



Legislation Text

File #: 16-0333, **Version:** 1

Ordinance To Amend And Reenact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Section 3-2 To Add "Banquet Hall" To The Use Table And Permit The Use In DT-1, PH-1, FM-1, FM-3, and FM-4 With A Zoning Administrator Permit, And FM-2 With A Use Permit, As Well As Section 3-3 Pertaining to Additional Standards As They Pertain To Banquet Halls

Background Statement:

Chapter 3 of the zoning ordinance governs uses permitted in the city. Specifically, this amendment will establish the districts in which banquet halls are permitted within the city, as well as standard conditions required of their operation.

The proposed amendment permits banquet halls specifically in the Downtown Business (DT-1), Phoebus Business (PH-1), Fort Monroe Inner Fort (FM-1), Fort Monroe Historic Village (FM-2), Fort Monroe North Gate (FM-3), and Fort Monroe Wherry Quarter (FM-4) Districts. Banquet halls would be permitted with a zoning administrator permit, except for in FM-2 where an approved use permit would be required.

These districts are included for the addition of banquet hall as a use because they are identified as mixed-use areas appropriate for entertainment and tourist destinations, which is a priority economic development strategy according to the Hampton Community Plan (pg. LU-17, LU-21, and ED-23, 2006 as amended). These districts also represent walkable areas where other activities and people are likely to be nearby, as opposed to places where the hall would sit isolated and empty into a large parking lot.

The zoning administrator permit, as recommend be applied to DT-1, PH-1, FM-1, FM-3, and FM-4, is a mechanism which allows for the administrative revocation of the use if the property is found to be in violation of the standard conditions.

The Fort Monroe Historic Village District (FM-2) would require an approved use permit. A use permit would be required in this area because the village is largely residential with some opportunities for siting a larger commercial use, such as a banquet hall. The master plan for Fort Monroe recognizes specific buildings appropriate for such use and can be used as a basis for approval or denial of a banquet hall in a specific location. Revocation for violation of conditions of a use permit requires action by City Council.

The proposed standard conditions include:

- Events shall be private and not open to the public
- Occupancy cannot exceed that of the occupancy certificate
- Live entertainment shall comply with the City's noise ordinance
- Staff shall monitor the behavior of patrons leaving the hall into surrounding areas
- Operators must obey federal, state, and local laws, explicitly including those related to VABC

- Operation must comply with the standard limitation on dance floor area
- No events by third party promoters for profit are permitted
- Liability insurance is required
- Review similar to that for live entertainment permits shall occur
- The ability to revoke the permit for violation of any condition

This amendment is in conjunction with ZOA 195-2016, which creates the definition of a banquet hall.

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 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as of July 1, 2016 as follows:

CHAPTER 3 - USES PERMITTED

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Sec. 3-2. Table of uses permitted.

[See attached use table for changes.]

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Sec. 3-3. Additional standards on uses.

The following uses have additional standards:

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(51) Banquet hall in the PH-1, DT-1, FM-1, FM-3, and FM-4 districts are subject to a zoning administrator permit with the following attached conditions:

- (a) Events shall be private and not open to the general public, whether or not a fee is charged;
- (b) The hours of operation for a banquet hall shall not extend beyond 6:00 a.m. to 1:00 a.m. the following day.
- (c) During the time of any event, occupancy shall not exceed the number listed on the capacity certificate;
- (d) Live entertainment shall comply with City Code section 22-9 with respect to any sound or noise;
- (e) Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas;
- (f) When required by law, the restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, the banquet hall permit may be terminated for any violation of federal, state, or local law;
- (g) The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area;
- (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.

(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.

[The attached table, entitled, "TABLE OF USES PERMITTED - CITY OF HAMPTON ZONING ORDINANCE" is hereby declared to be a part of this ordinance as if fully set forth herein.]