

Zoning Ordinance Amendments

Table 40.1-4.5(A), Temporary Sales, shall be amended to add Food Trucks as a Temporary Use, with an Allowable Time Frame (A) and Specific Regulations found in Section 40.1-4.5(F)(8)

Section 40.1-4.5(C)(1) shall be amended to state “Except as part of a permitted seasonal sale or a food truck permitted by the City of Portsmouth..”

Add food truck definition to Section 40.1-8.3, using definition from City Code

New Section 40.1-4.5(F)(8) Food Trucks on Private Property:

a. Location

1. Food trucks that have been permitted by the City of Portsmouth pursuant to Section 32-284 of the City Code, as that Section may be amended, moved or superseded may operate on private property in all zoning districts as long as they meet the Standards listed below in subsection (b).

b. Standards

1. All food trucks must have a valid Food Truck Permit.
2. All food trucks must possess a valid and unrescinded signed letter from the owner of the property on which the food truck is operating 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 of Portsmouth and permission has been granted under the regulations found in the City of Portsmouth Food Truck Policies and Procedures Manual.

4. Food trucks shall operate in accordance with the requirements of Chapter 32, Article X of the City Code and all regulations, policies, and procedures established by the City pursuant thereto.
5. Food trucks operating in all non-residential districts, defined in Section 40.1-3.2, and in HR district, 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.
 - ii. The regulations above shall not apply to food trucks operating in conjunction with a microbrewery.
6. Food trucks operating in residential districts, as defined in Section 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. It shall be the responsibility of the property owner to inform the Planning Department before allowing a food truck to operate on their 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 their food truck for catering or any other such uses on their own property.
7. Food trucks operating on publicly-owned property, as approved by the City Manager or their designee, shall be subject to the same regulations as food trucks operating in non-residential districts as described above, including the provision that:
 - i. Under no circumstances shall a food or ice cream truck operate on the same property or within 500 feet of a concession stand or

other type of location where food or beverages are being sold in conjunction with a youth athletic or scholastic event with all proceeds of said sales to benefit a not for profit youth-oriented organization, such as a youth sports league, public or private school, parent-teacher association, or scholastic club. This requirement may be waived, in writing, with the permission of the body overseeing the concession sales.

8. Food trucks operating in conjunction with and at the request of a microbrewery shall be subject to the same regulations as food trucks operating in non-residential districts as described above, with the exception that they shall not be subject to the buffer separating food trucks and restaurants.