



Legislation Text

File #: 23-0135, **Version:** 1

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

Background Statement:

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.

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.

Recommendations:

Staff Recommendation:

Approve

Planning Commission Recommendation:

Pending

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.]

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Section 3-3. - Additional standards on uses

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(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.

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

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

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

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

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

the zoning ordinance;

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

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

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

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

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

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

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

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

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

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[The attached Tables, entitled, "Table of Uses Permitted - Standard Districts" and "Table of Uses Permitted - Special Districts" are hereby declared to be a part of this ordinance as if fully set forth herein.]