

ORDINANCE NUMBER 18-O-076**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SUFFOLK, ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-717, TEMPORARY USES AND APPENDIX A, DEFINITIONS; OTA2018-005**

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, Unified Development Ordinance, for the purpose of updating and improving clarity and consistency due to a change in circumstances; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

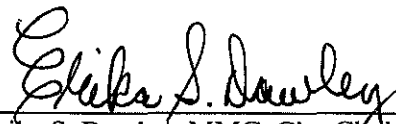
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

- Section 1. That Exhibit "A," "Planning Commission Recommendation," and Exhibit "B," "Amendments to Chapter 31, Unified Development Ordinance, Article 7, Supplemental Use Regulations, Section 31-717, Temporary Uses and Appendix "A" - Definitions, of the Code of the City of Suffolk, Virginia" which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. That Chapter 31, Unified Development Ordinance, Article 7, Supplemental Use Regulations, Section 31-717, Temporary Uses and Appendix "A" - Definitions, of the Code of the City of Suffolk, Virginia, is hereby amended to read as referenced in Exhibit "B," attached.
- Section 3. All phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended hereby remain in full force and effect.

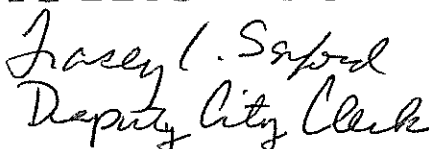
This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: JULY 18, 2018

TESTE:


Erika S. Dawley, MMC, City Clerk

A TRUE COPY


Jasey L. Sanford
Deputy City Clerk

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO
OTA2018-005
AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF SUFFOLK, ARTICLE 7, SUPPLEMENTAL USE
REGULATIONS, SECTION 31-717 TEMPORARY USES AND APPENDIX A,
DEFINITIONS**

WHEREAS, the Planning Commission of the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31 of the Unified Development Ordinance for the purpose of establishing standards pertaining to food trucks; and,

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

- X a. Adopted as submitted without modification.
- b. Denied, and that Council not pass the proposed ordinance.
- c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: June 19/18

TESTE: [Signature]

“Exhibit B”

“Amendments to Chapter 31, Unified Development Ordinance, Article 7, Supplemental Use, Regulations, Section 31-717, Temporary Uses and Appendix A, Definitions, of the Code of the City of Suffolk, Virginia”

ARTICLE 7 - SUPPLEMENTAL USE REGULATIONS

SEC. 31-717. - TEMPORARY USES.

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(c) TEMPORARY RETAIL SALES USES.

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(7) **FOOD TRUCKS.** A food truck may be permitted with a temporary use permit subject to the following:

- A. A food truck shall only be permitted in the MUC-40, B-2, VC, CBD, MUD, O-I, M-1, M-2, and FRRD zoning districts;
- B. Food trucks shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the City or the owner, if not the City Council;
- C. Each parcel shall be limited to two (2) food trucks at any one time, unless a special event permit is obtained;
- D. The applicant must provide evidence of the owner's consent;
- E. The temporary use permit shall designate the specific location on a given site where a food truck may operate. A site layout (to scale) is required depicting the proposed location of the food truck, property boundaries, building, walkways, drive aisle and parking spaces;
- F. Location Standards. Food trucks shall be located on a developed lot in accordance with the following standards:
 - (i). No portion of the food truck shall be less than ten (10) feet from driveways, utility boxes, handicap ramps, building entrances or exits, or emergency call boxes.
 - (ii). No portion of the food truck shall be less than ten (10) feet of any fire hydrant or fire escape.
 - (iii). No portion of the food truck shall be located within any pedestrian walkways, drive aisle, fire lane, or required parking spaces.
 - (iv). Food trucks may not be located within 150 feet of a residential zoning district.
- G. Limitation of hours of operation shall be limited to the hours between 6:00 a.m. and 12:00 a.m.;
- H. Food trucks shall be removed from the permitted location during the hours when they are not permitted to be in operation, and may not be stored, parked, or left overnight on any public street or sidewalk;

- I. Food trucks shall be parked only on improved surfaces;
- J. Food trucks shall not impede pedestrian or vehicular circulation;
- K. Trash receptacles shall be provided and removed at end of business hours;
- L. Amplified music is not permitted;
- M. The temporary use permit shall be valid for up to one (1) calendar year and shall not require a period of time between temporary use permits;
- N. The applicant shall provide evidence that all required Local, State, and Federal permits and approvals. Such permits shall be maintained in good standings;
- O. The Zoning Administrator may revoke the permit if the permit holder violates any provision of this section. Issuance of a permit does not guarantee food truck occupancy of location;

APPENDIX “A” – DEFINITIONS

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FOOD PROCESSING ESTABLISHMENT: A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a restaurant, retail food store, or commissary operation. (Source: Virginia Administrative Code)

FOOD TRUCK: A specialized unit mounted on, or pulled by, a self-propelled vehicle where food or beverage, including prepackaged food, is prepared, cooked, served, or dispensed, for individual portion service. Such vehicle is self-contained with its own drinking water tank and waste water tank; is designed to be readily movable; is located on an allowed site for more than fifteen (15) minutes; and is moved daily. This definition shall not include Sidewalk Vendors that are allowed in accordance with Section 31-717(C)(4) of the Unified Development Ordinance and Section 74-331 of the City Code.

FOOTCANDLE: A unit of illumination lighting a surface, all points of which are one (1) foot from a uniform light source equivalent to one (1) candle in brightness or illumination. (see also “Lumen”)

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