

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia By Amending Section 9-23, “Modifications to Permitted Uses,” To Delete**
3 **Standards for Live Entertainment Applicable to the Restaurant 2 Use in the O-CC**
4 **Overlay.**

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

8
9 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 9-23 of the
10 Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

11
12 **CHAPTER 9 – USES PERMITTED**

13
14 ...

15
16 **Section 9-23. – Modifications to permitted uses.**

- 17
18 (1) Permitted uses shall be defined by the base zoning of the individual properties with the
19 following modifications:

20
21 ...

22
23 (b) *Permitted uses:*

24
25 ...

26
27 ~~(ii) Live entertainment 1, in conjunction with a restaurant or micro-~~
28 ~~brewery/distillery/winery. Live entertainment 1 venues are defined as venues~~
29 ~~providing live entertainment only within the building, without a dance floor or similar~~
30 ~~gathering area, and having performance space of 75 square feet or less. Any other~~
31 ~~live entertainment venue is considered a live entertainment 2 venue.~~
32 ~~Live entertainment 1 is subject to a live entertainment zoning administrator permit~~
33 ~~with the following attached conditions:~~

34
35 ~~(aa) Live entertainment shall be conducted inside the building only;~~

36
37 ~~(bb) A floor plan shall be provided and approved showing the arrangement of~~
38 ~~tables, chairs, and performance area. The layout shall remain in place for live~~
39 ~~entertainment performances and no dance floor or similar open gathering space~~
40 ~~shall be permitted;~~

41
42 ~~(cc) The hours of operation for live entertainment shall not extend past 10:00~~
43 ~~p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;~~

44
45 ~~(dd) The live entertainment shall comply with section 22-9 of the City Code, as~~
46 ~~amended, pertaining to noise.~~

47
48 ~~(ee) Each ingress/egress point in the building shall be monitored by an~~
49 ~~attendant during the hours of operation, and additional attendants may be~~
50 ~~required to monitor vehicle parking areas that serve the building and maintain~~
51 ~~and control patron behavior upon exit of the building into the parking areas;~~

52 ~~(ff) The restaurant or micro-brewery/distillery/winery shall meet the minimum~~
53 ~~requirements for parking as established in Chapter 11 herein;~~

54
55 ~~(gg) The restaurant or micro-brewery/distillery/winery shall maintain compliance~~
56 ~~with all applicable federal and state laws and requirements of licensing~~
57 ~~agencies, including but not limited to ABC licensing;~~
58

59 ~~(hh) The live entertainment permit shall be valid for eighteen (18) months from~~
60 ~~the date of approval by the zoning administrator. After twelve (12) months of~~
61 ~~operation, prior to the expiration date, the live entertainment permit will be~~
62 ~~scheduled for review by the zoning administrator to consider if the continuation~~
63 ~~of the live entertainment permit would not be detrimental to the public health,~~
64 ~~safety and welfare and that to continue the activities under the live~~
65 ~~entertainment permit would not cause public inconvenience, annoyance,~~
66 ~~disturbance or have an undue impact on the community or be incompatible with~~
67 ~~other uses of land in the zoning district. The review will be based, in part, upon~~
68 ~~a physical site review, traffic flow and control, access to and circulation within~~
69 ~~the property, off-street parking and loading, hours and manner of operation,~~
70 ~~noise, light, neighborhood complaints, police service calls, and any violations of~~
71 ~~any federal, state or local law. If, after review, the zoning administrator~~
72 ~~determines that the live entertainment permit would not be detrimental to the~~
73 ~~public health, safety and welfare and that to continue the activities under the~~
74 ~~live entertainment permit would not cause public inconvenience, annoyance,~~
75 ~~disturbance or have an undue impact on the community or be incompatible with~~
76 ~~other uses of land in the zoning district, the zoning administrator may~~
77 ~~administratively extend the live entertainment permit in five-year increments.~~
78 ~~Each such extension shall be subject to the same administrative review. If the~~
79 ~~zoning administrator determines that that the live entertainment permit would~~
80 ~~be detrimental to the public health, safety and welfare and that to continue the~~
81 ~~activities under the live entertainment permit would cause public inconvenience,~~
82 ~~annoyance, disturbance or have an undue impact on the community or be~~
83 ~~incompatible with other uses of land the zoning district, the zoning administrator~~
84 ~~will notify the permittee of a denial of the extension in writing in the same~~
85 ~~manner as required under chapter 1 of the zoning ordinance. A permittee~~
86 ~~aggrieved by the decision of the zoning administrator may appeal the decision~~
87 ~~of the zoning administrator to the board of zoning appeals in the manner set~~
88 ~~forth in chapter 13 of the zoning ordinance. Nothing contained herein shall limit~~
89 ~~the rights of a permittee to seek a new live entertainment permit; and~~

90
91 ~~(ii) The zoning administrator, or appointed designee, shall have the ability to~~
92 ~~revoke the live entertainment permit upon violation of any of the above~~
93 ~~conditions.~~
94

95 (iii) Mental Health/Substance Abuse Treatment Facility only within the C-2 base
96 zoning district and in conformance with the additional standards for the use
97 referenced within Section 3-3.
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