



## Legislation Text

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**File #:** 18-0234, **Version:** 1

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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 Pertaining to Sales Conducted On Or Adjacent To Public Right-Of-Ways

**Recommendations:**

Staff recommends approval

**Background:**

This City Code amendment is proposed in conjunction with Zoning Ordinance Amendment 18-00004 (Agenda Item 18-0233). Taken together, the amendments would permit mobile food vendors to operate as an accessory use to a hospital in the Coliseum Central Overlay District. These amendments are a result of a request from the Sentara Hampton Careplex to allow mobile food vendors to operate at the medical campus to satisfy demand for late night dining options for third shift workers. Currently, mobile food vendors are only permitted to operate in areas that are zoned for retail sales and where outdoor sales are permitted. The Coliseum Central Overlay District, however, currently prohibits outdoor sales, and accordingly, mobile food vendors are not permitted at the Sentara Hampton Careplex. This is a unique use because hospitals are open at all hours and have a high number of employees who are scheduled to work after midnight. Allowing mobile food vendors to operate at Sentara would ensure that workers have access to food once the onsite dining facility closes after dinner and beyond the normal operating hours for many of the surrounding restaurants.

The Zoning Ordinance amendment would amend the Coliseum Central Overlay District to permit mobile food vendors as an accessory to a primary hospital use. This amendment to Section 34-7 of the City Code would align the regulations pertaining to peddlers permits and licenses (which are required for mobile vendors), with the zoning amendment.

The Coliseum Central Business Improvement District (CCBID) has been briefed on the proposed amendments and supports the change to allow mobile vendors as an accessory use to a hospital.

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Chapter 34 of the City Code of the City of Hampton, Virginia, be amended and re-enacted as follows:

### **CHAPTER 34 - STREETS AND SIDEWALKS**

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**ARTICLE I. - IN GENERAL**

. . . .

**Sec. 34-7. - Sales conducted on or adjacent to public right-of-way.**

. . . .

(e) Persons conducting a sale or exchange of the type described in subsection (b) of this section on private property adjacent to a public right-of-way, and persons allowing their private property to be used for such sale or exchange, shall be subject to the following regulations:

(1) No sale or exchange shall take place or be conducted, and no structure used for such sale or exchange shall be located, within fifty (50) feet of the closest edge of the nearest sidewalk pavement, or street pavement if there is no sidewalk, of any public right-of-way.

(2) The person conducting the sale or exchange shall have obtained written permission to conduct such activity from the owner of the property involved, and shall have also obtained, from such owner, exclusive control over any area of the property, within the allowed area, sufficient to ensure that there is adequate space for the safe circulation of traffic. Such area shall not be less than eight hundred (800) square feet. The person conducting the sale or exchange shall not allow any other activity to be conducted within this minimal eight hundred (800) square foot area.

(3) Such sale or exchange shall not be conducted on or from vacant lots except for seasonal sales as defined in this section.

(4) Before any person may conduct such sale or exchange, such person must have provided to and have approved by the commissioner of the revenue a plat or site plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person and provisions for well-defined vehicular entrances and exits. Such plat or site plan shall be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00) for processing. After review and approval of such plat or site plan by the commissioner of revenue, application shall be made to the commissioner of revenue for a permit to engage in the activities covered by this section, in accordance with this section and the approved plat or site plan. Such application shall state the name, address and telephone number of the person conducting the activity and the days and hours of operation, and shall include evidence of the property owner's permission to so use the property, as required above, as well as a copy of the approved plat or site plan. A copy of the permit issued by the commissioner of revenue, as well as a copy of the approved plat or site plan and the written permission of the property owner, shall be kept at the site of the activity, in a convenient place, and shall be exhibited, upon request, to any police officer or agent of the commissioner of revenue. Such permit must be obtained before a business license for such activity may be issued, and shall be renewed annually prior to the renewal of any business license.

(5) Seasonal sales shall be permitted in accordance with the requirements of this section and shall

not occur at any one parcel more than 120 days in any one calendar year.

(6) Such permitted sales or exchanges shall only occur on properties where, pursuant to the zoning ordinance, "retail sales, general" is a permitted use or the primary use of the property is a religious facility, public or private school, structure to house a government function, community center, hospital, or private or fraternal club/lodge.

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