

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA24-0014

Planning Commission Date: January 18, 2024

City Council Date: February 14, 2024

General Information

<i>Description of Proposal</i>	The amendment proposes to permit outdoor dining and outdoor play area associated with a day care center to the list of permitted outdoor uses within the Neighborhood Commercial (C-1) District.
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<i>Relevant Existing Zoning Definitions</i>	Day Care. Any dwelling or facility receiving children or adults for care limited to less than twenty-four (24) hours per day per client. Three (3) types shall be established based on the number of clients, exclusive of any children or adults living in a dwelling.
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<i>Current Regulations</i>	Currently, all permitted stores, shops, offices or businesses must operate wholly indoors in the Neighborhood Commercial (C-1) District except the following uses: <ul style="list-style-type: none">a. Food truck host sitesb. Gasoline supply stationsc. Parking lots
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Analysis

The proposed amendment seeks to authorize outdoor dining and any outdoor play area associated with a day care center as a permitted outdoor use in the Neighborhood Commercial (C-1) District, if approved. Currently, the uses that are allowed to function wholly or partially outdoors include food truck host sites, gas supply stations, and parking lots; this amendment aims to add both outdoor dining and outdoor play areas associated with a day care center to that list.

For “day care 1, commercial” uses, this proposed amendment in conjunction with Zoning Ordinance Amendment No. 24-0013, aims to permit any outdoor play area associated with “day care 1, commercial” uses, subject to additional standards. Currently, any day care center operating in the C-1 district is not permitted to have an outdoor play area. This limitation contradicts the standards set by the Virginia Department of Education (VDOE), which mandates outdoor activity for toddlers and preschoolers as part of daily activities in licensed child day centers. The required amount of outdoor activity varies based on the operational characteristics of the day care center. See 8VAC20-780-310(F); 8VAC20-780-380(A); 8VAC20-780-390(B).

Allowing day cares as permitted outdoor uses within the C-1 district could increase access to child care services to the City of Hampton. This step forward acknowledges the evolving nature of childcare practices, aligning local regulations with broader educational and developmental standards. Furthermore, this amendment could contribute to the overall well-being and development of young children, fostering an environment that recognizes the significance of outdoor play in their growth and learning experiences.

ZONING ORDINANCE AMENDMENT ZOA24-0014**STAFF EVALUATION**

Concerning outdoor dining, this proposed amendment aims to permit outdoor dining in conjunction with any "restaurant 2" or "restaurant 3" use within the Neighborhood Commercial (C-1) district. Within the C-1 district, "restaurant 1" is a by-right use and may operate under additional standards, including but not limited to a prohibition on outdoor dining. A "restaurant 2" can operate subject to a Zoning Administrator Permit (ZAP) subject to conditions, including but not limited to permitting outdoor dining with limitations. According to these conditions, outdoor dining is permitted to operate in the C-1 district from 5:00 AM to 10:00 PM, Monday through Sunday. Any restaurant wanting to exceed the requirements of "restaurant 2" becomes a "restaurant 3", which requires an approved Use Permit from City Council. As stated above, outdoor dining is currently not a permitted outdoor use in the C-1 district. Therefore, any "restaurant 2" or "restaurant 3" that proposes a location featuring outdoor dining is not permitted in the C-1 district under current zoning regulations. This amendment seeks to allow such outdoor dining associated with the "restaurant 2" and "restaurant 3" uses in the C-1 district.

Staff recommends approval of ZOA 24-0014.