

ZONING TEXT AMENDMENT NO. ZT-2019-0003

CITY OF NEWPORT NEWS

BACKGROUND

The request is to amend Article V., General Regulations, to add regulations for food truck vendors on private property to the zoning ordinance.

Currently the city does not allow food truck vendors to operate on private property when not in connection with a special event. Previously the operation of food truck vendors has been viewed as having the potential to create problems with traffic, noise, trash, hours of operation and generally posing issues for other on-site uses. As the popularity of food truck vendors has occurred, the city has been challenged to create a balance to allow them on private property without adversely impacting the surrounding uses in the area.

This amendment provides regulations to ensure that the operation of food truck vendors on private property will be allowed while mitigating any negative impacts to the on-site uses and the surrounding area. The amendment establishes criteria for a citywide food vendor permit to allow for vending on private property. The prerequisites for this permit would address health and safety issues by requiring valid health permits from the Virginia Department of Health and inspection reports by the Fire Marshall.

The requirements seek to protect private property owners and businesses by requiring that the food truck vendor have written permission of the property owner in order to locate on the property. Food vendors can only locate on properties that have viable on-site businesses and must cease operation when the on-site business closes for the night. The regulations require appropriate disposal of trash and debris from the food truck operation, and address noise, lighting and parking. This will help in minimizing any perceived negative effects associated with food vendors.

The food truck vendor must meet all licensing requirements through the Virginia departments of health and motor vehicles as well city business license from the Commissioner of the Revenue.

On March 20, 2019, the Regulations Committee reviewed and recommends approval of the above referenced amendment.

STAFF RECOMMENDATION

It is recommended that the City Planning Commission recommend to City Council adoption of Zoning Ordinance text amendment ZT-2019-0003.

APPENDIX

A-1 ARTICLE V. GENERAL REGULATIONS, SECTION 45-537, FOOD TRUCK VENDORS ON PRIVATE PROPERTY.

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-537, FOOD TRUCK VENDORS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Section 45-537, Food Truck Vendors, as follows:

CHAPTER 45**ZONING ORDINANCE****ARTICLE V. GENERAL REGULATIONS****Sec. 45-537. Food truck vendors on private property.**

The purpose of this section is to provide regulations for food truck vendors on private property, when not in conjunction with a special event as permitted by the city.

(a) All food truck vendors shall obtain a food truck vendor permit from the department of codes compliance. A food truck vendor permit application shall include the following:

- (1) Name, home and business addresses and phone number of the applicant.
 - (2) A description of the type of food and beverage to be sold.
 - (3) A valid health permit from the Virginia Department of Health.
 - (4) A valid fire inspection report from the Fire Marshall.
 - (5) An annual permit fee of one hundred fifty dollars (\$150.00) shall be paid. The permit may not be leased, sold or otherwise transferred.
- (b) Food truck vendors shall obtain written permission from the owner of the property

on which they operate and shall keep a copy of such written permission on hand in the food truck.

(c) Food truck vendors shall post a copy of a valid health permit from the Virginia Department of Health stating that the mobile food operation meets all applicable standards. Such license shall be posted in the vehicle at all times when in operation in the city.

(d) Food truck vendors shall have a current City of Newport News business license and decal issued by the commissioner of the revenue. The business license must be available at all times for inspection and the decal shall be affixed and displayed on the left-hand side of the vehicle, on the outside, so that it may be readily seen at all times by anyone authorized to inspect.

(e) Food truck vendors shall be properly licensed and tagged, as required by the Virginia Department of Motor Vehicles, and they shall have appropriate general liability insurance coverage.

(f) Food truck vendors shall leave the site when the on-premises establishment closes for the day. Prior to leaving, the vendor must pick up, remove and dispose of all trash or refuse attributable to the vending.

(g) Food truck vendors shall not vend on unimproved (with no structure) or vacant properties.

(h) Food truck vendors shall not vend on properties operated solely as parking lots.

(i) Food truck vendors are not ancillary to a principle use.

(j) Food truck vendors may only park in a designated parking area on a paved surface. Food truck vendors shall not park in or block drive aisles, sidewalks, access to loading/unloading areas or emergency access and fire lanes.

(k) No by-product of food truck vending operations, including but not limited to trash, grease, grey water, or excess food, shall be disposed of in or on any City of Newport News property, including, but not limited to, trash cans, curbs, gutters, manholes, storm drains or sewer grates. Food truck vendors shall properly dispose of fats, oils and grease (FOG) as required in Chapter 33, Sewers and Sewage Disposal, Article IV, Sewer Use Standards, Division 2, Fats, Oils and Grease (FOG).

(l) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located or at a distance of 100 feet from the food truck, whichever is less.

(m) Any lighting used to illuminate the vehicle or customer area shall be dark skies compliant and shall not produce light spill onto adjacent property or public rights-of-way.