



Legislation Text

File #: 24-0153, **Version:** 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Chapter 3, Section 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled "Additional Standards on Uses" to Permit "Private School" in the Light Manufacturing (M-2) and Heavy Manufacturing (M-3) Zoning Districts, and to Add a New Use, "Physical Recreational Facility", Permitted Within the Following Districts: Neighborhood Commercial (C-1), Limited Commercial (C-2), General Commercial (C-3), Limited Manufacturing (M-1), Light Manufacturing (M-2), Langley Flight Approach Mixed Business and Manufacturing (LFA-2) Langley Flight Approach Limited Business I (LFA-4), Langley Flight Approach Limited Business II (LFA-6), Buckroe Bayfront Optional Mixed Use (BB-3), Buckroe Bayfront Required Mixed Use (BB-4), Buckroe Bayfront Special (BB-5), Hampton Roads Center South (HRC-1), Hampton Roads Center North (HRC-2), Langley Business Park (LBP), Downtown Business (DT-1), Downtown Waterfront (DT-2), Phoebus Urban Core (PH-1), Phoebus Town (PH-2), Phoebus Commercial Transition (PH-3), Fort Monroe Inner Fort (FM-1), Fort Monroe Historic Village (FM-2), Fort Monroe North Gate (FM-3), and Fort Monroe Wherry Quarter (FM-4) Zoning Districts, with Additional Standards Related to the Use Regarding Outdoor Recreation Areas

Background Statement:

The proposed amendment aims to permit private schools in the Light Manufacturing (M-2) and Heavy Manufacturing (M-3) Zoning Districts subject to an approved Use Permit. Currently, private schools are permitted in multiple zoning districts throughout the City of Hampton, including but not limited to the Commercial (C-1, C-2, and C-3), the Downtown (DT-1, DT-2, and DT-2), the Phoebus (PH-1, PH-2, and PH-3) and the Limited Manufacturing (M-1) Districts, subject to an approved Use Permit. Any non-college educational institution providing courses in trade or industrial skills, like welding or metal fabrication, is categorized under the private school use. However, the Light Manufacturing (M-2) and Heavy Manufacturing (M-3) Zoning Districts do not permit the private school use. Therefore, staff believes that permitting the use in the M-2 and M-3 Districts, subject to an approved Use Permit, would enable the establishment of more robust and intensive training facilities within the manufacturing zones.

In summary, staff recommends adoption of the proposed amendment to amend the Table of Uses permitted to permit "private school" in the Light Manufacturing (M-2) and Heavy Manufacturing (M-3) Zoning Districts, and to permit "physical recreational facility" as a permitted use within the following districts: Neighborhood Commercial (C-1), Limited Commercial (C-2), General Commercial (C-3), Limited Manufacturing (M-1), Light Manufacturing (M-2), Langley Flight Approach Mixed Business and Manufacturing (LFA-2) Langley Flight Approach Limited Business I (LFA-4), Langley Flight Approach Limited Business II (LFA-6), Buckroe Bayfront Optional Mixed Use (BB-3), Buckroe Bayfront Required Mixed Use (BB-4), Buckroe Bayfront Special (BB-5), Hampton Roads Center South (HRC-1), Hampton Roads Center North (HRC-2), Langley Business Park (LBP), Downtown Business (DT-1), Downtown Waterfront (DT-2), Phoebus Urban Core (PH-1), Phoebus Town (PH-2), Phoebus Commercial Transition (PH-3), Fort Monroe Inner Fort (FM-1), Fort Monroe Historic Village (FM-2), Fort Monroe North Gate (FM-3), and Fort Monroe Wherry Quarter (FM-4) Zoning Districts. The amendment also permits outdoor recreation areas in conjunction with "physical recreational

facilities” in multiple districts with additional regulations and restrictions while continuing to protect the health, safety, and welfare of the public. The proposed uses and regulations are appropriate in the recommended zoning districts based on the current uses permitted within each district and the anticipated impact of each use while continuing to protect the health, safety, and welfare of the public.

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 3, Section 3-2 and Section 3-3 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

CHAPTER 3- USES PERMITTED

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Section 3-2. - Table of uses permitted.

(a) Table of Uses Permitted in Standard Zoning Districts.

[See attached use table for changes.]

(b) Table of Uses Permitted in Special Zoning Districts.

[See attached use table for changes.]

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Section 3-3. - Additional standards on uses.

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(55) Physical recreational facility in the C-1, C-2, C-3, M-1, M-2, LFA-2, LFA-4, LFA-6, BB-3, BB-4, BB-5, HRC-1, HRC-2, LBP, DT-1, DT-2, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3, and FM-4 districts shall comply with the following additional standards:

(a) The physical recreational facility shall be subject to the provisions of the Hampton Zoning Ordinance and Hampton City Code, to include, but not limited to, noise and building code requirements;

(b) All outdoor lighting shall be focused downward and inward in a way that prevents spillover onto adjacent properties;

(c) No outdoor recreation area associated with a physical recreational facility shall be

permitted within the M-1, M-2, LFA-2, LFA-4, LFA-6, HRC-1, and HRC-2 districts;

(d) If an outdoor recreation area is included as part of a physical recreational facility where permitted, the following additional standards shall apply:

(i) The outdoor recreation area shall comply with the required setbacks for the primary building;

(ii) The outdoor recreation area shall be clearly delineated through use of fences or landscaping as determined by the Zoning Administrator;

(iii) The outdoor recreation area shall not significantly interfere with the pedestrian traffic or otherwise constitute a health and safety risk, as determined by the Zoning Administrator;

(iv) Landscaping used to delineate the outdoor recreation area shall comply with the City of Hampton Landscape Guidelines;

(v) Fencing used to delineate the outdoor recreation area shall be of durable material, shall be opaque, and shall comply with the following requirements;

(aa) In the BB-3, BB-4, and BB-5 districts, in the front yard, the fence shall not exceed forty-two (42) inches in height and in the side and rear yard shall not exceed five (5) feet in height. The use of chain link, barbed wire, vinyl, plain wire mesh, coated chain link fencing, electrified fencing, barbed wire, or razor wire is expressly prohibited; and

(bb) In all other districts, the fence shall be opaque, and shall be a minimum of six (6) feet in height. The use of electrified fencing, barbed wire, or razor wire is expressly prohibited.

(vi) For any parcel abutting a property with one-family, two-family, or duplex dwelling or a property residentially zoned as one- or two-family residential district, outdoor recreation areas shall comply with the following:

(aa) The hours of outdoor recreation shall be limited to 5:00 a.m. to 10:00 p.m.;

(bb) The outdoor recreation areas and any structure or equipment associated with it shall be located at least twenty (20) feet from all side and rear property lines; and

(cc) If the outdoor recreation area is located within one-hundred (100) feet of the abutting residential property, it shall have screening per the City of Hampton Landscape Guidelines.

(vii) For any parcel not abutting a property with one-family, two-family, or duplex dwelling or a property residentially zoned as one- or two-family residential district, outdoor recreation areas shall comply with the following:

(aa) The hours of operation of outdoor recreation areas shall not extend beyond the hours of operation of the physical recreational facility, however, the use or operation of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, or any yelling, shouting, whistling, singing, and other vocal sounds, between 10:00 p.m. and 7:00 a.m. shall be prohibited.