

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA23-00003

Planning Commission Date: May 18, 2023 **City Council Date:** May 24, 2023

General Information

<i>Description of Proposal</i>	This amendment, if approved, would clarify how food trucks are allowed in conjunction with a home occupation, and where food truck host sites are permitted within the City with additional standards. The additional standards clarify where on a property food trucks may operate and how they may operate.
<i>Relevant Existing Zoning Definitions</i>	None. City Code definition of mobile vendor: "Mobile vendors. The sale or exchange of any item, including, but not limited to, any and all goods, wares, flowers, prepared or unprepared food or any other product, by any person from any temporary structure, including, but not limited to, any table or stand, or from any motor vehicle, trailer, cart, dray, wagon, pushcart or any hand or pedal-propelled vehicle." (City Code Section 2-312)
<i>Current Regulations</i>	<p>The current zoning ordinance is interpreted to allow the operation of food trucks in limited areas within the city. Food trucks are allowed in zoning districts which permit both retail sales and outdoor sales. They are also allowed as an accessory use in conjunction with hospitals, religious facilities, public or private schools, structures which house a government function, community centers, or private or fraternal clubs/lodges.</p> <p>Food trucks which are trailers rather than vehicles are not allowed to be parked at a single-family home if the home is being used as the home base of operation for the food truck for licensing purposes.</p> <p>Food trucks which are vehicles are only allowed to be parked at a single-family home if the vehicle meets the size restrictions contained within the commercial vehicle parking in a residential district provisions.</p> <p>Food trucks are not allowed to be parked or stored at other properties unless they are there only temporarily or the property is an approved vehicle storage site.</p>

Analysis

This amendment, if approved, would update the "Table of Uses Permitted" to add the new "Food truck host sites", allowed in all zoning districts with the approval of a zoning administrator permit subject to additional standards. The amendment would also clarify how food trucks are permitted in conjunction with a home occupation. In 2022, City Council directed staff to bring forward amendments which would streamline and improve food trucks' ability to operate in Hampton. This amendment, in conjunction with six related amendments, is staff's effort to achieve that directive.

The additional standards proposed apply to all zoning districts, and a food truck host site operator would be required to comply with all of them in order to host food trucks. Some of the standards include a fire safety code requirement for 10 feet from the food truck to any building, structure, or combustible material, a provision to prevent traffic safety issues, an hours of operation limitation, a requirement to maintain a log of those food trucks which have been on-site, and a restriction on live entertainment. Any violations of the proposed additional standards would be a violation to the site hosting the food trucks, and continued violations could result in revocation of their ability to host.

Other additional standards include that food trucks would be required to be setback from any property line abutting a residential zoning district the same as any building would be required to be setback from such a property line. Any food trucks that would be operating within 100 feet of a property zoned for one- or two- family residential use would be permitted to operate only within the hours of 7:00 a.m. to 10:00 p.m. which align with the City noise ordinance. Outside of that 100 feet, food trucks would be able to operate between 5:00 a.m. and 2:00 a.m. which aligns with hours permitted to restaurants without an alcohol beverage license. Outdoor dining associated with food trucks would be permitted only in conjunction with food trucks actually in operation and subject to the same standards as restaurants under the "Restaurant 2" use. Any violations of the proposed additional standards would be a violation to the site hosting the food trucks, and continued violations could result in revocation of their ability to host.

Regarding the zoning districts in which a food truck host site may be approved, this amendment proposes allowing the use on sites in conjunction with religious facilities, schools, government buildings, community centers, parks, libraries, museums, hospitals, or lodges within the residentially-focused zoning districts. Those zoning districts are the one- or two- family zoning districts, the multifamily zoning districts, and the special zoning districts which are intended for residential uses. In all remaining zoning districts, food truck host sites would be permitted in conjunction with any otherwise permitted use in the applicable district, but not on a vacant property. Where permitted, it would be subject to the additional standards noted and approval of a zoning administrator permit.

There are also City Code amendments proposed for City Council consideration which would streamline the permitting and licensing process for food trucks by eliminating the peddler's permit and clarifying that food trucks are allowed as part of neighborhood special events.

Staff recommends approval of ZOA 23-00003.