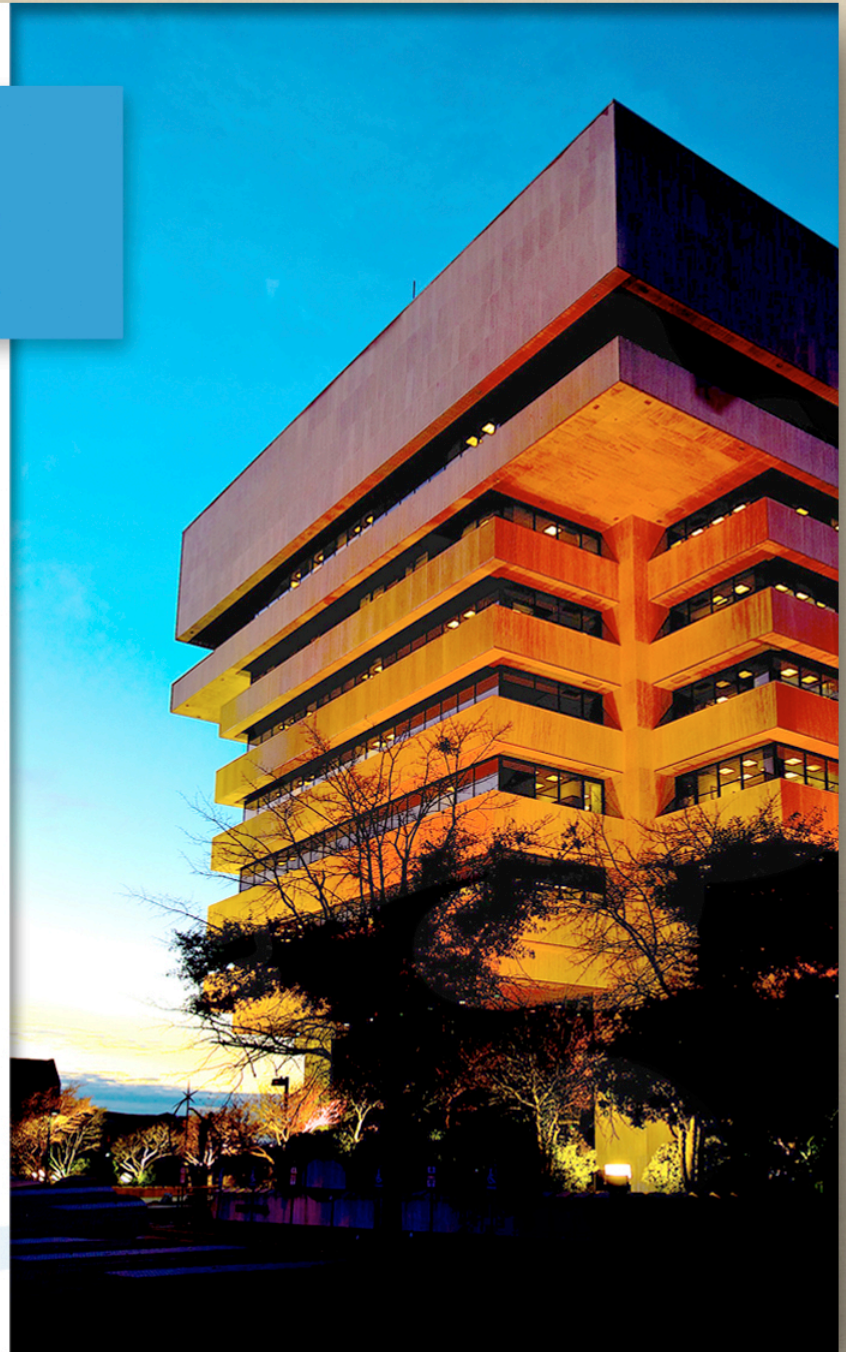


# HAMPTON VA

## **Zoning Ordinance Amendment #20-0198 and #20-0199**

## **Businesses With Retail Alcoholic Beverage Licenses**

**City Council  
July 8, 2020**



# SB 676 (2020)

As of 7/1/2020, City of Hampton is added to the localities that are authorized to **impose a condition** on **use permits** for business which have retail alcoholic beverage licenses, stating that the use permit **will automatically expire** upon any of the following:

- Change in ownership of the property
- Change in possession (tenant change)
- Change in the operation or management of the facility (business entity change)
- The passage of specific period of time (e.g., 5 years)

# History

- Use permits run with the land and new operators may “step into the shoes” of former operators
- The City of Hampton typically imposes conditions
  - provide security staffing
  - comply with VABC licensing
  - maximum occupancy limits
  - dance hall regulations
  - noise ordinance.
- Older use permits do not include these modern conditions and mitigate negative effects

# Differences Under New Authority

## Use Permits

- Operator based
- Requires approval by Council
- 2-3 months from complete application
- Site specific conditions
- Only revocable by City Council

## Zoning Administrator Permits

- Location based
- Administrative approval
- 2-3 days
- General conditions
- Revocable by Zoning Administrator



# Purpose

Amend Section 2-2 “Definitions”,

# New Definition

## ***Retail Alcoholic Beverage License***

License issued by the Virginia Alcoholic Beverage Control Authority (VABC) which allows for the serving and sale of wine, beer, and mixed beverages at restaurants, hotels, convenience stores, grocery stores, gourmet shops, delicatessens and other establishments.

# Purpose

Amend Sec. 3-2 “Table of Uses Permitted”, and Sec. 3-3 “Additional Standards on Uses” for businesses with retail alcoholic beverage license

# Restaurants - without ABC license

## Without live entertainment

- No change to permitted districts
- No additional standards

## With live entertainment 1

- No change to permitted districts
- No additional standards

## With live entertainment 2

- No change to permitted districts
- Still requires a use permit



# Restaurants & Breweries/Distilleries/ Wineries - with ABC license

**Without live entertainment**, no change to permitted districts

## Zoning Administrator Permit

Additional standards:

- Hours of operation: 6am- 10pm
- Compliance with City Code and Zoning Ordinance

## Use Permit, extended hours beyond 6am – 10pm

Example conditions:

- hours of operation
- sound or noise
- expiration upon change in ownership, possession, operation
- etc.

# Restaurants & Breweries/Distilleries/ Wineries - with ABC license

**With live entertainment 1**, no change to permitted districts

## Zoning Administrator Permit

Additional standards:

- Hours of operation: 6am- 10pm
- Existing live entertainment 1 conditions

Use Permit, extended hours beyond 6am – 10pm

Example conditions:

- hours of operation
- sound or noise
- expiration upon change in ownership, possession, operation
- etc.

# Restaurants & Breweries/Distilleries/ Wineries - with ABC license

**With live entertainment 2**, no change to permitted districts

## Use Permit

Example conditions:

- hours of operation
- sound or noise
- expiration upon change in ownership, possession, operation
- etc.

# Grandfathering

- Existing, legally permitted restaurants that would require a Use Permit under new regulations would be considered to be Legally Non-Conforming
- Use would no longer be considered legally non-conforming if the use is discontinued for more than two (2) years

# Recommendations

Staff recommends **approval** of  
#20-0198 Additional Standards  
#20-0199 Definitions