



Restaurant Zoning Change FAQ

Q: Why is the city changing conditions for restaurants?

A: We want to make it easier and faster for people who want to open new restaurants, while still addressing conditions that might impact their neighbors.

Q: Didn't you just change the ordinance?

A: Yes, 2020, for the same reason. That change created a set of conditions that would allow administrative approval under certain conditions, to eliminate the public hearings and Planning Commission and City Council votes, which takes several months. However, we learned that the closing time condition caused a hardship for those new restaurants. We wanted to act on that concern and also continue to simplify the regulations.

Q: What changes?

A: It is a tiered approach. Generally, restaurants that don't sell alcohol, don't have outdoor dining, and don't offer live music can be open for longer hours (2 a.m.) in most non-residential areas. Restaurants that want alcohol sales, live entertainment, and/or outdoor dining can get an administrative permit (in many zones) under certain conditions. This change extends that existing closing time condition which has caused some hardship from 10 p.m. to midnight.

Q: What if I want to be open longer or operate under different conditions?

A: Then you go through the process for a Use Permit. This tiered approach will let restaurants get a Zoning Administrator Permit (the administrative approach) and open under the ordinance-specified conditions while they go through the process to request the expanded conditions or hours. A Use Permit is a special discretionary permit decided upon by the City Council. The process takes longer because it allows for public hearings, so that nearby business and residents who have concerns about things like noise have a chance to have their views considered. Please ask to consult with a zoning official by calling (757) 727-8311 or email CDDZoning@Hampton.gov to get the process started.

Q. How do I figure out exactly what category and restrictions I fall in to?

A: We have created a chart that summarizes the changes, available on our website or you can pick up a printed copy at the Development Services Center permit desk on the third floor of City Hall. However, there are intricacies and you might want to talk to our Zoning team. You can call (757) 727-8311 and ask to speak to a zoning official about your restaurant use, or email CDDZoning@Hampton.gov.

Q: I have continued to operate my restaurant in Hampton since prior to 2020, do these changes affect me?

A: As long as you had a legally established restaurant at your location that has not stopped operations for more than 24 consecutive months, your use is considered legal non-conforming and can continue without any changes.

Q: What if I sell my restaurant location to a new owner? Do they have to go through this process?

A: If you are a legal non-conforming restaurant use (question above), that designation stays with the location. So even if a new restaurant comes in within that two-year time frame, it continues to be allowed as a legal non-conforming restaurant use.