

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA22-00003

Planning Commission Date: January 20, 2022 **City Council Date:** February 9, 2022

General Information

Description of Proposal

To address 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 updates the Use Table to remove the existing park uses and replace them with the proposed public and private park uses. This item is being brought forward in conjunction with Zoning Ordinance Amendments No. 22-00001 and 22-00002.

Zoning Definitions

Relevant definitions included in associated amendment:

Active recreation area. That portion of the green area provided in developments that is intended to, and can support physical recreation activities or facilities.

Open space. 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.

Open space amenity. 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.

Park, private. 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.

Park, public. 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.

Current Regulations 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 passive park categorization 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 are in fact active or passive parks and must be permitted separately.

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 hoping to clarify the existing ordinance and rectify these issues with these three proposed zoning ordinance amendments so that regulations of parks and park-like amenities are clearly and consistently regulated in a way that best serves Hampton residents.

This amendment removes the uses of 'park/playground, active' and 'park, passive/open space' and replaces them with 'park, private' and 'park, public'. Private parks are proposed to be permitted in the same manner that 'park/playground, active' and 'park, passive/open space' are currently permitted with the exception that they would not be permitted within the PO-1 or PO-2 districts as those districts require public ownership of the land. Public parks would be permitted in all districts.

This amendment is in conjunction with ZOA22-00001 and ZOA22-00002. 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, while ZOA22-00002 would add new definitions of private parks and public parks, and modify some existing definitions related to outdoor areas.

Staff recommends approval of ZOA 22-00003.