



Legislation Details (With Text)

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On agenda: 2/14/2024 **Final action:** 2/14/2024
Title: Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 9, Article III, Section 9-23 Entitled, "Modification to Permitted Uses" to Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Overlay - Coliseum Central (O-CC) District

Sponsors:

Indexes:

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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 9, Article III, Section 9-23 Entitled, "Modification to Permitted Uses" to Permit Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Overlay - Coliseum Central (O-CC) District

Background Statement:

The proposed amendment seeks to authorize "day care 1, commercial" and "day care 2, commercial" uses to operate outdoors in the Overlay - Coliseum Central zoning 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. Importantly, the proposed changes do not introduce modifications to the definitions or additional standards related to day cares.

Coliseum Central plays a vital role as a prominent commercial, entertainment, and cultural hub within the City. However, the existing zoning regulations restrict day care centers within the Overlay - Coliseum Central (O-CC) District 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 within Coliseum Central that feature outdoor recreational areas.

Allowing day cares as permitted outdoor uses within the O-CC 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. 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 aligns with the idea of creating a more family-oriented environment within the Coliseum Central District.

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 9, Article III, Section 9-23 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 9 - OVERLAY DISTRICTS

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ARTICLE III. - O-CC DISTRICT - COLISEUM CENTRAL OVERLAY

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Sec. 9-23. - Modifications to permitted uses.

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

- (a) Car wash, self-service or automated;
- (b) Gas station;
- (c) Motorcycle sales;
- (d) Outdoor dining;
- (e) Parking lots;
- (f) Vehicle sales, new;
- (g) Vehicle storage;
- (h) Those uses authorized by a Special Event Permit issued pursuant to the

Hampton City Code;

- (i) Seasonal sales authorized by Section 34-7 of the City Code;
- (j) Permanent outdoor sales, displays, and storage, which shall be permitted only within a physically defined area that is shown on the site plan, and all physical improvements defining that area must be constructed of materials comparable to the primary building(s) on the site;

- (k) Food truck host sites; and

- (l) 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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