



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Legislative Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

STAFF: Mary Bunting, City Manager
Cheran Cordell Ivery, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, May 24, 2023

6:30 PM

Council Chambers

CALL TO ORDER/ROLL CALL

Mayor Tuck called the meeting to order at 6:45 p.m. All members of the City Council were present.

Present: 7 - Councilmember Chris L. Bowman, Councilmember Steven L. Brown, Vice Mayor Jimmy Gray, Councilmember Hope L. Harper, Councilmember Billy Hobbs, Councilmember Martha Mugler and Mayor Donnie R. Tuck

DONNIE R. TUCK PRESIDED

INVOCATION - Councilman Steven Brown

Councilman Brown gave the invocation.

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

There were no comments by the Mayor.

CONSENT AGENDA

Clerk of Council, Katherine Glass, read the protocol for the consent agenda and a summary of the consent items.

Approval of the Consent Agenda

Motion made by Councilmember Mugler, seconded by Councilmember Harper, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

1. [23-0113](#) Resolution to Amend the Fiscal Year 2024 Council Approved Budget to Accept and Appropriate the Fiscal Year 2024 Public Safety Answering Point (PSAP) Education Program Grant Awarded by Virginia Department of Emergency Management (VDEM), Virginia 911 Services Board.

Attachments: [Award Letter - FY24 PSAP](#)
[FY24-PSAP-Grant-Guidelines-Board-Approved-051222](#)
[FY24 PSAP Education Grant Proposal Overview \(002\)](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

2. [23-0129](#) Resolution to Amend the Fiscal Year 2023 Council Approved Budget to Accept and Appropriate the FY23 Special Virginia Sexual and Domestic Violence Victim Fund Grant awarded by the Virginia Department of Criminal Justice Services

Attachments: [VSDVVF SOGA signed 2023](#)
[Hampton City](#)
[VSDVVF application 2023](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

3. [23-0125](#) Resolution Approving Fiscal Year 2023 Second and Third Quarter Budget Adjustments

Attachments: [FY23 Second Quarter Budget Adjustments](#)
[FY23 Third Quarter Budget Adjustments](#)

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

4. [23-0148](#) Approval of the minutes from the work and ceremonial sessions of May 10, 2023.

Item approved.

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

PRESENTATIONS, PROCLAMATIONS, AWARDS

Prior to the public hearings, a gang of Pirates invaded Council Chambers and shared information on the upcoming Pirates Festival which will take place on June 3 and 4th in Downtown Hampton.

PUBLIC HEARINGS

Ms. Glass read the protocol for public hearings.

Rezoning

5. [23-0150](#) Rezoning Application by the City of Hampton to Rezone a Total of +0.86 Acres at 200 N First Street and 372 N First Street [LRSNs: 12006702 & 12007400, respectively] from Multiple Residential (R-M) District to Parks and Open Space (PO-1) District

Attachments: [Application](#)
[Survey](#)
[Proffer Agreement](#)
[Title Certificates](#)
[Staff Report](#)
[Presentation](#)

City Manager, Mary Bunting, explained that this application was needed because there is a lifeguard shack on the property that needs to be zoned parks and open space. However, there were a lot of questions that surfaced about the application, including how the City intends to use the storage area on the property. In order to give more time to the Parks, Recreation, and Leisure Services Department to hold a

community information session and discuss operational needs with the community and hear their input, Ms. Bunting suggested to Mr. Dave McCauley that the application be deferred. She stated that it was deferred at the Planning Commission's meeting the previous week. She shared that the community information session was scheduled for Tuesday, May 30th at 6:00 pm, at the Fox Hill Neighborhood Center. Staff is recommending deferral of item 23-0150 until July 12, 2023.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Steven Brown, that this Zoning Ordinance - Map be deferred to the City Council Legislative Session, due back on 7/12/2023. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

[23-0159](#) Motion to take item 23-0144 out of order ahead of item number 23-0143.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Motion be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

Use Permits

7. [23-0144](#) Use Permit Application by Kevin & Yong Westby to Permit a Short-term Rental (STR) at 826 N First St [LRSN: 12007581]

Attachments: [Conditions](#)
[Application](#)
[Staff Report](#)
[Presentation](#)

Ms. Bunting introduced City Planner, Urvi Patel, to make the presentation. She shared that this is Ms. Patel's first presentation to Council.

Ms. Patel shared that this is the very first use permit application for short-term rental (STR) being presented, to allow for a short-term rental in the one family-residential

or R-11 zoning district.

She provided background on the process used to arrive at the current short-term rental regulations. In December 2022, Council passed zoning ordinance amendments defining a short-term rental and adding it as its own use. The short-term rental definition captures the rentals that do not fall within the definition of bed and breakfast or hotel. Under Council's guidance, staff pursued a middle-ground approach to the regulation of short-term rentals that would be accommodating to the needs of the neighborhood and balance the interests of all stakeholders. Following the Joint Work Session (on March 16, 2023), staff held four meetings with the STR stakeholder group to discuss use permit conditions.

Ms. Patel presented information on the property contained in this application, which is on the Chesapeake Bay. She shared photos of the property and explained that the proposal is to make both dwellings available for short-term rental use. The principal dwelling has just over 2,000 square feet of living space with three bedrooms and two and a half bathrooms. The accessory dwelling has just over 500 square feet of living space with one bedroom and one and a half bathrooms.

The applicants are proposing to operate the short-term rental year-round, with occasional occupancy by themselves and their families. They would also rent the structures independently if that is desired by renters. They are proposing a prohibition on events as defined in the zoning ordinance.

Onsite parking was evaluated on a structure-by-structure basis because there are two independent structures on the property. Using the calculation of one space per two bedrooms, the parking requirement for the property came out to three spaces which are available on site. Two spaces are in the driveway, and one garage space will be made available to renters.

Ms. Patel displayed the floor plans for the short-term rental, which show safety information, such as the location of fire extinguishers, smoke detectors, CO (carbon monoxide) detectors, and an emergency exit plan. Applicants will be required to post the floor plan within the short-term rental for the knowledge of renters. The property is zoned one-family residential R-11 with multiple residential (MR) across the street.

The property falls within the Chesapeake Bay preservation overlay area which is highly restrictive in terms of what can be developed and affects what kind of future improvements can be made on the property. The future land use map recommends medium-density residential for this property and the surrounding ones.

Ms. Patel shared applicable public policies which include evaluating land use

applications from multiple scales and perspectives, safeguarding the fabric of existing residential neighborhoods, encouraging a mix of land uses that are appropriate for the zoning district, and expanding tourism and cultural opportunities within the City.

The property also falls within the area governed by the Buckroe Master Plan, which recognizes Buckroe's history as a summer vacation destination, as well as its evolution into a year-round, family-oriented community.

Ms. Patel shared the recommended conditions that are the result of strong consensus by the stakeholder group. Since this was the first application being presented, she explained each of the following conditions so Council would understand the full scope of what is being recommended.

The applicant will be required to designate a responsible local person (RLP) and post a short-term rental fact sheet within the dwelling.

Overnight lodging capacity is limited to no more than ten people, with a maximum of seven people in the principal dwelling, and three in the accessory dwelling. No more than four bedrooms will be allowed to be rented or offered for rent as overnight sleeping areas. No common space such as a living room or a game room would be allowed to be offered or advertised as an overnight sleeping area.

All parking associated with short-term rental use will be required to be on an improved surface either within the driveway or the garage. No exterior signage indicating that the property is a short-term rental would be permitted.

The applicant will be required to maintain a business license and registry, as well as a ledger containing information about the dates of stay of a group of renters, the primary contact person, and the number of people that are in the party for the duration of the stay.

Events as defined in the zoning ordinance require a special event permit, so they are not permitted as part of this short-term rental use.

The maximum number of people on the property between the hours of 7 a.m. and 10 p.m. is limited to 20 people, which is based on the recommendation by the stakeholder group to be double the overnight capacity.

Staff recommends requiring an inspection prior to operation of the short-term rental to ensure that the floor plan is accurate and the safety features are functioning. All advertising of the short-term rental will be required to be consistent with the approved

conditions.

Compliance with the Hampton Zoning Ordinance, the Hampton City Code, and any applicable federal and state law, would be required. The conditions also include nullification and revocation terms.

Staff analysis of this use permit application took into consideration the location of the property on the Chesapeake Bay, within the Buckroe area, where vacation homes and tourist homes are common. Based on the history of the community, the recommended conditions are expected to sufficiently mitigate the impacts the short-term rental might have on the neighborhood. Planning Commission and staff recommend approval of item number 23-0144 with 15 conditions.

Mr. Kevin Westby, the applicant, addressed Council and expressed his hope that their use permit application would be approved. He thanked the City Council and Planning Commission for their work on this process, and stated that they will do their best to be responsible short-term rental providers.

Mayor Tuck opened the public hearing and introduced the first speaker, Ms. Nancy Kearney. Ms. Kearney greeted Council and made the following comments: I have no objection to what you're doing. My only concern is, if there is a problem, someone will say they will be there and respond. But, there's always the chance that things can happen. They can have incidents that upset the neighbors. But the other concern is how many can you have in one neighborhood? Is there a limit? Or can they just take over an entire neighborhood? We already have two in our neighborhood now. And that was my concern. Mayor Tuck indicated that Ms. Kearney's concerns would be addressed following the public hearing.

Mayor Tuck indicated that the next person signed up to speak, Mr. Greg Garrett, was not present and closed the public hearing.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Chris Bowman, that this Use Permit be approved with fifteen (15) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

6. [23-0143](#) Use Permit Application By RNFV1 LLC. to Permit a Short-Term Rental (STR) at 230 N Fifth Street [LRSN: 112006999]

Attachments: [Conditions](#)
[Application](#)
[Staff Report](#)
[Presentation](#)

Ms. Bunting introduced Mr. Davis Pemberton, City Planner, to make the presentation.

Mr. Pemberton presented information on the property contained in this application, which is a four bedroom, two and a half bath dwelling with onsite parking for up to two vehicles located in the Buckroe Beach area. The proposal is to operate the property as a year-round short-term rental. The property would not be occupied by a full-time resident and no events would be permitted. Mr. Pemberton showed floor plan diagrams of the property which include designated sleeping areas, safety equipment, and an evacuation plan. Applicants will be required to post the approved floor plan within the short-term rental for the knowledge of renters.

The property is zoned one-family residential R-9 and is surrounded by similarly zoned one-family residential zoning districts. The future land use map shows that this property should be zoned medium-family residential.

Mr. Pemberton shared applicable public policies which include evaluating land use applications from multiple scales and perspectives, safeguarding the fabric of existing residential neighborhoods, encouraging a mix of land uses that are appropriate for the zoning district, and expanding tourism and cultural opportunities within the City.

The property also falls within the area governed by the Buckroe Master Plan, which recognizes Buckroe's history as a summer vacation destination, as well as its evolution into a year-round, family-oriented community.

Mr. Pemberton shared the recommended conditions which include an overnight lodging capacity of no more than nine people. No more than four bedrooms will be allowed to be rented or offered for rent as overnight sleeping areas. No common space, such as a living room or a game room, will be allowed to be offered or advertised as an overnight sleeping area.

All parking associated with short-term rental use will be required to be on an improved surface.

Events will require a special event permit. The maximum number of people on the property between the hours of 7 a.m. and 10 p.m. is limited to 18 people which is

based on the recommendation by the stakeholder group to be double the overnight capacity.

The applicant will be required to designate an RLP, who must reside in the Commonwealth of Virginia and maintain a ledger that must be made available upon request. Additional recommended conditions are available in the package provided to Council.

Staff analysis of this use permit application took into consideration the location of the property in the Buckroe area where vacation homes and tourist homes are common. Based on the history of the community, the recommended conditions are expected to sufficiently mitigate the impacts the short-term rental might have on the neighborhood. Planning Commission and staff recommend approval of item number 23-0143 with 15 conditions.

In response to Councilwoman Mugler, Mr. Pemberton explained that the overnight capacity limit of nine people is based on the Virginia property maintenance code, which establishes the capacity of a sleeping area based on the square footage of the room and not on the number of beds in the dwelling.

Mayor Tuck welcomed Mr. Scott Sewell and Ms. Velma R. Williams, the applicants, to address Council. They expressed appreciation for the assistance they received from Mr. Pemberton during the application process.

Mayor Tuck opened the public hearing and welcomed Mr. Greg Garrett. Mr. Garrett greeted Council and offered the following comments: I was a few minutes late for the first public hearing. I just left Washington, and I would like to say that if Washington would come to Hampton, they could learn something. Because the way Hampton has handled this has been absolutely model. It's absolutely been an example to the way City governments should handle things like this. What I have seen in other cities is either the City Council just closing their eyes or the staff closing their eyes and saying, we're going to pretend it doesn't exist until it blows up. Or they have said, no, we're not going to consider this. We're not going to look at it, we're just not going to do it. The City of Hampton said, let's take this head on. Let's look and see what we can do. Let's figure out how we can create a win-win scenario for our citizens, for our tax revenue, for our neighborhoods. Let's not neglect anybody. And, at the same time, let's continue an entrepreneurial mindset inside of the City of Hampton and nurture that. And at the same time, let's consider that tourism is really important to us, and the tax revenue that can come from this type of a cottage industry is really important to the City of Hampton. It just continues to create a wonderful, fantastic City. While I'm speaking in favor of the applicant, I'm speaking really in favor of the process of everything that you and the City Manager and the City staff has done. It

is almost impossible to take neighbors and realtors and business people and property owners and staff and City staff lawyers, and put them in the same room, discuss 17 points, and come out with unanimous agreement on 17 points. Now it took seven or eight or whatever number of meetings. But we left there as a member of the stakeholder group, we didn't have a single person dissent on a single item in this entire process. I just want to say thank you for creating an environment where the staff and the neighbors and the business people all felt safe saying, let's figure out a way to create a win-win scenario where we can set a precedent for other Cities to do the right thing and to create a better City without hurting neighborhoods. The only thing I would add, because I was listening online on the way up the elevator is, the lady that said, "Hey, what about if this overcomes a neighborhood?" The only thing I would add, and I think the stakeholder group reported to the staff, or to the Council, is that at some point some additional discussion on a cap in neighborhoods or in regions of the City, would be important. That's the only thing we couldn't figure out. Everything else we agreed on. Thank you for your support and your leadership on creating a really dynamic, fair, balanced ordinance that is going to be good. Thank you.

Mayor Tuck closed the public hearing.

A motion was made by Councilmember Chris Bowman seconded by Councilmember Billy Hobbs, that this Use Permit be approved with fifteen (15) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

8. [23-0145](#) Use Permit Application by Erin & David Scott to Permit a Short-term Rental (STR) at 8 Findley St [LRSN: 7000091]

Attachments: [Conditions](#)
[Application](#)
[Staff Report](#)
[Presentation](#)

Ms. Bunting welcomed Ms. Patel back to the podium to make this presentation.

Ms. Patel presented information on the property contained in this application, which includes outdoor amenities and a dwelling with three bedrooms, two full bathrooms and a half bathroom, located in a residential neighborhood close to the Coliseum Central Commercial District. The applicants are proposing to offer one common space as an overnight sleeping area. This common space has been approved as

meeting the same safety requirements bedrooms are required to meet, which include a smoke detector or carbon monoxide detector, and a means of egress.

The applicants are intending to operate the short-term rental year-round for both short and long-term stays, which would be two nights up to 90 nights, and may occasionally occupy the rental themselves.

They are proposing a prohibition on events as defined in the zoning ordinance. Ms. Patel displayed the floor plans that were submitted by the applicant and approved by the building plan reviewer.

The property is zoned R-13 and is surrounded by similarly zoned single-family residential, with R-9 and R-11 in the vicinity. The future land use map recommends low-density residential for this area.

Ms. Patel shared applicable public policies which include evaluating land use applications from multiple scales and perspectives, safeguarding the fabric of existing residential neighborhoods, encouraging a mix of land uses that are appropriate for the zoning district, and expanding tourism and cultural opportunities within the City.

The property also falls within the area governed by the Coliseum Central Master Plan, which addresses the shifting development in the Coliseum Central area from strictly commercial to a more mixed-use area that complements the surrounding neighborhoods.

Staff analysis of this use permit application took into consideration the location of the property close to the Coliseum Central Commercial District, with easy access to Interstate 64, Mercury Boulevard, and various amenities. The recommended conditions are expected to sufficiently mitigate the impacts the short-term rental might have on the neighborhood.

Ms. Patel shared the recommended conditions. The applicant must designate an RLP that resides within the Commonwealth of Virginia for service purposes, and to address any conditions that may occur at the property. The applicant will be required to post the approved floor plan for the knowledge of the renters.

The overnight lodging capacity is limited to no more than ten people, which is based on the size of the bedrooms as indicated by the applicant, along with the common space that is being offered as a sleeping area. No more than the four rooms indicated on the floor plan will be allowed to be rented or offered for rent as overnight sleeping areas.

All parking associated with short-term rental use will be required to be on an improved surface. The property has enough parking to accommodate up to six vehicles.

An inspection will be required of the property before it can begin operation as a short-term rental.

Compliance with the Hampton Zoning Ordinance, the Hampton City Code, and any applicable federal and state law, will be required. The conditions also include nullification and revocation terms.

The Planning Commission and staff recommend approval of item number 23-0145 with 15 conditions.

The applicants were not present.

Mayor Tuck opened the public hearing. There were no speakers signed up so he closed the public hearing.

Mayor Tuck asked Ms. Bunting if there was a way to look at the potential problem of having too large a saturation of short-term rentals in any one neighborhood, and if there was a way to consider these types of permits administratively in the future.

Ms. Bunting shared that there is a third phase to the work that will be done with the stakeholders and others to get the answers to those questions. Staff has been trying to piece it together in logical blocks. They believe there is likely a path to doing administrative use permits, similar to how they are done for outdoor dining or ABC (Alcoholic Beverage Control), where if the applicant is willing to do one set of things, the application could be processed administratively. Applicants wanting to do more would have to go through the formal application process to give the neighborhood a chance to weigh in. Ms. Bunting explained that staff needs to work through the best way to limit the number of rentals in an area, whether it is by mileage, by block, or a certain number in an area per square mile. That would help inform what will become the administrative process.

Ms. Bunting noted that Airbnb's have only started to be regulated recently and that some people do not like the fact that we are regulating it. She explained that without this use permit process, there really was not a good way to regulate the number, the activities, etc. A prior zoning interpretation by the prior Zoning Administrator had ruled that it was acceptable as long as the primary owner lived in the residence for at least six months, which can be difficult to prove or disprove. There has also been

some consideration by courts that that is probably not the right standard for Airbnb's. The City wanted to find something that would work, and the use permit is a very clear tool for enforcement. If someone does not have the use permit and they are not grandfathered under the two-year grace period for those who already had a business license, then they are illegal.

Ms. Bunting stated that the City will provide neighbors with the comfort they are seeking, while allowing businesses to thrive, by revocation of permits if people are not following the conditions. She expressed hope that, as they move into third phase of work, the consulting practice with the residents and businesses in the community will continue to create the right balance, give neighborhoods a voice, and not have all applications come before the Planning Commission and Council on every agenda. The process will be done as expeditiously as possible, while adhering to the same values used heretofore to try to find common ground.

Councilwoman Mugler commented that, as a Council member, she has had a lot of consternation about this process and moving forward with these applications because it is new to this community on this scale. Ms. Bunting's explanation has given her confidence that the City is creating a level of guardrails that will help monitor and keep these short-term rentals in a good place for Hampton. In regards to the speaker who was concerned about the number of units in a particular neighborhood, Councilwoman Mugler agreed that that is a very valid concern and one that she certainly shares. She urged expedition of the process to develop the criteria for monitoring the volume of rentals being approved and prefers to see this portion of the next phase completed before moving on to administrative processing. She stated that she would be happy to sit through applications for approval until the volume criteria is developed.

A motion was made by Councilmember Chris Bowman seconded by Councilmember Hope Harper, that this Use Permit be approved with fifteen (15) conditions. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

Ordinances

A joint public hearing took place on items number nine through 18 on the agenda.

9. [23-0133](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 1 Entitled “General Provisions” To Add New Regulations Applicable To Many Or All Zoning Districts Regarding Limitations On The Parking And Storing Of Food Trucks

Attachments: [Redline Ch 1 Food trucks](#)
[Staff report Ch 1 Food trucks](#)
[Presentation](#)

Ms. Bunting introduced Ms. Allison Jackura, Zoning Administrator, to make the presentation for items nine through 18.

Ms. Jackura explained that these zoning ordinance amendments are to establish food truck host sites and how food trucks are permitted on properties in the City, and the City code chapters for food truck licensing and how they can operate as a business.

Ms. Jackura provided information on the current regulatory framework involving many different divisions and departments within the City, as well as different codes, code sections, and ordinances. She shared that about 18 months ago, Council tasked staff with finding a way to streamline and unify the process for food trucks, and they came up a framework that was proposed to Council in September 2022. Staff realized that food trucks could potentially operate in the streets, but for now they are not recommending it.

The proposed framework consists of four main components: how food trucks are allowed to operate, how properties are allowed to have food trucks, how to get a food truck licensed, and enforcement methods.

Ms. Jackura explained that any food truck wishing to operate in Hampton must apply for authorization, undergo a Commissioner of Revenue licensing review, and Hampton Fire Department (HFD) and Health Department inspection. The renewal would be every year for the Commissioner Revenue and Health Department. HFD requires a six-month re-inspection for any hood suppression system.

Any property wanting to host a food truck must apply for a zoning administrative permit and undergo a one-time review to establish the use. They would then be able to host food trucks any time as long as there were no issues. This would allow the City to put the site on a map so people can see what places are allowed to have food trucks, and allow the food truck to contact the property and arrange to operate there.

Enforcement of the zoning ordinance is the responsibility of the code enforcement

team, fire departments, police (if in the streets), and Commissioner of Revenue (for tax purposes).

Ms. Jackura noted that special events are handled separately from this framework.

Ms. Jackura provided information on the proposed City code. Chapter 2 would allow food trucks as part of “neighborhood-scale special events.”

Chapter 15 establishes that food truck operators would be required to go through the permitting inspection process. It also establishes the enforcement procedures for violations.

Mobile vendors were regulated under Chapter 34, but the portion dealing with property was removed so it could be covered under Chapter 15 and the zoning ordinance. Ms. Jackura also noted that the language has been clarified pertaining to the existing provision allowing ice cream trucks to be on the streets for 15 minutes on any one block.

Ms. Jackura covered the zoning ordinance portion of the proposed amendments. Chapter 1 establishes general provisions for how food trucks can be parked when not in operation. They can only be parked in industrial or commercial parking lots for no more than 72 hours and must be in the rear or in screened parking areas. Parking will not be permitted in residential areas, as feedback from the Food Truckers Association indicated that food trucks can attract rats and be a blight from the signage perspective. She noted that, if there is a vehicle storage establishment, they could have a food truck park at their establishment, if that use permits it.

Chapter 2 establishes the definition of a food truck within the zoning ordinance, and includes trailers and carts. Ms. Jackura displayed several pictures of what is considered a food truck, per the zoning definition being proposed.

Chapter 3 details where food trucks are allowed to operate on properties, including requirements for food trucks to be in conjunction with a business or establishment use. It establishes food truck host site as a use within the use table so that a property could request approval to become a food truck host site, providing they meet all additional standards to have food trucks come to their properties and operate. Some of the standards that are being proposed include only certain uses to be allowed in the residential districts which align with the existing standard for things with a more communal or social use, like religious facilities, hospitals, and others that are sometimes found within residential zoning. If it is not in a residential district, it will still have to be in conjunction with a business or establishment use.

Staff recommends requiring a site plan for food trucks to be approved, as well as requirements that food truck not block access or navigation. Staff also recommends that food trucks be required to be on an improved surface. If the food truck is within 100 feet of a residentially zoned property, the proposed operating hours would be limited to 7 a.m. to 10 p.m. If the food truck is outside of 100 feet, the proposed operating hours would be 5 a.m. to 2 a.m. Staff tried to align food trucks with restaurants, where possible. Food trucks seeking to locate on a property adjacent to a residentially zoned property would be required to be setback the same distance as a building. Also included within the ordinance would be a ten-foot separation around the food truck per the fire code. Entertainment would be prohibited, but temporary outdoor seating would be allowed in districts where it is allowed for restaurants. Ms. Jackura noted that the food truck would not be allowed to operate longer than the associated business hours.

Chapters 6, 7, 8 and 9 deal with allowing food truck host sites in those zoned districts which otherwise would be prohibited because of not allowing outdoor sales or requiring them to be indoors. An exemption has been added to understand that the food truck host site is intended to be possible within those districts. Staff and the Planning Commission recommend approval of the zoning items and City code amendments presented.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

10. [23-0134](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 2, Section 2-2 Entitled "Definitions" to Add a Definition of "Food trucks" and Other Related Definitions

Attachments: [Redline Ch 2_Food trucks definition](#)
[Staff report Ch 2_Food trucks definition](#)
[Presentation Note](#)

See item number 9. 23-0134.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Chris Bowman, that this Zoning Ordinance - Text be approved. The motion carried by the

following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

11. [23-0135](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," To Update Additional Standards Related to Home Occupations To Allow Food Truck Parking, And To Add "Food Truck Host Sites" As Permitted With A Zoning Administrator Permit Within The Residential (R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, and R-4), The Multifamily (MD-1, MD-2, MD-3, MD-4, and R-M), The Commercial (C-1, C-2, And C-3), The Manufacturing (M-1, M-2, And M-3), The Langley Flight Approach (LFA-1, LFA-2, LFA-3, LFA-4, And LFA-5), The Buckroe Bayfront (BB-3, BB-4, And BB-5), The Hampton Roads Center (HRC-1, HRC-2, And HRC-3), The Langley Business Park (LBP), The Downtown (DT-1, DT-2, And DT-3), The Phoebus (PH-1, PH-2, And PH-3), The Fort Monroe (FM-1, FM-2, FM-3, And FM-4) And The Parks (PO-1 And PO-2) Zoning Districts With Additional Standards

Attachments: [Redline Ch 3 Food trucks](#)
[Clean Special Districts Use Table Food trucks](#)
[Redline Special Districts Use Table Food trucks](#)
[Clean Standard Districts Use Table Food trucks](#)
[Redline Standard Districts Use Table Food trucks](#)
[Staff report Ch 3 Food trucks](#)

See item number 9. 23-0134.

A motion was made by Councilmember Steven Brown and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

12. [23-0136](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 6, Article 1 Entitled "C-1 District - Neighborhood Commercial" To Permit The Use "Food truck host site"

Attachments: [Redline Ch 6 Food trucks](#)
[Staff report Ch 6 Food trucks](#)
[Presentation Note](#)

See item number 9. 23-0134.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Martha Mugler, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

13. [23-0137](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 7, Article 1 Entitled "M-1 District - Limited Manufacturing" To Permit The Use "Food truck host site"

Attachments: [Redline](#)
[Staff report](#)
[Presentation Note](#)

See item number 9. 23-0134.

A motion was made by Councilmember Hope Harper and seconded by Councilmember Billy Hobbs, that this Zoning Ordinance - Text be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

14. [23-0138](#) Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 8, Entitled

“Special Districts” To Permit The Use “Food Truck Host Site”
Within the Langley Flight Approach Districts, the Hampton Roads
Center Districts, the Downtown Districts, and the Langley
Business Park District

Attachments: [Redline](#)
[Staff](#)
[Presentation note](#)

See item number 9. 23-0134.

A motion was made by Councilmember Mugler and seconded by
Councilmember Hobbs, that this Zoning Ordinance - Text be
approved . The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice
Mayor Gray, Councilmember Harper, Councilmember
Hobbs, Councilmember Mugler and Mayor Tuck

15. [23-0139](#) 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 “O-CC District - Coliseum Central Overlay”
To Permit The Use “Food Truck Host Site” Within the Coliseum
Central Overlay District

Attachments: [Redline](#)
[Staff report](#)
[Presentation Note](#)

See item number 9. 23-0134.

A motion was made by Councilmember Steven Brown and
seconded by Councilmember Billy Hobbs, that this Zoning
Ordinance - Text be approved. The motion carried by the
following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice
Mayor Gray, Councilmember Harper, Councilmember
Hobbs, Councilmember Mugler and Mayor Tuck

16. [23-0154](#) Ordinance to Amend and Re-Enact Chapter 34 of the City Code
of The City Of Hampton, Virginia Entitled “Streets and
Sidewalks” by Amending Article I, Section 34-7 Regarding Food

Truck Sales Conducted on or Adjacent to Public Right-Of-Ways

Attachments: [Redline](#)

See item number 9. 23-0134.

A motion was made by Councilmember Chris Bowman and seconded by Councilmember Hope Harper, that this Ordinance-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

17. [23-0155](#) Ordinance To Amend And Re-Enact Chapter 15 Of The City Code Of The City Of Hampton, Virginia Entitled "Food and Food Establishments" By Adding a New Article VI Pertaining to Regulation of Mobile Food Service Facilities

Attachments: [Redline](#)

See item number 9. 23-0134.

A motion was made by Councilmember Billy Hobbs and seconded by Councilmember Chris Bowman, that this Ordinance-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

18. [23-0156](#) Ordinance to Amend and Re-Enact Article XIII of Chapter 2 of The City Code of The City of Hampton, Virginia Entitled "Special Events" Pertaining to Food Trucks at Neighborhood-Scale Special Events

Attachments: [Redline](#)

See item number 9. 23-0134.

A motion was made by Councilmember Martha Mugler and seconded by Councilmember Billy Hobbs, that this

Ordinance-Coded be approved. The motion carried by the following vote:

Aye: 7 - Councilmember Bowman, Councilmember Brown, Vice Mayor Gray, Councilmember Harper, Councilmember Hobbs, Councilmember Mugler and Mayor Tuck

PUBLIC COMMENT

There were no speakers signed up for public comment.

GENERAL ITEMS

There were no general items.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

There were no reports.

MISCELLANEOUS NEW BUSINESS

Mayor Tuck asked Mr. Dave McCauley, Director of Parks, Recreation and Leisure Services, to share information on changes which take place with the beaches beginning Memorial Day weekend. Mr. McCauley stated that lifeguards will be in place at Buckroe and at one, possibly two coves at Fort Monroe from 10 a.m. to 6 p.m., seven days a week. He shared that beach cleaning continues daily at Buckroe, twice a week at Fort Monroe, and once a week at Salt Ponds. Mr. McCauley indicated that the new Parks Manager, Mr. Adam Lipscomb, and staff at Buckroe are doing a wonderful job. He shared that he attended the Buckroe Improvement League meeting the night prior and the attendees were excited about how well the replenishment took at Buckroe. Trash cans have been added for the summer and staff picks up throughout the day. The planters were recently redone at the boardwalk and are expected to bloom soon.

Mayor Tuck asked specifically about access to the beach and the tram system. Mr. McCauley shared that the community meeting regarding the rezoning of the parcel behind the lifeguard shack for trams will be held on Tuesday evening. A tram system is in the works to replace the busses that used to run from Jones Magnet Middle School to the cul-de-sac at the beach, but it is not ready yet. Transportation will still be available for those who park offsite at Jones Magnet.

Mr. McCauley indicated that dogs are not allowed on the boardwalk during summer months, but there is space to walk them on the lots behind the park.

Ms. Bunting announced that the Hampton Queen, a new tour boat replacing the Miss

Hampton, will begin tours soon. Coast Guard approval has been received and Marine Safety Commission approval is pending.

She shared that the Hampton Splashdown Splash Park (at the Aquaplex) is open and day passes and season passes are available. Parties can also be booked at the facility. Splashdown Park has two slides, a lazy river, a whirlpool, a water basketball court, and a toddler play zone. Chairs and loungers are provided and the park has a concession area.

Mayor Tuck indicated that City Offices are closed Monday for Memorial Day but there is a ceremony at the Veterans Cemetery.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____