

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

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

#### **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.]*

#### **Section 3-3. – Additional standards on uses**

(7) Home occupation. In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, PH-1, PH-2, PH-3, DT-1, DT-2, DT-3, FM-1, FM-2, and FM-3 districts, home occupations shall be permitted only as an accessory use and only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. Home occupations that have the following general characteristics are permitted:

(a) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on-site employment or use of labor from persons who are not bona fide residents of the dwelling.

(b) No mechanical or electrical equipment shall be employed within or on the premises other than machinery or equipment customarily found in a home; except that computer systems, fax machines and equipment customarily associated with home office equipment shall be permitted.

(c) No outside display of goods and no outside storage of any equipment or materials used in the home occupation shall be permitted. *A food truck may not be parked or operated at the home occupation except that a food truck may be parked and the food truck equipment may be powered on for a period not to exceed one hour total per day for the purpose of loading and unloading the food truck.*

(d) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or any accessory building, including transmittal through vertical or horizontal party walls.

(e) The storage of biohazardous waste, hazardous waste or materials not otherwise and customarily associated with home use is prohibited.

(f) The home occupation must be conducted entirely within the dwelling or an accessory structure, or both. Not more than two hundred (200) square feet of floor area shall be used in the conduct of the home occupation, including storage of stock-in-trade or supplies.

(g) All parking in connection with the home occupation (including, without limitation, of vehicles marked with advertising or signage for the home occupation must be in driveway and garage areas on the premises, ~~or in available on-street parking areas.~~

(h) Except for the sign authorized by chapter 10, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being used for any purpose other than as a residential dwelling.

(i) Home occupation shall not include the following uses, as defined by chapter 2:

(i) Any vehicle repair, vehicle sales, or vehicle storage for vehicles other than the owner/occupant's personal vehicle(s);

(ii) Motor vehicle display for purposes of sale or lease other than the owner/occupant's personal vehicle;

(iii) Machine shop/metal working;

(iv) Body piercing and/or tattoo parlor; and

(v) Kennel, home based rescue, animal shelter, and animal day care.

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(54) ~~Reserved.~~ *Food truck host sites in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, M-1, M-2, M-3, LFA-1, LFA-2, LFA-3, LFA-4, LFA-5, LFA-6, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, HRC-1, HRC-2, HRC-3, LBP, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3, FM-4, PO-1, and PO-2 districts shall obtain a zoning administrator permit and comply with the following additional standards:*

*(a) Within the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, RT-1, BB-1, BB-2 zoning districts, a food truck host site may only be established in conjunction with a religious facility, public or private school, public or private college/university, structure to house a government function, community center, public or private parks, public or private library, public or private museum, hospital, or private or fraternal club/lodge, given all other additional standards in this section are*

90 complied with. In all other zoning districts, a food truck host site may not be established  
91 on a vacant lot;

92 (b) The operator of the food truck host site shall be responsible for ensuring all food  
93 trucks comply with the provisions of the zoning ordinance and city code, including  
94 licensing, noise, and trash management;

95 (c) A site development plan indicating the allowed locations of food trucks shall be  
96 provided which once approved by the city, shall become binding. Any alteration must be  
97 submitted and approved by the Zoning Administrator;

98 (d) Food trucks must be kept on improved surface as defined in chapter 2. The improved  
99 surface must be under the entirety of the food truck and any associated vehicle, and  
100 such improved surface must extend continuously from the adjacent public right-of-way to  
101 the parking location;

102 (e) Food trucks shall not block any drive aisles, fire lanes, parking spaces, crosswalks,  
103 or other similar means of vehicle and pedestrian traffic circulation on the site as  
104 determined by the Zoning Administrator. Notwithstanding the foregoing, food trucks may  
105 be operated in a parking space as long as such operation does not reduce the total  
106 amount of parking on site below the minimum required by the zoning ordinance;

107 (f) Where the location of a food truck is within 100 feet of a property zoned one- or two-  
108 family residential, the food truck shall not be permitted to operate beyond the hours of  
109 7:00 a.m. to 10:00 p.m. Where the location of a food truck is greater than 100 feet from a  
110 property zoned one- or two-family residential, the food truck shall not be permitted to  
111 operate beyond the hours of 5:00 a.m. to 2:00 a.m. In no case shall a food truck operate  
112 beyond the hours of all other uses on the same site, if applicable;

113 (g) Food trucks shall not be located closer to any property line which abuts a residential  
114 district than would otherwise be allowed for a building in the applicable zoning district;

115 (h) Food trucks shall not be located closer than 10 feet to any building, structure, or  
116 combustible material;

117 (i) Exterior lighting associated with the food truck shall not direct glare, light spillage, or  
118 illumination onto adjacent properties, streets, sidewalks, or the sky;

119 (j) Live entertainment shall not be permitted in conjunction with the food trucks;

120 (k) The operator of the food truck host site shall maintain a log of all food trucks which  
121 operate at the site, to include the name of the licensed food truck and the day(s) it  
122 operated which will be provided to the Zoning Administrator, or their designee, on at  
123 least a monthly basis. Such information shall be provided in a format as the Zoning  
124 Administrator may prescribe;

125 (l) Where seating is provided for the customers of food trucks, such outdoor seating area  
126 shall be allowed only while food trucks are present and in operation, be adjacent to such  
127 food trucks, and where there is sufficient parking as required by chapter 11. Outdoor  
128 seating area shall not be permitted within the M-1, M-2, LFA-2, HRC-1, HRC-2, and  
129 HRC-3 zoning districts;

130 (m) Food trucks may not be parked on the property after the permitted hours of  
131 operation, except as permitted under chapter 1; and

132            *(n) The Zoning Administrator, or their designee, shall have the ability to revoke the*  
133            *zoning administrator permit upon violation of any of the above conditions.*

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