



## Legislation Details (With Text)

<b>File #:</b>	24-0014	<b>Version:</b>	1	<b>Name:</b>	ZOA - Ch 6 C-1 Outdoor Uses
<b>Type:</b>	Zoning Ordinance - Text	<b>Status:</b>	Passed		
<b>File created:</b>	12/20/2023	<b>In control:</b>	City Council Legislative Session		
<b>On agenda:</b>	2/14/2024	<b>Final action:</b>	2/14/2024		
<b>Title:</b>	Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 6, Article I, Section 6-2 Entitled, "Development Standards in General" to Permit Outdoor Dining and Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Neighborhood Commercial (C-1) District				

### 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 6, Article I, Section 6-2 Entitled, "Development Standards in General" to Permit Outdoor Dining and Outdoor Play Areas Associated with Day Care 1, Commercial and Day Care 2, Commercial Uses in the Neighborhood Commercial (C-1) District

### Background Statement:

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 outdoor play areas 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 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).

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.

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.

**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 6, Article I, Section 6-2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

**CHAPTER 6 - COMMERCIAL DISTRICTS**

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**ARTICLE I. - C-1 DISTRICT - NEIGHBORHOOD COMMERCIAL**

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**Sec. 6-2. - Development standards in general.**

(1) *Limitations.* Permitted stores, shops, offices, or businesses, except food truck host sites, gasoline supply stations, outdoor dining, outdoor play areas associated with a day care center, and parking lots, shall be conducted wholly within an enclosed building and no more than fifty (50) percent of the floor area of any building shall be used for the storage of merchandise.

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