



**DEPARTMENT OF PLANNING & COMMUNITY
DEVELOPMENT**

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

**ADULT USE SPECIAL EXCEPTION APPLICATION
ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION**



Application Procedures

1. **A pre-application meeting is required.** To arrange for an appointment, please call 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 completed application with all required attachments including:
 - Exhibit A, Description of Operations
 - Survey/Site Plan
 - Floor Plan (done by and architect)
 - Check for \$265 made payable to Treasurer, and City of Norfolk.
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. Staff will review application to determine completeness.
6. Staff to post legal notice of application request in Virginian Pilot and on property and photograph subject property.
7. The Planning Commission will visit the site on the 2nd Wednesday of the month. It is not necessary for the applicant to be present.
8. Applicant **must** attend public hearing:
 - ▶ Where: City Hall Building
11th Floor, Council Chambers
 - ▶ Time: 2:30 p.m.
9. 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
10. The Planning Commission will make a recommendation on the application at their hearing which will be forwarded to City Council.
11. The applicant may contact staff 2 weeks after the hearing to obtain a tentative Council date (the City Manager's Office establishes the Council's agenda).
12. 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.
13. 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

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ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION**



City of Norfolk

APPLICATION ADULT USE SPECIAL EXCEPTION ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

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
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing where cold and/or hot alcoholic beverages will be sold. (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)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: _____

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 a corporation or LLC, then all partners must be individually 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. Type of alcoholic beverage applied for:
 Beer Wine Mixed Beverage

3. Alcoholic beverages to be sold:
 Room temperature Refrigerated

Exhibit A
ABC-Off
Page 2

4. List the liquid content size of all alcoholic beverages that will be sold at this location (i.e. 6 oz; 12 oz; 32 oz; etc.):

_____ ounce _____ ounce _____ ounce

_____ ounce _____ ounce

5. Will alcoholic beverages be sold in single cans/bottles or by carton/case?

Signature of applicant/owner

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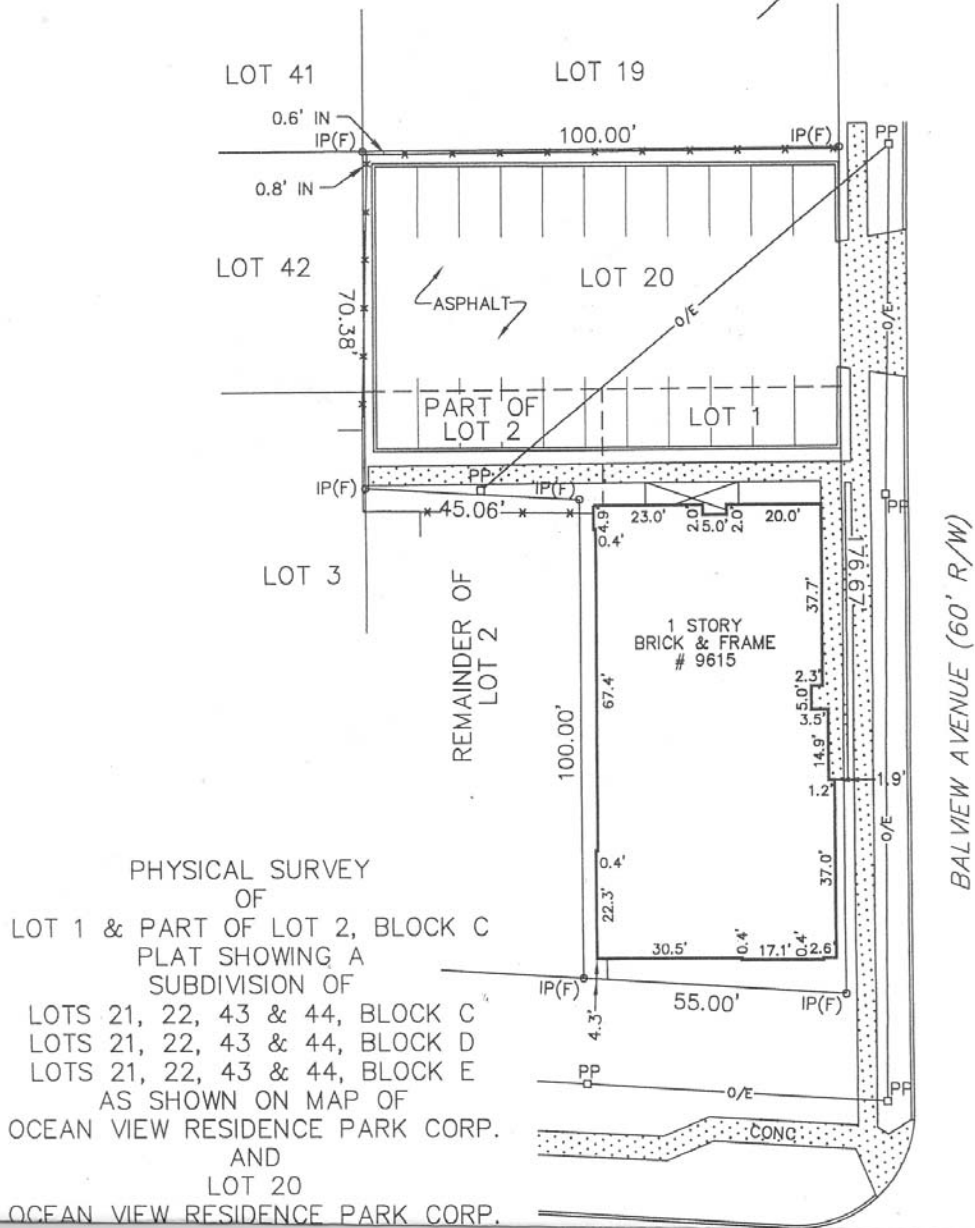
EXAMPLE
Survey

THIS IS TO CERTIFY THAT I, ON NOV. 19, 2007, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *Wendell Holmes*

NOTES:

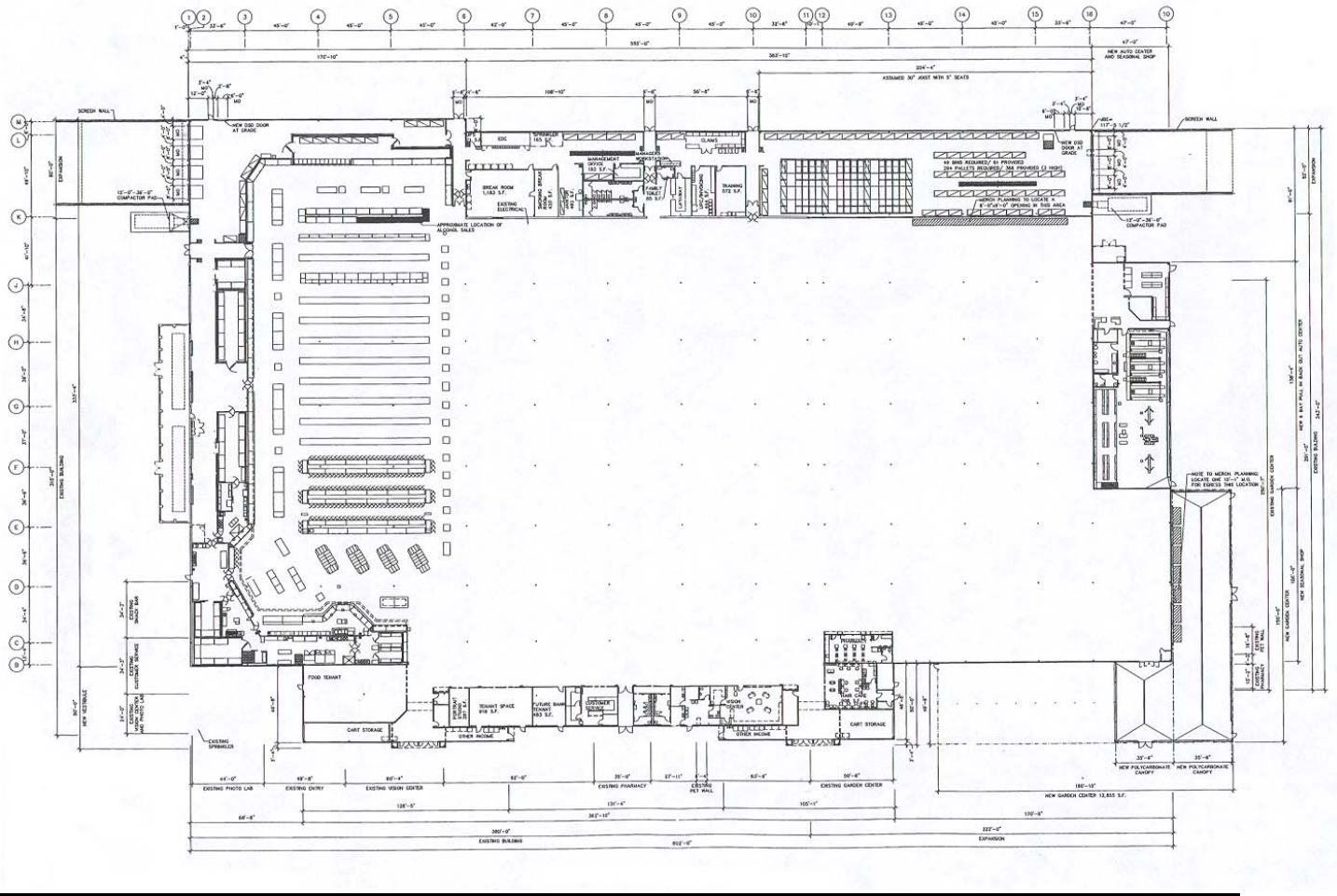
- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "C" FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0010D, REVISED APR. 17, 1984.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



EXAMPLE

Special Exception – Alcoholic Beverages Off-Premises

FLOOR PLAN



Floor Plan

- 81/2 x 14 in size
- Must be to scale
- Shelves
- Coolers
- Indicate where ABC merchandise will be displayed (hot and cold)
- Ingress/egress
- Cashier area

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Sale of Alcoholic Beverages for Off-Premises Consumption

- (a) The hours of operation for the sale of alcoholic beverages shall be from ____ a.m. until ____ a.m. seven days a week.
- (b) 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.
- (c) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (d) No beer shall be sold by the single bottle or can and no single bottles of wine shall be sold in containers less than 375 ml each.
- (e) 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 any 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.
- (f) 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 limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The 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 limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- (g) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) 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