



## Legislation Text

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**File #:** 24-0013, **Version:** 1

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Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-3 Entitled, "Additional Standards on Uses" to Include a Limitation on the Hours of All Outdoor Play Activities for Day Care 1, Commercial in The Neighborhood Commercial (C-1) District

### **Background Statement:**

The proposed amendment seeks to amend the additional standards for uses, more specifically all outdoor play activities in conjunction with the "day care 1, commercial" use within the Neighborhood Commercial (C-1) District to include a limitation on hours from 8:00 p.m. to 6:00 p.m. Monday through Sunday. Currently, the additional standards related to "day care 1, commercial" uses limit the hours of operation from 7:00 a.m. to 10:00 p.m. Monday through Sunday in the C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3 and PO-1 districts.

The proposed amendment, in conjunction with Zoning Ordinance Amendment No. 24-0014, 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).

The proposed restriction on operating hours aligns with the permitted hours for outdoor play activities associated with the "day care 2, family" use. This limitation is more stringent due to the frequent residential character or proximity to residential areas prevalent in many Neighborhood Commercial (C-1) districts.

Allowing day cares as permitted outdoor uses within C-1 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.

### **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 3-3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

## **CHAPTER 3 - USES PERMITTED**

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### **Sec. 3-3. - Additional standards on uses.**

The following uses have additional standards:

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(49) Day care 1, commercial in the C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3 and PO-1 districts are subject to a day care permit granted by the zoning administrator with the following attached conditions:

(a) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Sunday. For any day care 1, commercial operating in the C-1 district, all outdoor play activities shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. Monday through Sunday;

(b) Loading and unloading of clients from vehicles shall be conducted on site and not on any public street or right-of-way;

(c) Capacity shall not exceed the number listed on capacity certificate;

(d) The day care operator must maintain a daily ledger containing the names of clients cared for;

(e) The day care operator must obtain a Certificate of Occupancy prior to commencing the day care operation; and

(f) The zoning administrator, or appointed designee, shall have the ability to revoke the day care permit upon violation of any of the above conditions.

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