

1 **Ordinance To Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of**  
2 **Hampton, Virginia Entitled “Uses Permitted” By Amending Section 3-2 To Amend Day**  
3 **Care In The Use Table and Section 3-3 Pertaining To Additional Standards On Permitted**  
4 **Uses With an Effective Date of July 1, 2016.**

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6 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
7 require;

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9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 3 of the Zoning  
10 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as of July 1, 2016 as  
11 follows:

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13 **CHAPTER 3 – USES PERMITTED**

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17 **Sec. 3-2. Table of uses permitted.**

18 [See attached use table for changes.]

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22 **Sec. 3-3. Additional standards on uses.**

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24 The following uses have additional standards:

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27 ~~(10) Day care 2 in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4,~~  
28 ~~and RT-1 districts.~~

29 ~~(a) Unless it makes a factual determination that the proposed day care 2~~  
30 ~~would be incompatible with the quiet enjoyment of surrounding~~  
31 ~~properties, the board of zoning appeals shall issue the requested~~  
32 ~~special exception. It may impose conditions governing factors related to~~  
33 ~~the operation of said home, such as, but not limited to:~~

34 ~~(i) Hours of operation;~~

35 ~~(ii) Location of play area and equipment;~~

36 ~~(iii) Fencing of play area;~~

37 ~~(iv) Limitations on signs;~~

38 ~~(v) Record-keeping requirements and inspection by authorized~~  
39 ~~personnel.~~

40 ~~If the board denies an application for special exception, no further~~  
41 ~~application for special exception pertaining to the same use on the same~~  
42 ~~property will be accepted by the board for one (1) year following the date~~  
43 ~~of denial.~~

44 ~~Day care 2 in the MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, DT-1, DT-2,~~  
45 ~~and DT-3 districts.~~

- 46 (a) ~~Shall be permitted only in detached single family homes with non-~~  
47 ~~conforming status.~~
- 48 (b) ~~Unless it makes a factual determination that the proposed day care 2~~  
49 ~~would be incompatible with the quiet enjoyment of surrounding properties,~~  
50 ~~the board of zoning appeals shall issue the requested special exception,~~  
51 ~~It may impose conditions governing factors related to the operation of~~  
52 ~~said home, such as, but not limited to:~~
- 53 (i) ~~Hours of operation;~~  
54 (ii) ~~Location of play area and equipment;~~  
55 (iii) ~~Fencing of play area;~~  
56 (iv) ~~Limitations on signs;~~  
57 (v) ~~Record-keeping requirements and inspection by authorized~~  
58 ~~personnel.~~
- 59 ~~If the board denies an application for special exception, no further~~  
60 ~~application for special exception pertaining to the same use on the same~~  
61 ~~property will be accepted by the board for one (1) year following the date~~  
62 ~~of denial.~~

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64 **(10) Day care 1, family in the M-1, M-2, M-3, LFA-1, LFA-2, LFA-3, LFA-4, LFA-6,**  
65 **RT-1, HRC-1, HRC-2, HRC-3, PO-1, and PO-2 districts.**

- 66 (a) *This use shall be permitted only in dwellings with legal non-conforming*  
67 *status.*

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69 ~~(11) Day care 3 in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-~~  
70 ~~4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, HRC-2, DT-1, DT-2, and DT-~~  
71 ~~3 districts, or;~~  
72 ~~Day care 3, accessory in the M-1, M-2, M-3, HRC-1, and HRC-3 districts.~~  
73 ~~The evaluation of a request for use permit for a day care 3 or day care 3,~~  
74 ~~accessory use shall include the traffic impact of the proposed use on the~~  
75 ~~surrounding road network. Further provided that the use permit for a day care 3~~  
76 ~~shall automatically expire and become null and void if the property is not used for~~  
77 ~~the permitted purpose for a continuous six-month period.~~

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79 **(11) Day care 2, family**

- 80 (a) *In the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4,*  
81 *R-M, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, FM-1, FM-2, and*  
82 *FM-3 districts, this use shall comply with all of the following provisions:*
- 83 (i) *No more than one (1) employee of the day care shall reside*  
84 *outside of the dwelling.*
- 85 (ii) *No day care 2, family shall operate prior to obtaining a certificate*  
86 *of occupancy and all other necessary permits and inspections.*
- 87 (iii) *No day care 2, family shall be permitted to operate without a valid*  
88 *business license as issued by the Commissioner of Revenue.*
- 89 (iv) *No day care 2, family shall be permitted to operate without a*  
90 *license issued by the Commonwealth of Virginia.*
- 91 (v) *All parking in connection with the day care must be in driveway*  
92 *and garage areas on the premises, or in available on-street*  
93 *parking areas.*

- 94 (vi) *Play areas shall be provided in accordance with the following*  
95 *standards in order to provide minimum disturbance to adjacent*  
96 *properties and maximum safety of clients:*  
97 (aa) *A six (6) foot tall opaque fence shall be provided around*  
98 *the play area in accordance with Section 1-18 of this*  
99 *ordinance.*  
100 (bb) *All outdoor play activities shall be conducted between 8:00*  
101 *a.m. and 6:00 p.m.*
- 102 (b) *In the MD-1, MD-2, MD-3, MD-4, C-1, C-2, C-3, M-1, M-2, M-3, LFA-1,*  
103 *LFA-2, LFA-3, LFA-4, LFA-6, BB-4, BB-5, HRC-1, HRC-2, HRC-3, DT-*  
104 *3, PH-1, FM-4, PO-1, and PO-2 districts, this use shall be permitted*  
105 *only in dwellings with legal non-conforming status and shall comply*  
106 *with all of the following provisions:*  
107 (i) *No more than one (1) employee of the day care shall reside*  
108 *outside of the dwelling.*  
109 (ii) *No day care 2, family shall operate prior to obtaining a certificate*  
110 *of occupancy and all other necessary permits and inspections.*  
111 (iii) *No day care 2, family shall be permitted to operate without a valid*  
112 *business license as issued by the Commissioner of Revenue.*  
113 (iv) *No day care 2, family shall be permitted to operate without a*  
114 *license issued by the Commonwealth of Virginia.*  
115 (v) *All parking in connection with the day care must be in driveway*  
116 *and garage areas on the premises, or in available on-street*  
117 *parking areas.*  
118 (vi) *Play areas shall be provided in accordance with the following*  
119 *standards in order to provide minimum disturbance to adjacent*  
120 *properties and maximum safety of clients:*  
121 (aa) *A six (6) foot tall opaque fence shall be provided around*  
122 *the play area in accordance with Section 1-18 of this*  
123 *ordinance.*  
124 (bb) *All outdoor play activities shall be conducted between 8:00*  
125 *a.m. and 6:00 p.m.*

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- 127 (49) **Day care 1, commercial** in the C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, FM-1,  
128 FM-2, FM-3 and PO-1 districts are subject to a day care permit granted by the  
129 zoning administrator with the following attached conditions:  
130 (a) *Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday*  
131 *through Sunday;*  
132 (b) *Loading and unloading of clients from vehicles shall be conducted on site*  
133 *and not on any public street or right-of-way;*  
134 (c) *Capacity shall not exceed the number listed on capacity certificate;*  
135 (d) *The day care operator must maintain a daily ledger containing the names*  
136 *of clients cared for;*

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- (e) *The day care operator must obtain a Certificate of Occupancy prior to commencing the day care operation; and*
- (f) *The zoning administrator, or appointed designee, shall have the ability to revoke the day care permit upon violation of any of the above conditions.*

(50) ***Day care 2, commercial*** in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, FM-1, FM-2, FM-3, and PO-1 districts. Such facilities are defined as those requesting to operate beyond the conditions set forth under the provisions of “day care 1, commercial” and are subject to obtaining a use permit by city council. Conditions shall include those listed in Section 14-6 Standards for Use Permit Application Review of the City of Hampton Zoning Ordinance.

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