

1 **Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of**  
2 **Hampton, Virginia Entitled “Uses Permitted” By Amending Section 3-2 To Add Banquet**  
3 **Hall In The Use Table and Section 3-3 Pertaining To Additional Standards On Permitted**  
4 **Uses.**

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6 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
7 require;

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9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 3 of the Zoning  
10 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as of July 1, 2016 as  
11 follows:

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13 **CHAPTER 3 – USES PERMITTED**

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17 **Sec. 3-2. Table of uses permitted.**

18 *[See attached use table for changes.]*

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22 **Sec. 3-3. Additional standards on uses.**

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24 The following uses have additional standards:

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- 27 (51) **Banquet hall** in the PH-1, DT-1, FM-1, FM-3, and FM-4 districts are subject to  
28 a zoning administrator permit with the following attached conditions:  
29 (a) Events shall be private and not open to the general public, whether or not  
30 a fee is charged;  
31 (b) The hours of operation for a banquet hall shall not extend beyond 6:00  
32 a.m. to 1:00 a.m. the following day.  
33 (c) During the time of any event, occupancy shall not exceed the number  
34 listed on the capacity certificate;  
35 (d) Live entertainment shall comply with City Code section 22-9 with respect  
36 to any sound or noise;  
37 (e) Sufficient staff shall be provided to monitor patron behavior upon their exit  
38 of the building into the surrounding areas;  
39 (f) When required by law, the restaurant must maintain a valid license from  
40 the Virginia Department of Alcoholic Beverage Control (VABC) and  
41 comply with all restrictions or requirements imposed by VABC. In  
42 addition, the banquet hall permit may be terminated for any violation of  
43 federal, state, or local law;  
44 (g) The property owner shall comply with section 4-16 of the Hampton City  
45 Code with respect to dancing on the premises and dance floor area;

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- (h) *Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility;*
- (i) *The operator must provide proof of and maintain liability insurance underwritten by insurers, indemnifying the property owner and operator against all claims which may arise in connection with the proposed activity.*
- (j) *The banquet hall permit shall be valid for eighteen (18) months from the date of approval by the zoning administrator. After twelve (12) months of operation, prior to the expiration date, the banquet hall permit will be scheduled for review by the zoning administrator to consider if the continuation of the banquet hall permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the banquet hall permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the banquet hall permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the banquet hall permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the banquet hall permit in five-year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that that the banquet hall permit would be detrimental to the public health, safety and welfare and that to continue the activities under the banquet hall permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 1 of the zoning ordinance. A permittee aggrieved by the decision of the zoning administrator may appeal the decision of the zoning administrator to the board of zoning appeals in the manner set forth in chapter 13 of the zoning ordinance. Nothing contained herein shall limit the rights of a permittee to seek a new banquet hall permit; and*
- (k) *The zoning administrator, or appointed designee, shall have the ability to revoke the banquet hall permit upon violation of any of the above conditions.*

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*(l) No zoning administrator permit for a banquet hall shall be issued for a location where a zoning administrator permit for a banquet hall was revoked within the previous 12 months.*