



Legislation Details (With Text)

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Title: Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article V Entitled "Downtown Districts" To Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Downtown Districts

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Red Line Ordinance, 3. Presentation Reference

Date	Ver.	Action By	Action	Result
2/14/2024	1	City Council Legislative Session		

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article V Entitled "Downtown Districts" To Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Downtown Districts

Background Statement:

The proposed amendment seeks to authorize "day care 1, commercial", and "day care 2, commercial" uses to operate outdoors in the Downtown Business (DT-1) district and Downtown Waterfront (DT-2) district, if approved. Currently, several permitted uses are allowed to function wholly or partially outdoors, and this amendment aims to include commercial day care uses in that list.

Downtown Hampton serves as a historic and economic center, reinforced by historic and cultural attractions, active businesses, central gatherings, events and celebrations, and its residential integration. Currently, the existing zoning regulations restrict day care centers within the Downtown Business (DT-1) and Downtown Waterfront (DT-2) Districts from having outdoor recreational areas. 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 care 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). Under current zoning regulations, staff is currently unable to approve any new day care uses in Downtown Hampton that feature outdoor recreational areas.

Allowing day cares as permitted outdoor uses within the DT-1 and DT-2 districts 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. 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. Lastly, this amendment furthers the idea of ensuring a balanced approach that aligns with the evolving needs of residents and the vision for a thriving downtown.

Recommendations:

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED by the City Council of the City of Hampton, Virginia that Chapter 8, Article V of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 8 - SPECIAL DISTRICTS

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ARTICLE V. - DOWNTOWN DISTRICTS

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Sec. 8-42. - DT-1 District - Downtown Business.

...

(2) Development and lot size standards.

(a) Permitted retail sales, services, and office uses shall be conducted wholly within an enclosed building except for:

- (i) Bank, with drive-through;
- (ii) Boat sales;
- (iii) Gas station;
- (iv) Outdoor dining, downtown;
- (v) Parking lot;
- (vi) Restaurant, including drive-through
- (vii) Rummage sale, temporary;
- (viii) Those uses authorized by a Special Event Permit issued pursuant to the

Hampton City Code;

- (ix) Seasonal sales authorized by Section 34-7 of the City Code;
- (x) Food truck host sites; and
- (xi) Outdoor play areas associated with Day Care 1, Commercial and Day

Care 2, Commercial, which shall be permitted only within a physically defined and fenced area that is shown on the site plan.

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Sec. 8-43. - DT-2 District - Downtown Waterfront.

...

(2) Development and lot size standards.

(a) Permitted retail sales, services, and office uses shall be conducted wholly within an enclosed building except for:

- (i) Bank, with drive-through;
- (ii) Boat repair;
- (iii) Boat sales;
- (iv) Gas station;
- (v) Outdoor dining, downtown;
- (vi) Parking lot;
- (vii) Restaurant, including drive-through
- (viii) Rummage sale, temporary;
- (ix) Those uses authorized by a Special Event Permit issued pursuant to the

Hampton City Code;

- (x) Seasonal sales authorized by Section 34-7 of the City Code;
- (xi) Food truck host sites; and
- (xii) Outdoor play areas associated with Day Care 1, Commercial and Day

Care 2, Commercial, which shall be permitted only within a physically defined and fenced area that is shown on the site plan.

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