



Legislation Text

File #: 19-0013, **Version:** 1

Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-3 Pertaining to Additional Standards For Live Entertainment

Background Statement:

Chapter 3 of the Zoning Ordinance governs uses permitted in the City. This amendment deals with "additional standards" that are placed on certain by-right uses and uses that require a zoning administrator permit (an administrative process). Specifically, this amendment defines Live entertainment 1 venues and modifies additional standards for Live entertainment 1. The additional standards for these uses ensure any impacts of live entertainment to the surrounding areas are minimized, and provide a condition to automatically review the permit after 12 months.

If approved, this amendment would apply Live entertainment 1 to those venues that are providing live entertainment indoors only, have no dance floor or similar space, and have a performance area of 75 square feet or less. All other live entertainment venues are would be considered Live entertainment 2 venues, and will continue to need a Use Permit to operate. In addition, those that meet the definition of Live entertainment 1, but wanting to operate outside the standard conditions, may apply for a Use Permit.

This revised definition of Live entertainment 1 captures a group of venues that are likely to have minimal impact on their surroundings, and in staff's opinion do not need to go through the full public hearing process. The automatic review of these permits after 12 months will allow staff the flexibility to revoke these permits should the venue be a concern to the community health, safety, and welfare.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00016 (file number 19-0014) and Zoning Ordinance Amendment 18-00017 (file number 19-0017).

Recommendations:

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

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

BE IT ORDAINED by the Council of the City of Hampton, Virginia that Chapter 3, Section 3-3

of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

CHAPTER 3 - USES PERMITTED

Sec. 3-1. - Uses permitted, in general.

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

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Sec. 3-3. - Additional Standards on uses.

The following uses have additional standards:

- (1) *One-family detached dwelling.*

...

- (22) *Live entertainment 1*, in conjunction with a restaurant or micro-brewery/distillery/winery use, as specified in the Sec.3-2 table of uses permitted.

Live entertainment 1 venues are defined as venues providing live entertainment only within the building, without a dance floor or similar gathering area, and having performance space of 75 square feet or less. Any other live entertainment venue is considered a live entertainment 2 venue.

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

- (a) Live entertainment shall be conducted inside the building only;

- (b) 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;
- (c) The hours of operation for live entertainment shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;
- (d) The live entertainment shall comply with section 22-9 of the City Code, as amended, pertaining to noise.
- (e) 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;
- (f) The restaurant or micro-brewery/distillery/winery shall meet the minimum requirements for parking as established in Chapter 11 herein;
- (g) 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;
- (h) 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, 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](https://library.municode.com/va/hampton/codes/zoning?) [of the zoning ordinance](https://library.municode.com/va/hampton/codes/zoning?). 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](https://library.municode.com/va/hampton/codes/zoning?) [of the zoning ordinance](https://library.municode.com/va/hampton/codes/zoning?). Nothing contained herein shall limit the rights of a permittee to seek a new live entertainment permit; and

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

(23) Reserved.