

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA22-00001

Planning Commission Date: January 20, 2022

City Council Date: February 9, 2022

General Information

<i>Description of Proposal</i>	To address how recreation areas that are associated with other uses are permitted, staff is proposing to update the zoning ordinance to add a new general provision that would permit these recreation areas in conjunction with other uses as long as there is an association or legal entity managing the area. This item is being brought forward in conjunction with Zoning Ordinance Amendments No. 22-00002 and 22-00003.
<i>Zoning Definitions</i>	<p><u>Relevant definitions included in associated amendment:</u></p> <p><i>Active recreation area.</i> That portion of the green area provided in developments that is intended to, and can support physical recreation activities or facilities.</p> <p><i>Open space.</i> A parcel of land or an area of water or combination thereof, designated and limited within a development site as being intended for the recreational use (passive and active) and enjoyment of the residents, employees, or guests. Open space shall not include streets, alleys, off-street parking or loading areas, or other facilities dedicated as either private or public right-of-way.</p> <p><i>Open space amenity.</i> The specific open space area provided to residents, employees, or guests as part of a development for their use and enjoyment. These amenities may be improved or impervious surfaces, such as roof decks, balconies, and private patios, or they may be of unimproved surfaces, provided they are designed to be used and enjoyed by such individuals, as determined by the Zoning Administrator. The open space amenity shall not be counted toward any green area requirements for the property.</p> <p><i>Park, private.</i> A parcel of land or an area of water or combination thereof, used for primarily outdoor enjoyment which may include such amenities as picnic areas, playgrounds, trails, indoor or outdoor athletic facilities, and nature preserves, which are owned and operated by entities other than a governmental entity to provide active and/or passive recreation for the general public. Open spaces, open space amenities, and active recreation areas, as defined within this ordinance, shall not be considered private parks.</p> <p><i>Park, public.</i> A parcel of land or an area of water or combination thereof, used for primarily outdoor enjoyment which may include such amenities as picnic areas, playgrounds, trails, indoor or outdoor athletic facilities, nature preserves, and public open spaces which are owned or operated by a governmental entity to provide active and/or passive recreation for the general public.</p>

<i>Current Regulations</i>	The current ordinance permits active and passive parks in certain districts, but does not define those terms. Currently, recreation amenities proposed associated with certain developments, including single-family subdivisions, multifamily complexes, and commercial development, but on a separate parcel from those developments are not clearly permitted unless considered to be an active or passive park. Given that there are certain provisions within the ordinance that imply that these recreation amenities associated with developments are required or desired as part of that development, staff finds the existing ordinance to be unclear or inconsistent.
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Analysis

This amendment in conjunction with two others (ZOA 22-00002 and 22-00003) is intended to provide clarity and consistency in how parks and park-like amenities are regulated through zoning in a way that encourages the inclusion of such amenities. As Resilient Hampton Initiative pilot projects such as the Big Bethel Blueway have moved forward in design and implementation, staff have identified that the existing ordinance does not clearly distinguish how park and park-like amenities are permitted within the City. Currently, public parks which are owned and operated by the City and which go through extensive design and budgeting processes, may not be permitted by the Zoning Ordinance. Additionally, recreation amenities provided by developments that are on commonly owned properties separate from the associated development are not clearly permitted in association with that development, such as the parks at Peninsula Town Center or common spaces often associated with single-family subdivisions and multifamily complexes.

This amendment adds a new section to Chapter 1 which addresses general regulations applicable to many or all zoning districts. The proposed new section would focus on recreation areas associated with other uses. Some common examples of such a recreation area would be dog parks, pools, walking trails, and piers in townhouse or apartment developments especially where those amenities are on a separate parcel from the dwellings. The proposed section would clarify that these sorts of areas, as defined by 'open space', 'open space amenities', and 'active recreation areas' within the ordinance, are permitted associated with that development as long as there is an association or other legal entity managing and maintaining that area.

This amendment is in conjunction with ZOA22-00002 and ZOA22-00003. ZOA22-00003 would modify where and how the uses of private parks and public parks are permitted, while ZOA22-00002 would add new definitions of private parks and public parks, and modify some existing definitions related to outdoor areas. The staff proposal aims to clearly and consistently regulate parks and park-like amenities in a way that best serves Hampton residents.

Staff recommends approval of ZOA 22-00001.