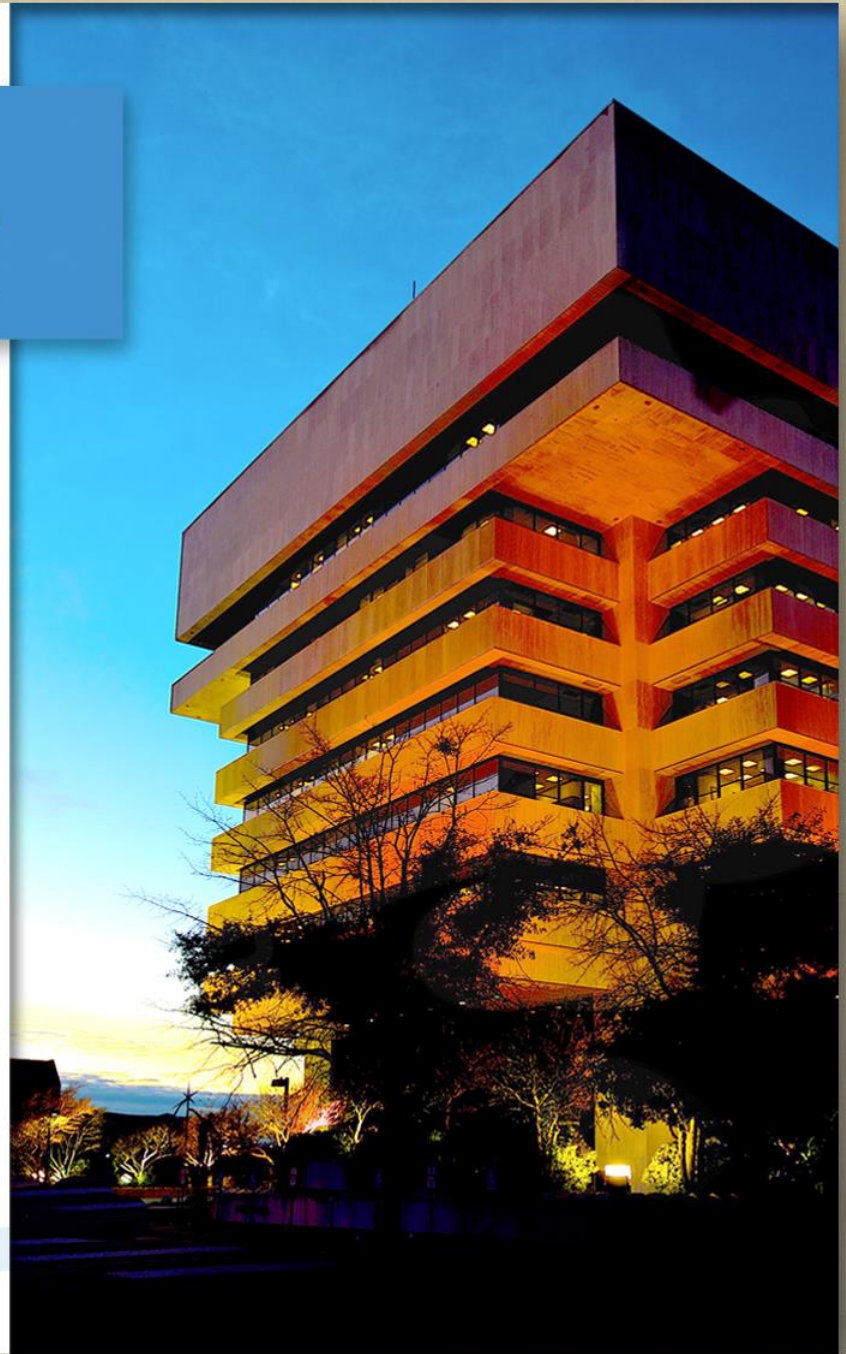


# HAMPTON VA

**Item #22-0169**

**Zoning Ordinance  
Amendment  
Restaurant, ABC, and  
related changes**

**City Council  
July 13, 2022**



# Sections

Amend Section 3-2 “Table of Uses Permitted”  
Amend Section 3-3 “Additional Standards on Uses”

# History/ Issue Statement

- **The City Council adopted new zoning regulations pertaining to ABC-licensed businesses in 2020**
  - Amendments were in response to new state code authority, which permits the City to add a condition to use permits stating that the use permit will expire upon a change in ownership, operation, or after the passage of a period of time
- **The amendments restrict ABC-licensed restaurants to a 10:00 PM closure until a use permit is obtained allowing expanded hours**
  - 10:00 PM requirement has caused a hardship for businesses
  - Businesses have violated this requirement
- **The ABC requirements, in conjunction with live entertainment and outdoor dining requirements, can be confusing for small or start-up businesses**
- **Staff reviewed these requirements and has drafted proposed amendments to streamline the process**

# Goals

- To consolidate the various uses related to eating and drinking establishments
  - Clarify the restrictions related to those uses
  - Reduce misunderstandings of restrictions for restaurant operators
- 

# Existing Ordinance

- 15 existing uses related to operations of dining and drinking establishments, e.g.:
  - “Restaurant, without a drive-through, without a retail alcoholic beverage license”
  - “Restaurant with a retail alcoholic beverage license, with live entertainment 1”
  - “Outdoor dining 1”
  - “Micro-brewery/distillery/winery with live entertainment 2”

# Existing Ordinance

- Most of the existing uses require a Zoning Administrator Permit (ZAP) to operate under specific conditions
  - Those with an alcoholic beverage license (ABC license) have a 10 pm closing time restriction
- Those businesses wishing to exceed the restrictions require a Use Permit (UP)

# Proposed Ordinance

ZAP	Use Permit	ZAP	Use Permit	ZAP	Use Permit	ZAP/UP	ZAP/UP
ABC License 10:00 PM	ABC License After 10:00 PM	Live Entertainment 1	Live Entertainment 2	Outdoor Dining 1	Outdoor Dining 2	Outdoor Dining Phoebus	Outdoor Dining Downtown

Restaurant 1 By-Right	Restaurant 2 ZAP	Restaurant 3 Use Permit
No ABC License Hours Limited No L.E. No O.D.	ABC License Hours Limited Limited L.E. Limited O.D.	ABC License Hours Defined by UP L.E. Defined by UP O.D. Defined by UP

# Proposed Ordinance

ZAP/Use Permit	ZAP/Use Permit	Use Permit
10 PM closing No live entertainment	Live Entertainment 1	Live Entertainment 2

**Micro-brewery/distillery/winery  
ZAP/Use Permit**

12 AM closing or determined by UP  
Limited L.E. or determined by UP  
Limited O.D. or determined by UP



# Proposed Ordinance

## **Restaurant 1:**

- Hours of operation between 5 am and 2 am
- No operation with ABC license
- No live entertainment
- No outdoor dining
- Drive-through or drive-in is permitted only in C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, LBP zoning districts

# Proposed Ordinance

## **Restaurant 2 in M-1, M-2, LFA-2, HRC-1, HRC-2, HRC-3 [Limited restaurants]:**

- Hours of operation between 5 am and 2 am with no ABC license
- May have with ABC license, if so, hours between 5 am and 12 am
- No live entertainment
- No outdoor dining
- No drive-through or drive-in

# Proposed Ordinance

## **Restaurant 2 in DT-1, DT-2, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3, FM-4 [Urban restaurants]:**

- Hours of operation between 5 am and 2 am with no ABC license
- May have with ABC license, if so, hours between 5 am and 12 am
- Indoor live entertainment until restaurant closing
- Outdoor dining until restaurant closing
- No drive-through or drive-in

# Proposed Ordinance

## **Restaurant 2 in C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, LBP [Suburban restaurants]:**

- Hours of operation between 5 am and 2 am with no ABC license
- May have with ABC license, if so, hours between 5 am and 12 am
- Indoor live entertainment until restaurant closing
- Outdoor dining until 10 pm
- Drive-through or drive-in is permitted

# Proposed Ordinance

## **Restaurant 3:**

- UP required
- Specific restrictions will depend on site analysis during UP process
- May have extended hours
- May have ABC license
- May have live entertainment
- May have outdoor dining
- May have drive-through or drive-in

# Proposed Ordinance

## **Micro-brewery/distillery/winery:**

- On-site drinking hours between 5 am and 12 am; production can continue 24/7
- Restrictions align with “Restaurant 2” categories based on zoning district
- UP required to alter those restrictions

# Proposed Ordinance

## **Brewery/winery/distillery:**

- On-site drinking hours between 5 am and 12 am; production can continue 24/7
- Restrictions align with “Restaurant 2” categories based on zoning district
- UP required to alter those restrictions

# Business Outreach

- Staff coordinated with CCBID, DHDP, and Phoebus Partnership
- All 3 groups support the amendment
  - Improvement to relax the overly-restrictive 10 pm closing time



# Recommendations

Planning Commission & Staff  
recommend **approval** of  
Item #22-0169