

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA25-0152
Planning Commission Date: April 18, 2024 **City Council Date:** May 22, 2024

General Information

Description of Proposal The amendment proposes to amend section 2-2 of the zoning ordinance to add “physical recreational facility” to the list of definitions.

Relevant Existing Zoning Ordinance Sections Sec. 2-2. - Definitions.
Private school. Any establishment operated for the educational and professional instruction of individuals that is not a public school as defined in this chapter, not including colleges or universities

Sec. 3-2. – Table of Uses Permitted.
^ "Retail sales, general": uses of the same general character as antique shop, appliance store, art shop, bakery (retail), boating supply store, book store, clothing store, confectionery, convenience store, dairy products store, delicatessen, department store, drapery store, drug store, dry cleaning (collection or pick-up station), florist, furniture and floor coverings store, grocery store (including produce, meat, or seafood markets), hardware store, interior decorating store, Internet cafe, jewelry store, newsstand, office supply/stationery store, pet shop, photography studio, shoe store and repair, or variety store.

Current Regulations Currently, uses similar to the proposed “physical recreational facility” are categorized as either “*retail sales, general*”, or as “*school, private*” in the event that general instruction or advancement is provided. For example, any dance studio that is providing general dance lessons or dance tier advancement would be a private school and would therefore be permitted only in districts which permit private schools.

Analysis

The proposed amendment adds a definition for a new use, “physical recreational facility”, to the Zoning Ordinance. Currently, some gyms fall under the “retail sales, general” use as long as there are no certifications or official advancements. When there is an element of certification, advancement, or similar, it is classified as a private school which requires a Use Permit in those districts where it is a permitted use. In these cases, businesses, often small businesses, need to go through the Use Permit process which requires time, or limit their use operations and operate under the “retail sales, general” use. Staff recommends separating this use type from other private schools as the same sort of impacts are not expected.

The proposed amendment, in conjunction with Zoning Ordinance Amendment No. 24-0153, would permit physical recreational facilities subject to additional standards. Upon

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reviewing this type of use, staff identifies that the Use Permit process currently required is unnecessary. The proposed additional standards will suitably manage potential nuisance issues related to the operation of the use outdoors. These amendments would allow gyms and similar physical recreation related businesses, with or without advancement and instruction, to operate as a by-right use with additional standards. Potential impacts to surrounding properties are mitigated in the additional standards related to the operation of any outdoor space, such as hours of operation, screening, and setbacks.

In summary, staff recommends adoption of the proposed amendment to add an additional use, more specifically the permitted by right physical recreational facility use within the C-1, C-2, C-3, M-1, M-2, LFA-2, LFA-4, LFA-6, BB-3, BB-4, BB-5, HRC-1, HRC-2, LBP, DT-1, DT-2, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3, and FM-4 districts. These include some limitations on the hours of operation, location of outdoor recreation areas, screening, and more. The proposed amendment, along with ZOA24-0153, would permit physical recreational facilities, subject to additional standards, in certain zoning districts while continuing to protect the health, safety, and welfare of the public.

Staff recommends approval of ZOA 24-0152