

1 **Ordinance To Amend And Reenact Chapter 9 Of The Zoning Ordinance Of The City Of**
2 **Hampton, Virginia Entitled “Overlay Districts” By Amending Article 3 – Coliseum Central**
3 **Overlay To Redefine Live Entertainment 1 and Live Entertainment 2**

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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 Council of the City of Hampton, Virginia that Chapter 9, Article 3 of the
9 Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

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11 **CHAPTER 9 – OVERLAY DISTRICTS**

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13 **ARTICLE I. – O-AICUZ – AIR INSTALLATION COMPATIBLE USE ZONE OVERLAY**

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17 **ARTICLE III. – O-CC DISTRICT – COLISEUM CENTRAL OVERLAY**

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21 **Sec. 9-23. – Modifications to permitted uses.**

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23 (1) *Permitted uses shall be defined by the base zoning of the individual*
24 *properties with the following modifications:*

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26 (b) *Permitted uses:*

27 (i) Micro-brewery /distillery/winery

28 (ii) Live entertainment¹, in conjunction with a restaurant or
29 micro-brewery/distillery/winery. Live entertainment 1

30 venues are defined as venues *providing live entertainment*
31 *only within the building, without a dance floor or similar*

32 *gathering area, and having performance space of 75*

33 *square feet or less. Any other live entertainment venue is*

34 *considered a live entertainment 2 venue. where capacity is*

35 *limited to no more than 50 people and subject to a live*

36 *entertainment permit granted by the zoning administrator*

37 *with the following attached conditions:*

38 *Live entertainment 1 is subject to a live entertainment*
39 *zoning administrator permit with the following attached*
40 *conditions:*

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42 (aa) Live entertainment shall be conducted inside the
43 building only;

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- (bb) *A floor plan shall be provided and approved showing the arrangement of tables, chairs, and performance area. The layout shall remain in place for live entertainment performances and no dance floor or similar open gathering space shall be permitted* Performance space shall be no greater than ten (10) percent of the gross floor area. The applicant shall submit a floor plan indicating the location of the proposed performance space;
- (cc) The hours of operation for live entertainment shall be specified on the live entertainment permit application and shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;
- (dd) *The live entertainment shall comply with section 22-9 of the City Code, as amended, pertaining to noise.* Any sound or noise from amplified music shall not exceed a noise level measurement of sixty (60) dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standards Institute;
- (ee) Each ingress/egress point in the building shall be monitored by an attendant during the hours of operation, and additional attendants may be required to monitor vehicle parking areas that serve the building and maintain and control patron behavior upon exit of the building into the parking areas;
- (ff) *The restaurant or micro-brewery/distillery/winery shall meet the minimum requirements for parking as established in Chapter 11 herein;*
- (gg) *The restaurant or micro-brewery/distillery/winery shall maintain compliance with all applicable federal and state laws and requirements of licensing agencies, including but not limited to ABC licensing;*
- (hh) The live entertainment 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,

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the live entertainment permit will be scheduled for review by the zoning administrator to consider if the continuation of the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment 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 live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment 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 live entertainment permit in five-year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that that the live entertainment permit would be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment 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 live entertainment permit; and

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(ii) The zoning administrator, or appointed designee, shall have the ability to revoke the live entertainment permit upon violations of any of the above conditions.

~~(iii) Live entertainment 2, in conjunction with a microbrewery/distillery/winery. Live entertainment 2 venues are defined as venues with a capacity greater than fifty (50) people and subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:~~

~~(aa) Submission of a site plan indicating the location and total area of the live entertainment performance space;~~

~~(bb) Hours of operation;~~

~~(cc) Any sound or noise from amplified music;~~

~~(dd) Staffing for ingress/egress points in the building and vehicle parking areas;~~

~~(ee) Term limitation on the use permit, administrative review and extension or denial of use permit.~~