

NOTICE: The Hampton Roads Area is operating under the sixth amended Executive Order 67 issued on November 15, 2020.



On-site alcohol curfew: The on-site sale, consumption, and possession of alcohol is prohibited after 10:00 p.m. All establishments must close by midnight

RESTAURANT GUIDELINES

PHASE 3

<https://www.norfolk.gov/OpenNorfolk>

The City of Norfolk welcomes you to the OpenNorfolk program! The purpose of OpenNorfolk is to provide a toolkit and a streamlined process for restaurants to open in Phase 3 of the Governor's Executive Order 67. It has two components:

1. A free toolkit including signage, stencils, etc. to restaurants expand into their own outdoor space (parking lots and yards), or, in the public right-of-way (sidewalks, parking spaces, etc.) on pedestrian-oriented commercial corridors.
2. Free electric outdoor heaters, with priority to small, minority, and women-owned businesses.

If you have any questions regarding temporary outdoor dining or would like assistance, email opennorfolk@wparch.com.

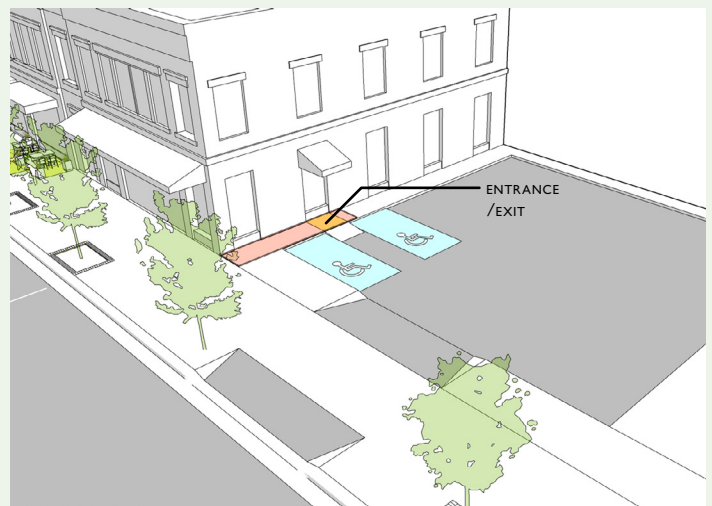
Outdoor Dining

Fire Safety Guidelines:

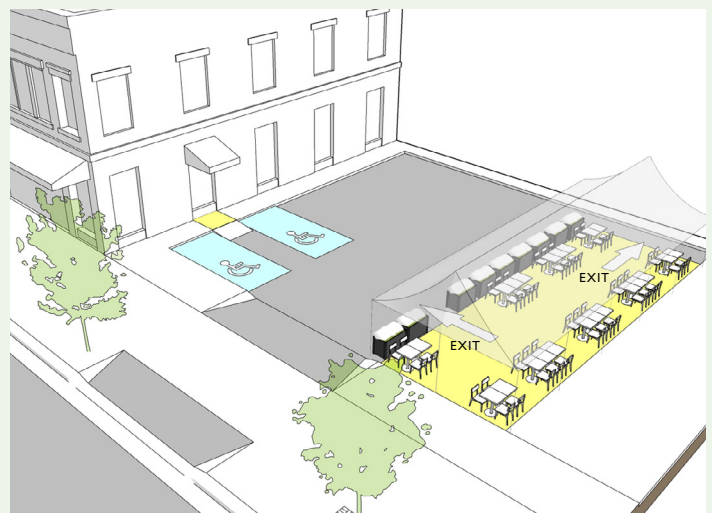
- Fire lane must be kept clear
- Fire hydrant and Fire Department Connection (FDC) must be kept clear
- A 10' clearance must be kept between parked vehicles and outdoor dining
- Building entrances and exits must be kept clear
- ADA accessibility and life safety areas must be kept clear
- Sidewalks must be kept clear unless alternative pedestrian passage is approved
- Fire extinguishers
 - Required for all tents over 900 SF or if heaters are present
 - Signage must be posted for fire extinguishers



Fire extinguisher signage at COVA Brewing



Do not place tents over entrance/exit or block ADA parking

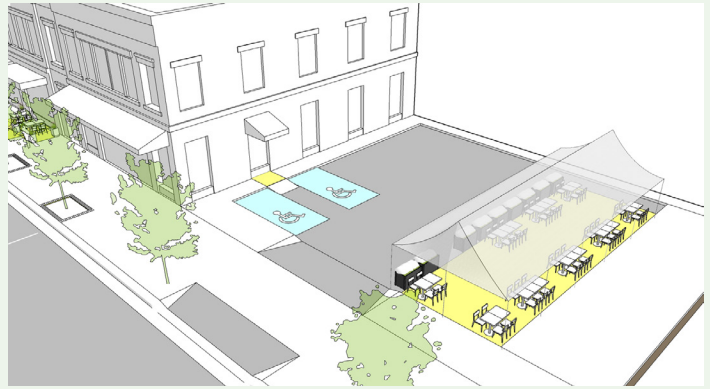


50 or more people — more than one exit

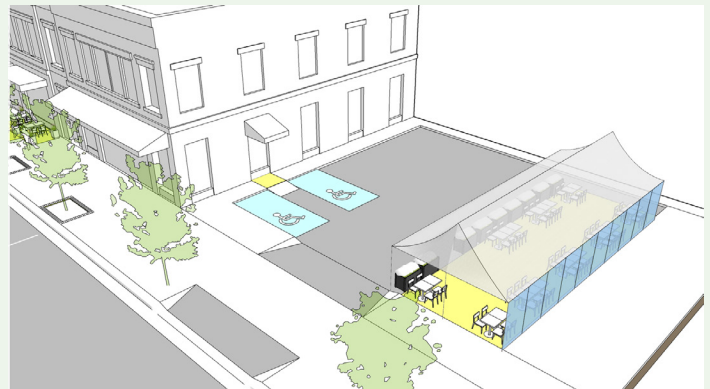
Executive Order 63 requires patrons **ages 5 and over** to wear face coverings when inside (such as when they're waiting for food pickup, or waiting for the restroom, or passing through the inside of the establishment). Patrons are not required to wear face coverings when seated at their table (eating/drinking), or if they're seated at an outdoor patio.

Tent Tracking and Permitting:

- **ALL** tents need to be submitted to the City for permit.
- Approval of tents includes a site plan review, site inspection (Fire Marshal and Building Official), and operational permit. This process takes approximately 10 working days. There is **NO REVIEW FEE** and **NO PERMIT FEE**
- Three Step Process for a joint permit from the Building Official, Fire Marshal and Electrical:
 - **STEP 1** — Submit permit documents here <https://www.norfolk.gov/4883/OpenNorfolk>
 - **Site Plan** (show location of tent, heaters, fire pits, etc. in relationship to building, fire lane, etc.)
 - **Tent Floor Plan** - showing the following:
 - Exits/Entrances
 - Exit signs (EZ EBU's)
 - Occupant Load / Maximum Occupancy at tables
 - ♦ 200 occupants maximum
 - ♦ May not be increased from current certificate of occupancy or total occupancy limits set by Conditional Use Permit, Special Exception or Zoning Certificate"
 - Table and Chair layout
 - Location of fire extinguishers
 - Location of no less than 4 no smoking signs
 - Location of electric heaters, fans, or air conditioning
 - **NFPA 701 flame spread certification** information for all sections of tents or membrane structures and their appurtenances; sidewalls, drops, tarpaulins, and marquees; floor coverings, bunting and combustible decorative materials and effects.



Open Tent



Closed Tent (One flap down or more)

- **STEP 2** — You will receive an email when the review process is complete and whether the plans have been approved or denied (resubmission with corrective documents).
- **STEP 3** — Schedule a fire marshal inspection for a date at least one business day prior to the use and/or occupancy of the tent or structure. The approved tent plan and permit must be available at the inspection location. To schedule an inspection, call the Norfolk Fire Marshal's Office at 757-664-6604, Monday through Friday, 8 a.m. to 4:30 p.m.

MINIMUM NUMBER OF EXITS AND EXIT WIDTHS FROM TENTS AND TEMPORARY MEMBRANE STRUCTURES

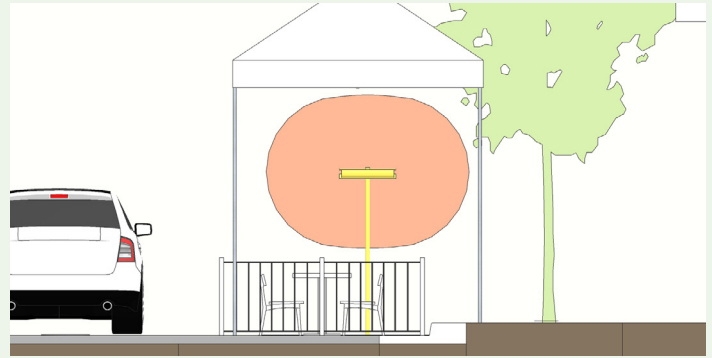
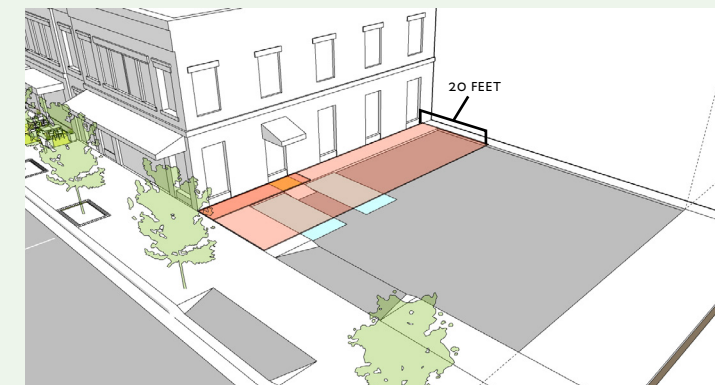
Occupant Load	Minimum Number of Exits	Minimum Width of Each Exit (in inches)	Minimum Width of Each Exit (in inches)
		Tent	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72

For SI: 1 inch=25.4 mm

- Permits are valid for 6 months.
- The Fire Marshal and Building Official's office will re-inspect every 6 months to ensure the tent is well-maintained for code-compliance

Tent Guidelines:

- Tents shall only be used for Outside Dining at either a seated or standing table (not for club or bar operations)
- Do not place tents over entrance/exit
- 50 or more people must have more than one exit
- Must be securely anchored according to the manufacturer's instructions in order to prevent collapse or uplift during inclement weather
 - Remove tent if winds over 50mph or a heavy snow are expected
- All barriers around tents shall be erected so that in the event of an emergency they can be taken apart quickly
- No cooking, open flame (candles, fire pits, etc) allowed under tents
- Maintain 12 feet of clear width alongside tent for Fire Department
- Has to be 20 feet away from the primary building unless all of the following conditions are met:
 1. tent and the primary structure do not exceed the allowable floor area including increases per the IBC
 2. exits are provided for both the tent and the primary structure
 3. fire apparatus access roads are provided
 4. the tent or membrane structure does not exceed 10,000 SF



Portable, electric space heaters shall not be operated within 3 feet of any combustible materials

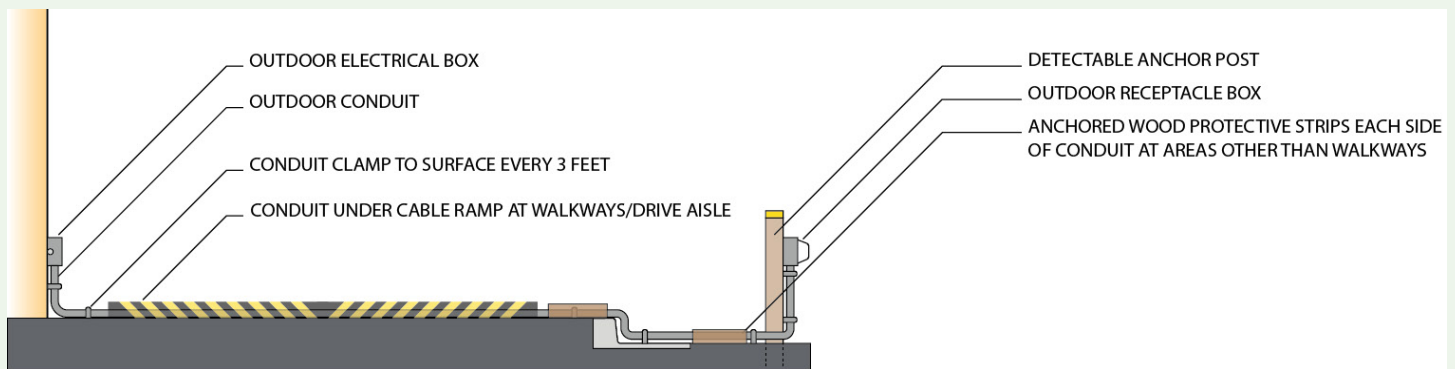
- Exits:
 - have to be spaced at equal intervals and all points must be 100 feet from the exit
 - must remain open unless covered by a flame-resistant curtain in a contrasting color
 - exits signs must be installed at the required height and be self-illuminating
- Tents must have a permanently-affixed label noting flame-resistance, size of fabric and material type
- An affidavit must be kept on the property noting the owners of the tent, the date the fabric was last treated with a flame-retardant solution, the chemical used in treatment, the firm or person who treated it, and the testing agency standard used
- No combustible materials in the tent (including liquids)
 - No candles in the tent
- No smoking or vaping in the tent

Outdoor Furnishings:

- All tables, chairs, umbrellas, tents, lighting, and other accessories must be removable and maintained in good visual appearance and condition. The outdoor area must be kept free of trash and debris

Electric Heaters | A/C | Fans under Tents:

- Only electric heaters are allowed under tents
- Heaters can not be plugged into extension cords
- Must be plugged into approved GFCI protected receptacle
- Must be kept 3 feet away from combustible materials
- The heating element must have a guard against contact to prevent accidental contact by a person or a material
- Must be UL listed, labeled and approved for outdoor use



- Must be installed and maintained according to the manufacturer's instructions
- One appliance per receptacle (one heater per circuit, heaters must be by themselves on a circuit)
- All wiring shall be protected from physical damage.
- All non-metallic cables, rubber cords and extension cords shall be protected by ground fault circuit interrupter(GFCI)
- All other wiring shall have GFCI protection for receptacles and equipment.
- No exposed single conductor wiring above 50 volts is allowed.

Propane Heaters | Fire Pits | Generators:

- **NOTE:** The City of Norfolk highly discourages the use of propane for environmental reasons (carbon dioxide and carbon monoxide emissions). Please use electric heat sources whenever possible.
- Are only allowed in open areas
- Propane heaters, fire pits and generators are not allowed under tents and must be kept:
 - 20 feet away from tents
 - 20 feet away from buildings and exits
 - 20 feet away from combustible materials
- Must be UL listed, labeled and approved for outdoor use
- Must be installed and maintained according to the manufacturer's instructions
- Must be equipped with a tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees from vertical
- The heating element must have a guard against contact to prevent accidental contact by a person or a material
- Only approved gas containers may be used to refill heaters, fire pits, and generators
- Replacement of gas containers shall not be conducted when the public is present

- Replacement gas may not exceed 20 lbs
- Gas containers may not be stored in buildings, under tents, or near exits. They should be securely stored in lockable, vented cabinets approved for outdoor use with minimum exposure to excessive temperature rise
- A permit is required to store more than 10 gallons (42.5 lbs) of replacement gas on site. Contact the Norfolk Fire Marshal's Office at (757) 664-6604

Lighting

- Must be LED and 2700K (warm white)
- Must be UL listed, labeled and approved for outdoor use
- Must be installed and maintained according to the manufacturer's instructions
- Do not plug lighting into the same circuit as a heater

Extension Cords and Covers

- Ampacity (amps) of extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord
- Must be kept in good condition without splices, deterioration or damage
- Must be grounded
- Power strips must be listed and contain overload protection
- Provide ADA heavy duty covers for crossing public right-of-way
- Must use heavy duty surge protectors
- Inspect regularly for damage (electrical shock or fire hazard); discontinue use

Resources

Virginia Department of Health (757) 683-2800
 Office of the Fire Marshal (757) 664-6604
 Office of Norfolk Building (757) 664-6696
 Office of Norfolk Zoning (757) 823-1087

The following sections are summarized from the Virginia ABC and Virginia Department of Health. Please visit <https://www.abc.virginia.gov/covid-19#Outdoor> and <https://www.vdh.virginia.gov/environmental-health/food-establishments-and-covid19/>



VIRGINIA DEPARTMENT OF HEALTH REQUIREMENTS:

Restaurants should continue to offer takeout and delivery options. If a restaurant chooses to open to dine-in customers, they may do so in indoor and outdoor spaces provided these steps are followed:

- Post signage at entrance that states no one with a fever or symptoms of COVID-19, or known exposure to a COVID-19 case in the prior 14 days is permitted in the establishment.
- Post physical distancing reminder signage.
- Provide a minimum of **six feet** between parties at **tables**. The six feet cannot include space taken up by seated guest.
- All parties, whether seated together or across multiple tables, must be limited to **25 patrons. No more than 200 occupants total are allowed under a tent.**
- Do not seat multiple parties at any one table unless marked with six-foot divisions.
- Spacing must allow for physical distancing from persons on public sidewalks.
- **Bar seats and congregating areas** of restaurants **must be closed** to patrons except for through-traffic. Non-bar seating in the bar area (i.e., tables or counter seats that do not line up to a bar or food service area) may be used for customer seating as long as a minimum of six feet is provided between parties at tables.
- Buffets may be open for self-service, with continuous monitoring by trained staff required at food lines. Serving utensils must be changed hourly. Customers must use gloves when touching serving utensils. Hand sanitizer must be provided.
- If live musicians are performing, they must remain at least **ten feet** from patrons and staff.
- Employees working in customer-facing areas must wear face coverings over their nose and mouth at all times.
- Ask each employee to self-measure their temperature and assess symptoms.
- Perform thorough cleaning and disinfection of frequently contacted surfaces (check presenters, digital ordering devices, etc.) every 60 minutes.
- Table resets must be done by an employee who has washed their hands with soap and water for at least 20 seconds just prior to reset activities.
- Patrons may wait for takeout or for seated dining in the lobby area, but they must maintain six feet of physical distancing between parties.

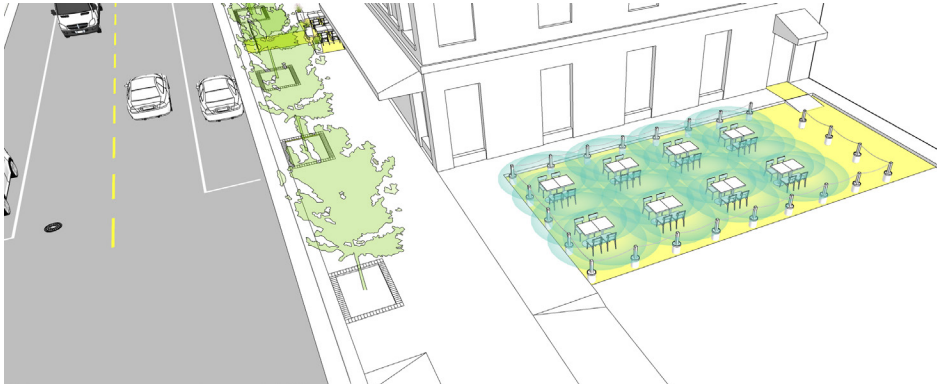
Temporary outdoor dining areas used as part of Phase 1 & 2 may continue to be used during Phase 3.



Do not seat multiple parties at any one table unless marked with six foot divisions.

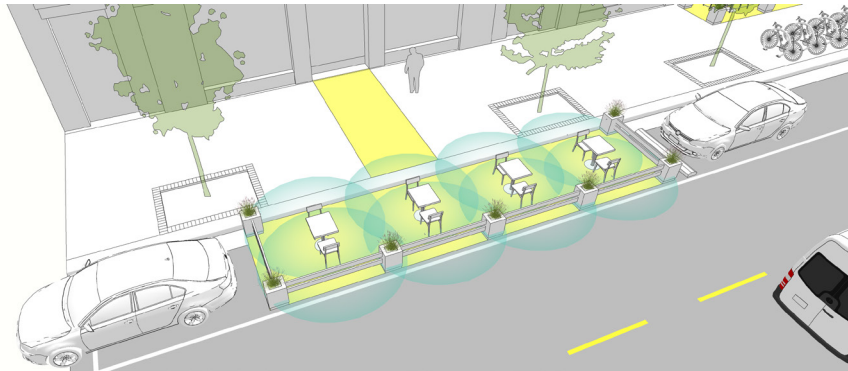


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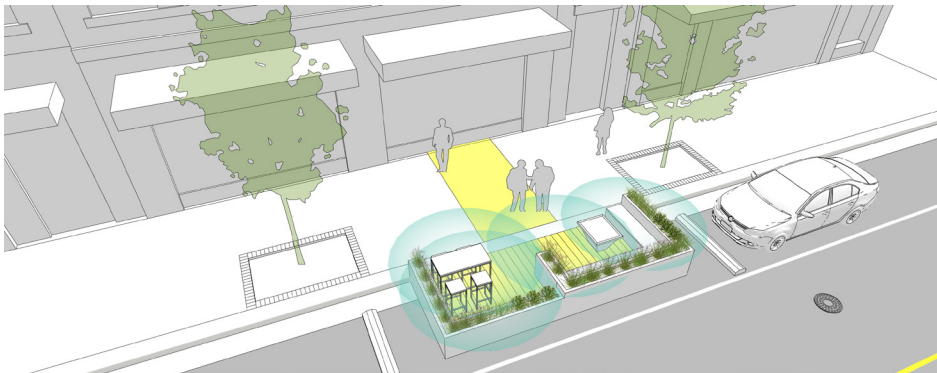


Dining in Parking Lot: Do not seat multiple parties at any one table unless marked with six-foot divisions. Maintain all required ADA accessible parking spaces.

Allowed throughout the City of Norfolk.



Dining in Parking Lane: Provide a minimum of six feet between parties at tables. The six feet cannot include space taken up by seated guest.



Dining in Parklet: Do not seat multiple parties at any one table unless marked with six foot divisions.

Allowed in:

- D-W (Downtown Waterfront)
- D-BC (Downtown Business Center)
- D-MU (Downtown Mixed-use)
- D-AD (Downtown Arts and Design)
- D-FN (Downtown Fort Norfolk)
- HC-WF (West Freemason Historic and Cultural Conservation)
- PCO-Colley

- PCO-21st Street
- PCO-Riverview
- PCO-35th Street
- PCO-Lafayette Zoning District
- 1st View Street (Ocean View)
- North Colley
- Chelsea Business District
- Monarch Way

<https://www.norfolk.gov/OpenNorfolk>

If you have questions regarding Department of Health regulations, call Environmental Health Services at 757-683-2712.



VIRGINIA ABC REQUIREMENTS FOR APPROVAL TO SERVE ALCOHOL IN TEMPORARY OUTDOOR DINING AREAS:

(You need to follow these steps to be able to serve alcohol outside during Phase 3)

Virginia ABC has developed an accelerated process for receiving and processing requests for temporary outdoor dining areas. You must submit these items to your ABC agent before you can serve alcohol in the temporary outdoor dining area. Once you have submitted these items to the agent and received an “acknowledgment of receipt” you may begin using the area pending final approval.

- If the area you are using is not covered under your lease, you must have written approval from the owner of the property.
- If you are proposing to use public right-of-way (sidewalks, on-street parking spaces) you need to add the City of Norfolk as additional insured to your premises liability insurance and email a copy of the certificate of insurance showing the City of Norfolk to the City’s Risk Manager, Cathie Chancellor at finriskmgmt@norfolk.gov (this requirement does not apply to restaurants only using existing outdoor dining).
- The temporary area you are using must share a common border with, OR be within 100 feet of your restaurant.
- You must submit a diagram of the outdoor area to your ABC agent. This can be a simple hand drawn diagram using Google Earth aerial or street view.
- If you would like the city to inspect your temporary outdoor dining area and provide you with a permit, contact the City Building Official, Phillip Williams at (757) 633-7274. This is a courtesy for your own insurance purposes and/or peace-of-mind and is not necessary.



VIRGINIA ABC RULES FOR SERVING ALCOHOL IN TEMPORARY OUTDOOR DINING AREAS:

(once you receive approval, you need to follow these rules to keep your privileges)

- Your area needs to be well-lit enough to do ID checks, gauge sobriety and serve food
- Only use the area for dining. No food or drink preparation.
- Food must be provided while you are serving alcohol.
- Access to the area (entrance and exit) must be well-defined and the entire area must be enclosed with a well-defined barrier.
- No commingling — don’t share your area with any other restaurant.
- Provide adequate tables and chairs.

On-site alcohol curfew: *The on-site sale, consumption, and possession of alcohol is prohibited after 10:00 p.m. All establishments must close by midnight*

City of Norfolk ABC Contacts:

charles.jamesjr@virginiaabc.com

quincy.coston@virginiaabc.com

<https://www.abc.virginia.gov/covid-19#Outdoor>

Additional Resources

Virginia Department of Health (757) 683-2800

Office of the Fire Marshal (757) 664-6604

Office of Norfolk Building (757) 664-6696

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<https://www.norfolk.gov/4883/OpenNorfolk>

**This document is based on information available as of 11/13/2020. Please note that all rules and regulations are subject to change.*

<https://www.norfolk.gov/OpenNorfolk>

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