

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA22-00002

Planning Commission Date: January 20, 2022

City Council Date: February 9, 2022

General Information

<i>Description of Proposal</i>	To address both private and public park locations and appropriateness, staff is proposing to update the zoning ordinance to create the public park and private park uses in lieu of the existing active park and passive park. This amendment adds definitions of 'public park' and 'private park' and amends the definitions of 'active recreation area', 'open space', and 'open space amenity'. This item is being brought forward in conjunction with Zoning Ordinance Amendments No. 22-00001 and 22-00003.
<i>Zoning Definitions</i>	<p><u>Existing definitions proposed to be modified:</u></p> <p><i>Active recreation area.</i> That portion of the green area provided in townhouse, multiple dwelling, or mixed-use 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. 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 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 the residents, as determined by the Zoning Administrator. The open space amenity shall not be counted toward any green area requirements for the property.</p> <p><u>New definitions:</u></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</p>

spaces which are owned or operated by a governmental entity to provide active and/or passive recreation for the general public.

<i>Current Regulations</i>	The current ordinance permits active and passive parks in certain districts, but does not define those terms. Currently, proposed public parks fall into either the active or the passive park categorizations and as such may not be permitted in certain districts even on City-owned properties. There are certain provisions within existing districts that imply that recreation facilities associated with developments, such as dog parks in multifamily development, are required or desired amenities as part of that development, but there is no consistent way to distinguish whether those amenities in fact are active or passive parks and must be permitted separately.
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Analysis

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 on City property and which go through extensive design and budgeting processes, may not be permitted by the Zoning Ordinance. Staff is intending to clarify the existing ordinance and rectify this issue with three related zoning ordinance amendments so that regulations of parks and park-like amenities are clearly and consistently instituted in a way that best serves Hampton residents.

This amendment creates the definitions for two new uses: 'park, private', which is land for primarily outdoor enjoyment which is not owned or operated by a government entity; the other is a 'park, public' which is publicly owned. Both definitions exclude three existing defined terms from being considered parks – 'open space', 'open space amenities', and 'active recreation areas'. These three terms all describe areas provided associated with developments and these amendments as a whole would clarify that such associated amenities are not considered parks.

In order to clarify that the three existing definitions of 'open space', 'open space amenities', and 'active recreation areas' are intended to apply not only to residential developments but also other developments such as business parks or shopping centers, this amendment proposes minor wording changes within those definitions.

This amendment is in conjunction with ZOA22-00001 and ZOA22-00003. ZOA22-00003 would modify where and how the uses of private parks and public parks are permitted, while ZOA22-00001 would add a general provision to govern areas that might otherwise be thought of as a park but that are associated with a development.

Staff recommends approval of ZOA 22-00002.