

11. Ingress and Egress.

In order to verify that ingress and egress to the establishment is in compliance with the building code, and to verify the capacity and layout of the outdoor seating, the establishment operator must contact 311 at 757.727.8311 to arrange for an inspection prior to occupancy of the outdoor seating. After inspection and verification of compliance, a certificate of final inspection will be issued.

12. Outdoor seating boundaries.

Following approval of the Outdoor Seating permit, and minimum one week prior to occupancy of the seating area, the establishment operator must mark the boundaries of the seating area and schedule an inspection through 311 - by calling 757.727.8311 - in order that boundaries can be confirmed.

13. Operation Hours.

Outdoor Seating must be operated in accordance with the City of Hampton Code of Ordinances, Ch. 34 Art. VI Sec. 34-129 - Outdoor seating permit; design standards, which stipulates the hours of outdoor seating shall not extend beyond the hours of the main establishment.

14. Approved permit.

Outdoor Seating permits are approved jointly by the Community Development Department and the Department of Public Works. The permit and related plan must be available at the establishment for which it is associated. The director of Public Works is responsible for the administration and enforcement of Outdoor Seating Permits. If you have any questions, please call 757.727.6346.

15. Permit duration & transferability.

An Outdoor Seating permit is valid until the establishment ceases operation, the permit is suspended, or the permit is revoked. Permits are not transferable to another operator or location.



16. Revocation or suspension.

An approved Outdoor Seating permit may be revoked or suspended by the Director of Public Works under certain circumstances as outlined in Ch. 34 Art. VI Sec. 34-127 of the City of Hampton Code of Ordinances.

OUTDOOR SEATING PERMIT APPLICATION Instructions & Guide

An overview of the Outdoor Seating regulations and application procedure can be found in this brochure.

An outdoor seating area is considered to be any grouping of tables, chairs, or other seating fixtures in the public sidewalk or right-of-way, which is temporary and not permanently affixed to the right-of-way surface or attached to any building, and readily removable without damage to the surface of the right-of-way.

Outdoor seating areas shall not be considered a traditional encroachment as outlined in the City of Hampton Code of Ordinances, but rather are uniquely defined in Ch. 34 Art. VI Sec. 34-122 of the City of Hampton Code of Ordinances.



City of Hampton
Development Services Center
22 Lincoln St, 3rd Floor
Hampton, VA 23669
757.728.2444 | dscpermits@hampton.gov

1. Outdoor seating permit requirement.

An outdoor seating permit is required for outdoor seating to be placed within the public sidewalk/right of way. Outdoor seating will only be approved when no permanent improvements are installed; otherwise, applicants must seek an encroachment permit from City Council, as provided for in Chapter 34 of the City of Hampton Code of Ordinances.

2. Complying with zoning regulations.

Outdoor seating is only permitted in approved districts when the underlying zoning district also permits outdoor dining as a use. These districts include: PH-1, DT-1 and DT-2. Outdoor seating shall not unreasonably obstruct neighboring properties. For further information and to confirm property zoning, please refer to the city GIS or call the zoning office at 757.728.2444.



3. Who may apply and where to apply.

Applications may be submitted by the operator, or his/her agent, of an establishment that is located at street level adjacent to the sidewalk/right-of-way. Submission of the application and all supporting materials may be made in person, by mail, or electronically at:

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757.728.2444 (phone)
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4. Application materials and fee.

A scaled and dimensioned plan, photographs, and graphic representations, must be submitted with Outdoor Seating applications. Plans should be no larger than 11" x 17".

All applications should be accompanied by a \$100 application fee, which may be submitted in the form of cash, check, or credit (made payable to the City of Hampton).

5. Application signatures.

The property owner must sign the application for Outdoor Seating.

6. Indemnification and insurance required.

Proof of compliance with the indemnification and insurance requirements as set forth in Ch. 34 Art. VI Sec. 34-123(c) of the City of Hampton Code of Ordinances must be submitted and approved prior to the approval of the sidewalk cafe. Please review the insurance requirements before submitting. For further information, call Risk Management at 757.727.6617.

7. Fees and taxes to be paid.

All City fees and taxes relative to the establishment and the property on which it is located must be paid in full. All required City licenses must also be current before a permit may be approved.

If any fee or tax becomes delinquent, or if any required license is not maintained, the permit is subject to suspension or revocation.



8. Standards and design guidelines.

Seating layout, arrangement, features, fixtures, and operation of the area must comply with standards set forth in Pedestrian Amenity Design Standards and the Outdoor Seating Guidelines. Please review these standards, as well as other provisions of the outdoor seating ordinance, before application submittal.



9. Virginia ABC requirements.

In all cases where alcohol is to be served, the outdoor seating area must be designed and operated in accordance with Virginia Department of Alcoholic Beverage Control (ABC) requirements. Further questions about these requirements may be directed to the ABC at 757.825.7830.

10. Compliance with Virginia Uniform Statewide Building Code (VUBSC): Toilet facilities.

In order to verify compliance with the building code, the application must include the number of water closets provided for each sex, as well as the seating capacity of the proposed outdoor seating.

If the total occupant count of the existing establishment plus the additional seating capacity of the outdoor seating requires installation of additional facilities, it will be necessary to obtain any required permits from the Development Services Center. These improvements must be made prior to the opening of the outdoor seating. The Development Services Center may be contacted at 757.728.2444.