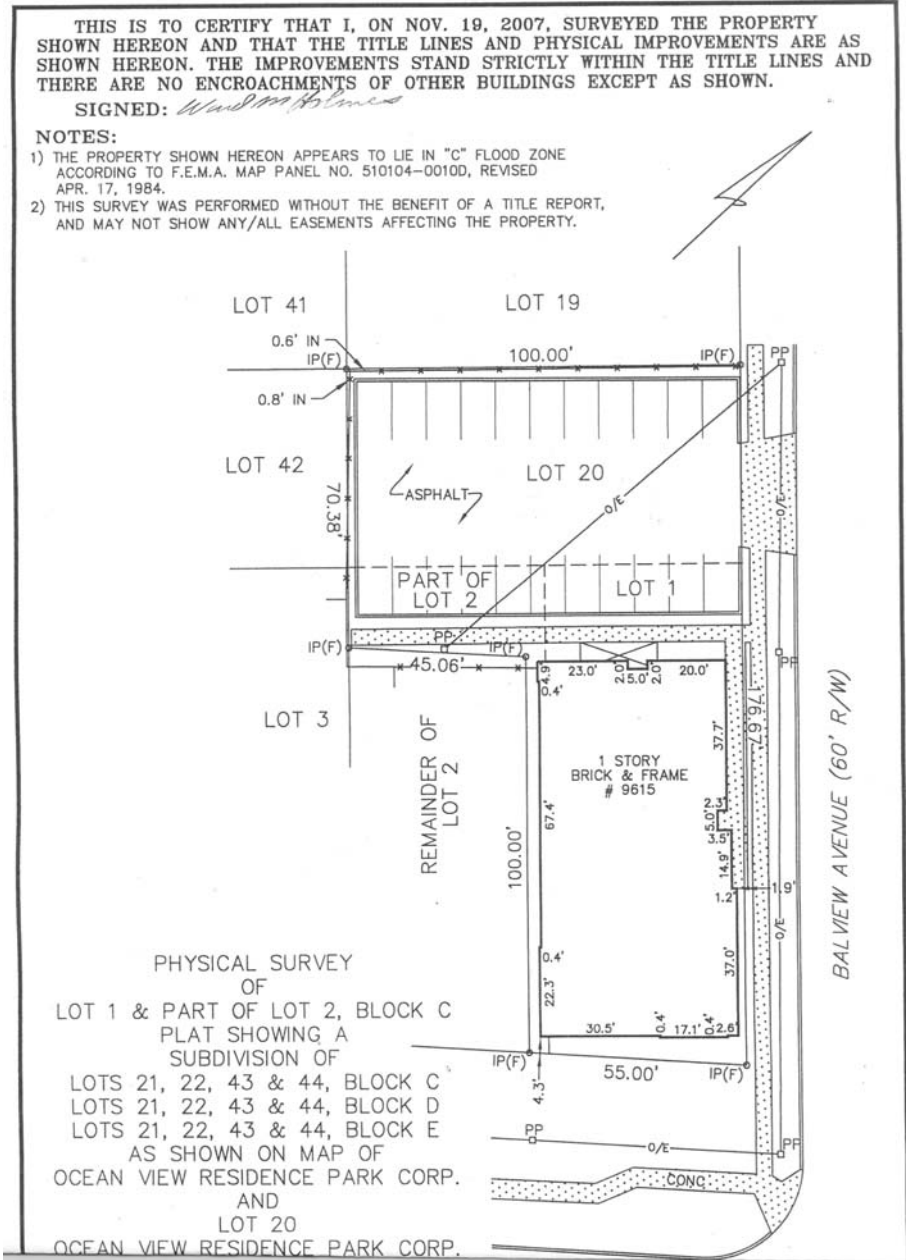
10. Type of ABC license applied for (check all applicable boxes):
 On-Premises Off-Premises (second application required)

11. Will there ever be a minimum age limit?
 Yes No

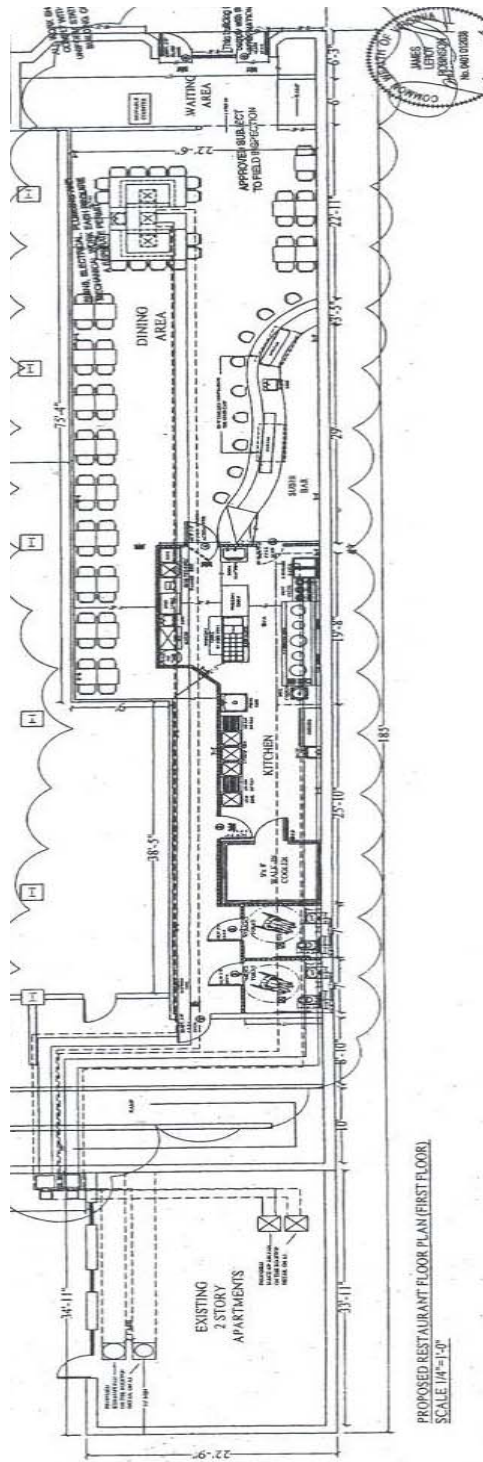
12. Additional comments/description/operational characteristics:

Signature of Applicant

EXAMPLE Survey



EXAMPLE Floor Plan



Eating and Drinking Establishment Conditions

- (a) The hours of operation for the facility, for the sale of alcoholic beverages, and for entertainment shall be from [].] No use of the facility outside of the hours of operation listed herein shall be permitted. [If the hours of operation on the application are different for the facility than for alcohol, list as a separate condition.]
- (b) The seating for the facility shall not exceed [] seats indoors, [] seats outdoors, and the total occupant capacity, including employees, shall not exceed [] people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning. [If no outdoor seats exist, insert “no” in the blank instead of a number.]
- (c) The layout of the establishment will adhere to specifications of the floor plan attached.
- (d) The facility shall maintain a current, active business license at all times while in operation.
- (e) The facility shall remain current on all meals taxes and business personal property taxes which may become due while it is in operation.
- (i) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the facility’s staff and shall not be permitted within any restroom.
- (j) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (k) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (m) This special exception shall automatically expire upon a change in possession of the property, or a change in the operation or management of the facility.

- (n) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) Any requirements, limitations, or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such requirement, limitation, or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

Use if Exhibit A requests private parties or promoters:

- (p) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the facility is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (q) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (r) There shall be no entertainment, no dancing, and no dance floor provided.

Use if Exhibit A indicates no private parties or promoters are requested:

- (p) Neither the facility nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be

permitted to use, operate, rent, or host any event at the facility..

- (q) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.



City Planning Commission Public Hearing Schedule and Filing Deadlines

<u>FILING DEADLINE</u>	<u>HEARING DATE</u>
December 08, 2008	January 22, 2009
January 12, 2009	February 26, 2009
February 09, 2009	March 26, 2009
March 09, 2009	April 23, 2009
April 13, 2009	May 28, 2009
May 11, 2009	June 25, 2009
June 08, 2009	July 23, 2009
July 13, 2009	August 27, 2009
August 10, 2009	September 24, 2009
September 14, 2009	October 22, 2009
October 5, 2009	November 19, 2009
November 2, 2009	December 17, 2009
December 14, 2009	January 28, 2010