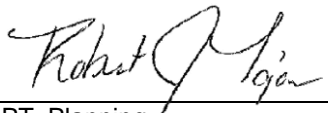


By:   
Office of the City Attorney

By:   
DEPT. Planning

NORFOLK, VIRGINIA

## **R-2            ORDINANCE NO. 49,943**

AN ORDINANCE TO AMEND AND REORDAIN SECTION 29-68 OF THE NORFOLK CITY CODE SO AS TO ALLOW FOR ADDITIONAL SPECIAL EVENTS ON PRIVATE PROPERTY IN OUTDOOR AREAS IN CERTAIN DOWNTOWN ZONING DISTRICTS AND, FURTHERMORE, TO CREATE A PROCESS FOR ADDITIONAL PRIVATE PROPERTY SPECIAL EVENTS CITYWIDE DURING EXTENDED SPECIAL EVENTS THAT ARE DECLARED BY RESOLUTION OF THE CITY COUNCIL.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 29-68 of the Code of the City of Norfolk, Virginia, 1979, is hereby amended and reordained so as to increase the maximum number of special events on private property that may be authorized by permit in outdoor areas of properties located in the D-W (Downtown - Waterfront), D-BC (Downtown - Business Center), D-MU (Downtown - Mixed-Use), D-AD (Downtown - Arts and Design), or D-FM (Downtown - Fort Norfolk) zoning districts and, furthermore, to create a process by which additional private property special events can be authorized by permit during an "extended special event" that has been defined by and declared by resolution of the City Council. The revised section shall read as follows:

**Sec. 29-68. - Permit required for private property special event held on a non-recurring basis.**

- (a) *Purpose.* Pursuant to the authority granted to the city by the Code of Virginia and its Charter, this section is adopted in order to ensure that certain special events that are open to the public on property that may not regularly be used to host assembly functions shall only be held when it is determined that the assembly function can be conducted without endangering the health or safety of the public, impairing the levy of appropriate taxes or fees, or interfering with relevant land use limitations.
- (b) *Definitions.* The following term when used in this section shall, for the purpose of this section, have the meaning ascribed to it herein except in those instances when the context clearly indicates a different meaning:

*Extended special event* means any celebration, competition, performance, exposition, gathering, or other activity expected to involve more than 1,000 people extending longer than 24 hours during which many private property special events are expected to occur in relation to or as a result of such event and declared by resolution of the city council.

*Private property special event* means any event held on private property but which is open to the public and which (i) is expected to draw more than twenty-five (25) attendees, (ii) involves either the provision of entertainment or the sale or service of alcoholic beverages to the public, and (iii) is held on property which is not otherwise approved to allow the activities associated with the event under the applicable provisions of the zoning ordinance.

- (c) *Permit required.* It shall be unlawful for any person to host a private property special event without a written permit issued in accordance with the provisions of this section. Any person violating this provision shall be guilty of a class 3 misdemeanor.

- (d) *Limitation on number of permits.* The maximum number of permits that may be issued during any calendar year for a private property special event at any one location is established based on location as follows.
  - (1) For any portion of property outside of a building and not covered by any permanent structure, tent, canopy, or other shelter located in a D-W (Downtown - Waterfront), D-BC (Downtown - Business Center), D-MU (Downtown - Mixed-Use), D-AD (Downtown - Arts and Design), or D-FM (Downtown - Fort Norfolk) zoning district, as defined in the Norfolk Zoning Ordinance and shown on the official zoning map, the maximum number of permits is twelve (12).
  - (2) For any property or portion of property not described in subsection (1), above, the maximum number of permits is four (4).
- (e) *Additional permit for extended special event.* In addition to the maximum number of permits allowed under subsection (d), above, a permit may also be issued for a private property special event during an extended special event, subject to the following requirements and restrictions:
  - (1) The city council has adopted a resolution declaring an extended special event setting forth all of the following:
    - (A) The starting date and time and ending date and time of the event.
    - (B) The geographical area or areas of the city designed to be eligible for permits allowing private property special events.
    - (C) The fee schedule required as part of the application for each permit to allow a private property special event.
    - (D) The earliest time and the latest time that a permit for a private property special event may be issued.

- (2) No permit for a private property special event issued as part of an extended special event can authorize the use of any property or building in a manner that is prohibited by the applicable provisions of the Uniform Statewide Building Code or the city's Fire Prevention Code.
- (f) *Conflict with a special exception or conditional use permit.* No permit for a private property special event shall be issued at a property that is described in a special exception or conditional use permit authorizing the sale of alcoholic beverages, the provision of live entertainment, or both except when the property is included in the geographical area identified by the city council in the resolution declaring an extended special event and only during the time period set forth in the resolution.
- (g) *Permit process.*
  - (1) *Application.* The application for a private property special event permit shall be submitted to the department of city planning at least fifteen (15) days prior to the date scheduled for the commencement of the event. The application shall be signed by the owner of the property, or the owner's authorized representative, and the city manager may establish other reasonable requirements for the submission of a permit application in order to ensure that information sufficient to perform the permit review is provided.
  - (2) *Late applications.* Any application filed later than fifteen (15) days but at least one (1) day prior to the date scheduled for the commencement of the event may be accepted at the discretion of the department of city planning and may be subject to an additional fee, as authorized below.

- (3) *Review.* The application shall be reviewed by the police department, department of fire-rescue, and the department of city planning. Additional agencies, including but not limited to the department of public works, the department of health, and the office of the commissioner of the revenue, may be requested to review the application whenever the nature of the event indicates such review is necessary to promote the purposes of this permit process, set forth above.
- (4) *Conditions and issuance.* Within seven (7) calendar days after receipt of the application, each department involved in reviewing the permit shall submit to the department of city planning its response regarding issuance of the permit as well as any recommended conditions to be placed on the permit for the purpose of promoting or protecting public health, safety or welfare. The permit for a private property special event may be issued when it is determined that the event, conducted in accordance with the representations made in the application and in compliance with any conditions placed on the permit, can be held without endangering the health or safety of the public, impairing the levy of appropriate taxes or fees, or interfering with relevant land use limitations.
- (h) *Fees.* Except for permits issued for private property special events hosted during an extended special event, the city manager may establish a schedule of reasonable fees that each applicant for a private property special event permit is required to pay at the time of submission in order to cover the costs associated with maintaining and administering this permit process. The fees may vary depending on the expected number of attendees of the event and an additional fee may be charged for any late application that is accepted in order to cover excess costs associated with expediting the review of the application.

- (i) *Authority to terminate events.* Whenever an authorized private property special event is conducted in a manner that does not comply with the permit or any condition placed on the permit and the event presents an imminent danger of serious injury to persons or property, any law enforcement officer is authorized to revoke the permit and order that the event shall be terminated immediately. The availability of this remedy shall be in addition to all other remedies or enforcement actions permitted by law.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

**ADOPTED BY COUNCIL APRIL 29, 2025**  
**EFFECTIVE APRIL 29, 2025**