

AN ORDINANCE TO AMEND CHAPTER 40.1 OF THE CODE OF THE CITY OF PORTSMOUTH, VIRGINIA (2006) PERTAINING TO ZONING AND SPECIFICALLY AUTHORIZING AND REGULATING FOOD TRUCKS, INCLUDING THROUGH THE AMENDMENT OF TABLE 40.1-4.5(A), SECTION 40.1-4.5(C)(1), AND SECTION 40.1-8.3, AND THROUGH THE ADOPTION OF A NEW SECTION 40.1-4.5(F)(8).

BE IT ORDAINED by the Council of the City of Portsmouth, Virginia:

1. That Chapter 40.1 of the Code of the City of Portsmouth, Virginia (2006) be amended by the adoption of the amendments shown on Exhibit A hereto and made a part hereof.
2. That this Ordinance shall take effect on the date of its adoption.

ADOPTED by the Council of the City of Portsmouth, Virginia at a meeting held on January 26, 2016.

Teste:

City Clerk

EXHIBIT A

**AMENDMENTS
TO THE
CITY OF PORTSMOUTH ZONING ORDINANCE
JANUARY 26, 2016**

INTERPRETATION: In the amendments listed below, instructions are provided in *blue italics*. Provisions to be deleted are indicated with a ~~double strikethrough~~. New language to be added is indicated in red and underlined.

AMENDMENT #: 1

TABLE #: 40.1-4.5(A)

TABLE 40.1-4.5(A): PERMITTED TEMPORARY USES AND STRUCTURES		
Temporary Use or Structure	Allowable Time Frame	Specific Regulations
TEMPORARY STRUCTURES		
Expansion or Replacement of Existing Facilities (including temporary offices for construction and/or security personnel)	(A)	Permit Required; see Section 40.1-4.5(F)(1)
Real Estate Sales Office/Model Sales Home	(A)	Permit Required; see Section 40.1-4.5(F)(2)
Construction-Related Activities for New Construction	(A)	Permit Required; see Section 40.1-4.5(F)(2)
Temporary Family Health Care Structure	Unlimited as long as requirements of 40.1-4.5(F)(5) are met	Permit Required; see Section 40.1-4.5 (F) (5)
Temporary Storage in an On-Demand Container	(B)	Permit Required; see Section 40.1-4.5(F)(4)
TEMPORARY SALES		
Outdoor Seasonal Sales	(B)	Permit Required; see Section 40.1-4.5(F)(6)
Farmer's Market	(C)	Permit Required; see Section 40.1-4.5.(F)(7)
Food Trucks	(A)	Permit Required; see Section 40.1-4.5(F)(8)
Time Frames: [A] Such structures may be in place for no more than one to four years, unless expressly stated otherwise in this Ordinance. [B] Such structures or sales may be in place for not more than 30 days per calendar year, and no more than three occurrences per parcel, per year. [C] Such uses may operate on a continuous basis for up to five months per year on a single site.		

AMENDMENT #: 2

SECTION #:40.1-4.5(C)

(C) Prohibited Temporary Uses

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

(1) Retail Sales or Display of Goods From Vehicles

Except as part of a permitted seasonal sale or a Food Truck permitted by the City, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

AMENDMENT #: 3

SECTION #: 40.1-8.3

FOOD TRUCK

See Section 32-276 of the City Code as the same may be amended, moved, or superseded from time to time.

AMENDMENT #: 4

SECTION #: 40.1-4.5(F)(8)

Add a new Section 40.1-4.5(F)(8) as follows.

(8) Food Trucks on Private Property

(a) Location

Food trucks that have been permitted by the City may operate on private property in all zoning districts, subject to the compliance with subsection 40.1-4.5(F)(8)(b) below.

(b) Standards

- (1)** All food trucks must have a valid city food truck permit.
- (2)** All food trucks must possess a valid and unrescinded signed letter from the owner of the property stating that the owner has given permission for the food truck to operate in a specific location during a specific time period not to be earlier than 7:00 a.m. or later than 9:00 p.m.
- (3)** Food trucks shall not vend on vacant or unimproved properties, unless the property is owned or leased by the City and permission has been granted by the City.
- (4)** Food trucks shall operate in accordance with the requirements of Article X of Chapter 32 of the City Code, as the same may be amended, moved or superseded, and with all regulations and guidelines adopted by the City Manager pursuant thereto.
- (5)** Food trucks operating in all business districts, activity center districts, or special districts (as categorized in Table 40.1-3.2) shall meet the following standards:
 - (i)** Food trucks must park only in a designated parking area. Food trucks shall not park in or in any way block or infringe on drive aisles, sidewalks, other access to loading/service areas, or emergency access and fire lanes.
- (6)** Food trucks operating in residential districts (as categorized in Table 40.1-3.2) shall meet the following standards:

- (i) Food trucks may operate on residential property only for the purpose of catering private events. In such cases, food trucks may only sell food and beverages to people attending the private event and who are entirely on the property owned by the person or persons holding the event. Food trucks shall not operate on the same parcel more than three times in the same calendar month. The property owner must inform the Planning Department prior to allowing a food truck to operate on residential property.
- (ii) Food trucks must be located on a paved surface.
- (iii) No portion of the food truck shall extend onto an adjacent property or into any right-of-way.
- (iv) The owner and employees of a food truck may not use the food truck for catering or any other such uses on their own property.
- (7) Notwithstanding subsection (6) hereinabove, food trucks operating with City permission on City-owned or leased property in any zoning district shall be subject to the regulations governing food trucks operating in business districts, activity center districts, or special districts set forth in subsection (5) hereinabove.