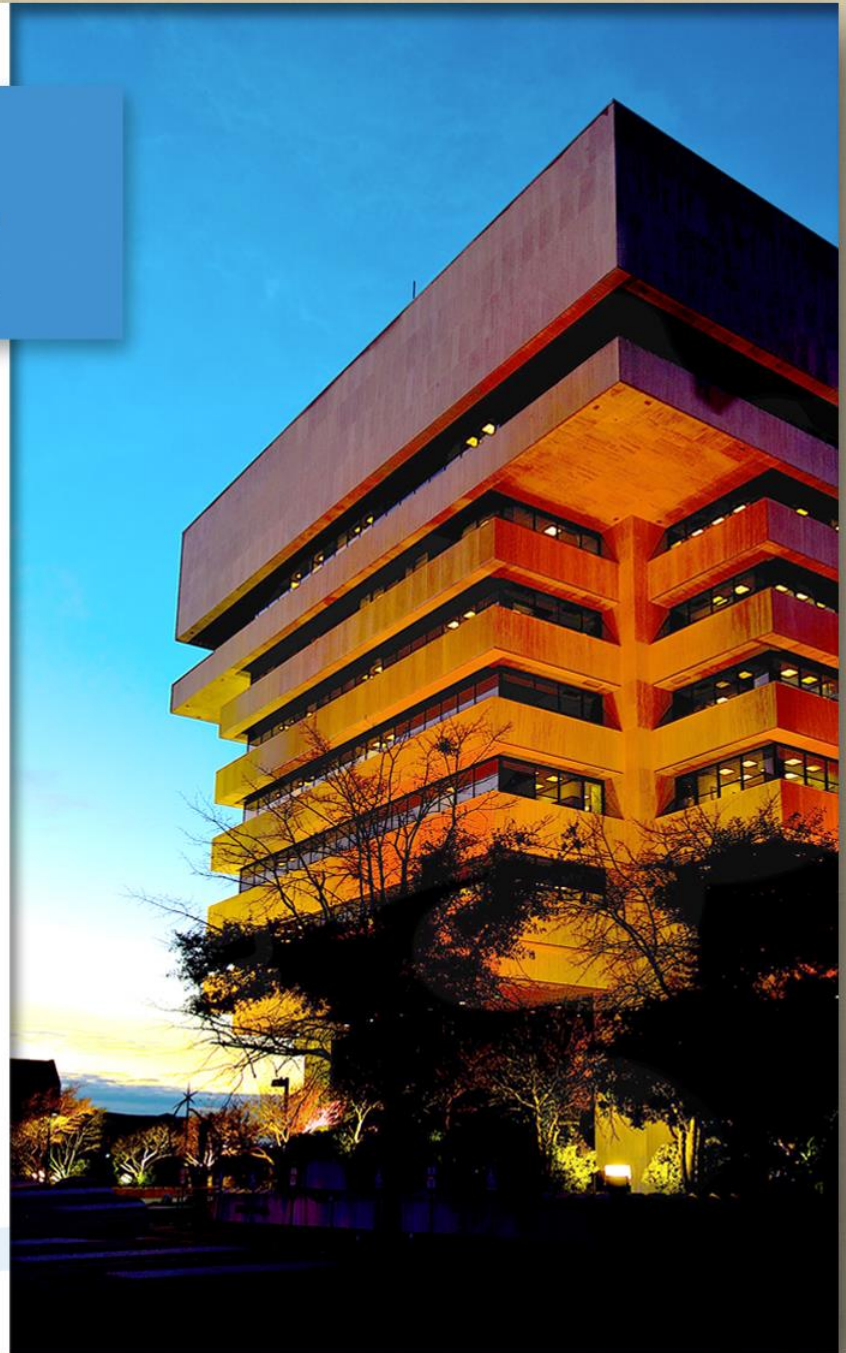


HAMPTON VA

Zoning Ordinance Amendments No. 24-0013, 24-0014, 24-0015, and 24-0016

*Chapters 3, 6, 8, and 9
Modifications to permitted
outdoor uses*

City Council
February 14, 2024



Amendment

To amend Chapters 3, 6, 8, and 9 to modify the list of permitted outdoor uses to permit outdoor play areas associated with day care centers with additional standards in multiple districts, and to permit outdoor dining in the Neighborhood Commercial (C-1) District

Day Care Uses

- *Day Care 1, Family*: No more than 4 clients in an occupied dwelling, in which one of the clients or providers reside
- *Day Care 2, Family*: 5 to 12 clients in an occupied dwelling, in which one of the clients or providers reside
- *Day Care, Commercial*: Any number of clients in any facility other than the residence of a client or provider
 - *Day Care 1, Commercial* includes limitations on hours, capacity, and other additional standards. Requires a ZAP in districts where it's permitted
 - *Day Care 2, Commercial* operate beyond the conditions set forth under the provisions of *Day Care 1, Commercial*. Requires a UP in districts where it's permitted

Background

- Day Care 1, Commercial and Day Care 2, Commercial is currently permitted in the Neighborhood Commercial (C-1), Downtown Business (DT-1), Downtown Waterfront (DT-2), and Overlay – Coliseum Central (O-CC) Districts.
- However, any commercial day care within these districts is not currently permitted to operate partially or wholly outdoors.
 - Contradicts the standards set by the Virginia Department of Education (VDOE)

Proposed Zoning Ordinance

- Proposed amendment to additional standards to limit the hours for any outdoor play areas associated with Day Care 1, Commercial within the C-1 District
 - Proposed hours align with the permitted hours for outdoor play activities associated with the Day Care 2, Family
 - More stringent due to proximity to residential areas
- In conjunction with ZOA24-0014, this amendment permits outdoor play areas associated with a day care center, subject to additional standards

Proposed Zoning Ordinance

- Proposed amendment would correct the issue within the C-1 District (Chapter 6) by permitting outdoor play areas in conjunction with day care centers
- Due to the addition of outdoor play areas in the C-1 District, staff proposes a limitation on the permitted hours of outdoor play areas (Chapter 3)
- Proposed amendment would also correct similar issues within the DT-1 and DT-2 Districts (Chapter 8) and within the O-CC District (Chapter 9)
- Staff also identified a conflict related to outdoor dining, and the proposed amendment would add outdoor dining to list of permitted outdoor uses in the C-1 District (Chapter 6)

Conclusion

Staff and Planning
Commission recommend
approval of ZOA No. 24-0013,
No. 24-0014, No. 24-0015, and
No. 24-0016