

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia By Amending Section 2-2, “Definitions,” To Add Terms Applicable to Restaurant**
3 **2.**

4
5 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
6 require;

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8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of the
9 Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

10
11 **CHAPTER 2 – DEFINITIONS**

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15 **Section 2-2. – Definitions.**

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19 *DJing (disc jockeying).* Any type of live entertainment in which a performer selects, mixes, and
20 plays pre-recorded audio for an in-person audience in real time.

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24 ~~*Live entertainment.* Any artistic, musical or theatrical performance, including but not limited to,~~
25 ~~karaoke, open-microphone, live vocal or instrumental music, recorded music with a disc~~
26 ~~jockey (DJ), play, stand-up comedy, dance act, magic, poetry reading, reenactment, cabaret,~~
27 ~~or any combination thereof, performed by one (1) or more persons, whether or not they are~~
28 ~~compensated for the performance, in a privately owned premises that is open to the public,~~
29 ~~whether or not admission is charged.~~

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31 *Live entertainment.* Any artistic, musical, or theatrical performance delivered by one (1) or more
32 performers in real time to an in-person audience at a privately-owned establishment that is open
33 to the public (whether or not admission is charged). “Live entertainment” does not include the
34 playback of pre-recorded material, or any live performance delivered remotely by electronic
35 means, if such material or remote performance is not delivered in conjunction with a live, in-
36 person performance.

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38 *Live entertainment, incidental.* Any live entertainment involving no performance other than the
39 playing of one musical instrument, one human vocal performance, or both together. “Live
40 entertainment, incidental” may include (without limitation) musical performances, live comedy,
41 trivia games, and spoken word performances meeting the definition in the previous sentence.

42
43 *Live entertainment, intensive.* Any live entertainment that does not meet the definition of “Live
44 entertainment, incidental,” including without limitation the playing of two or more musical
45 instruments; two or more human vocal performances; or any live, in-person performance
46 incorporating pre-recorded material or material delivered remotely by electronic means, such as
47 (without limitation) karaoke and any form of DJing or disc jockeying.

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51 Third-party promotion. Any transaction in which the operator of a Restaurant 2 or 3
52 establishment authorizes an unaffiliated promoter, organizer, host, or performer to promote an
53 event at that establishment, if the promoter's compensation for such promotion or event is an
54 amount per attendee or a percentage of the revenue from the event. "Third-party promotion"
55 includes (without limitation) "VIP access," "DJ room," or similar arrangements where patrons pay
56 an unaffiliated promoter for special access or services at the establishment. "Third-party
57 promotion" also includes (without limitation) any transaction in which the operator, in exchange
58 for a fee, temporarily relinquishes control over the establishment to an unaffiliated organizer
59 who conducts an event at the establishment for the organizer's profit. An establishment
60 operator's engagement of third-party advertising services does not constitute "third-party
61 promotion" if the advertiser is not compensated based on attendance at, or revenues from, a
62 particular event. As used herein, a promoter is "unaffiliated" if the promoter is not an owner,
63 partner, or manager of the establishment.