

ORDINANCE #19-02

AN ORDINANCE TO AMEND THE FOLLOWING PROVISIONS OF THE WILLIAMSBURG CODE BY ADDING TO ARTICLE I. SECTION 21-2 DEFINITIONS, BY ADDING A DEFINITION FOR FOOD TRUCK; BY AMENDING ARTICLE III. DISTRICT REGULATIONS TO ALLOW FOOD TRUCKS IN THE LB-1, B-1, B-3, ED AND ED-2 ZONING DISTRICTS AND BY AMENDING ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21-622, FOOD TRUCKS (PCR #18-032)

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that the Williamsburg Code, Chapter 21, Zoning, Article I, Definitions, Article III. District Regulations and Article IV, Supplemental District Regulations are hereby amended by adding a food truck definition, allowing food trucks in the LB-1, B-1, B-3, ED and ED-2 Zoning Districts and amending Section 21-622, Food Trucks, to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-2. Definitions.

Food truck means a large, wheeled vehicle from which food is sold or served that typically contains cooking facilities where the food is prepared.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 6.1 LIMITED BUSINESS DOWNTOWN DISTRICT LB-1

Sec. 21-247. Permitted uses.

The uses permitted in the limited business downtown district are as follows:

- (2.1) Food trucks in accordance with Section 21-622.

DIVISION 8. DOWNTOWN BUSINESS DISTRICT B-1

Sec. 21-292. Permitted uses.

The uses permitted in the downtown business district B-1 are as follows:

- (2.1) Food trucks in accordance with Section 21-622.

DIVISION 10. URBAN BUSINESS DISTRICT B-3*

Sec. 21-352. Permitted uses.

The uses permitted in the urban business district B-3 are as follows:

- (6.3) Food trucks in accordance with Section 21-622.

DIVISION 10.1. ECONOMIC DEVELOPMENT DISTRICT ED*

Sec. 21-362. Permitted uses.

The uses permitted in the economic development district ED are as follows:

- (7.3) Food trucks in accordance with Section 21-622.

DIVISION 10.2. Economic Development District ED-2

Sec. 21-372. Permitted uses.

- (7.3) Food trucks in accordance with Section 21-622.

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 21-622. Food Trucks

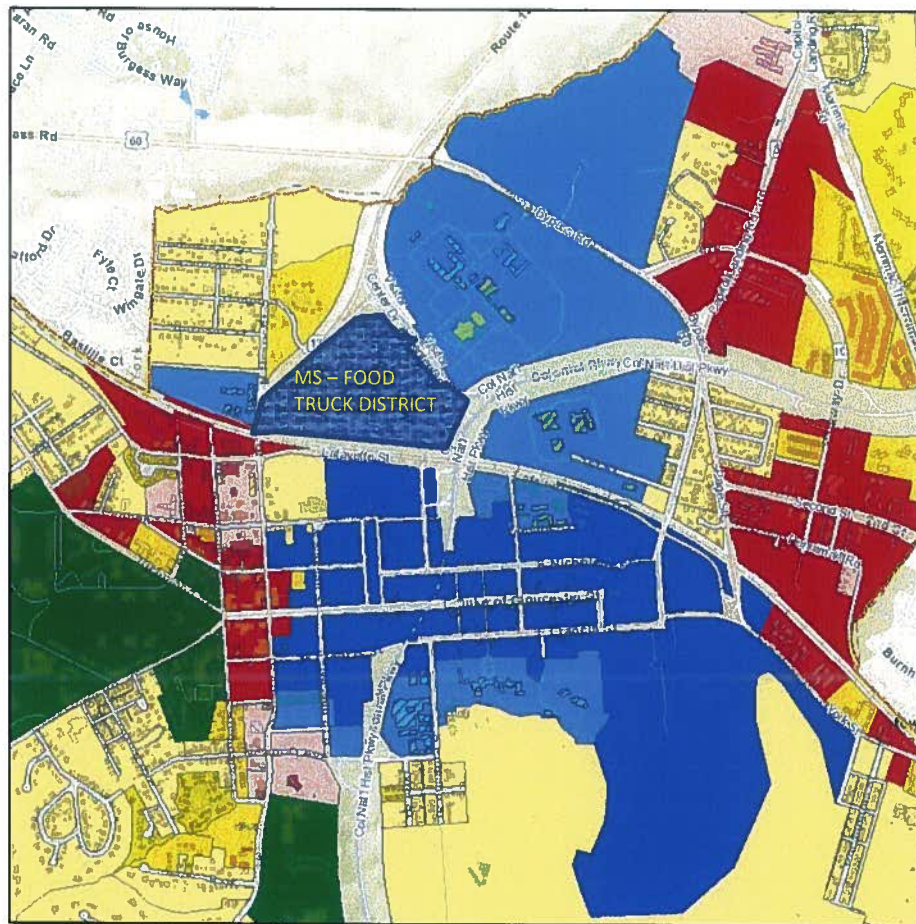
When not in conjunction with a special event regulated by Chapter 9, Article II. Special Events, the operation of food trucks when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator subject to the following provisions:

- (a) The applicant shall provide the following to the zoning administrator:
 - (1) A copy of a valid Williamsburg business license. Such business license shall be posted in the vehicle at all times.
 - (2) A copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit.
 - (3) A copy of an approved inspection from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food truck must be re-inspected on an annual basis and must be inspected each day of operation in the City.
 - (4) Applicant shall provide a valid driver's license for each person who will drive the food truck.
 - (5) A \$50.00 application fee.
- (b) Applicant shall provide current registration for the food truck, proof of current motor vehicle inspection, and proof of valid motor vehicle insurance for the food truck.
- (c) The administrative permit shall be issued for a period not to exceed one year but may be renewed upon written request by the operator.
- (d) The following standards and conditions shall apply to all food truck operations:
 - (1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the food truck will be operated;
 - (2) Unless otherwise approved, food trucks shall operate only on developed and occupied property and only during the hours when the business establishment on the premises is open for business;

- (3) The Zoning Administrator may approve food trucks remaining on-site for multi-day events or late closings on a case-by-case basis. Unless otherwise approved, food trucks shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the food truck operator shall pick up, remove, and dispose of all trash or refuse within at least 25 feet of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle.
- (4) 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;
- (5) Any lighting attached to the exterior of the food truck or used to illuminate the menu boards or the customer waiting areas adjacent to the food truck shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;
- (6) Receptacles, either those already available on a site or temporary/portable ones provided by the food truck operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;
- (7) Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the food truck and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway, or into the atmosphere;
- (8) In the LB-1 and B-1 zoning districts food trucks shall be located at least 100 feet from a restaurant.
- (9) Food trucks shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required parking spaces are not obstructed and made unavailable;
- (10) Food trucks shall not be parked in or operated from a public street right-of-way;
- (11) Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the food truck operation. Such signs shall not exceed six square feet in area and four feet in height, shall be positioned within 30 feet of the food truck, and shall not be placed within a public street right-of-way. Signage that is permanently affixed to the food truck shall be permitted; however, the Zoning Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached on a case-by-case basis.
- (12) Food trucks may operate in residential districts in the City, however, said

operation is limited to not more than two times per calendar year at any specific residential property, and food trucks must meet the criteria contained in this section for operation in all residential districts.

- (13) Food trucks are prohibited in the Colonial Williamsburg Historic Area CW, except as permitted with an event and located on city streets as permitted by special event permit issued by the city manager pursuant to Chapter 9, Article II of the Williamsburg City Code.
- (14) Food trucks are permitted at 100 Visitor Center Drive in the Museum Support District MS as shown on the Museum Support food truck overlay map below. They are prohibited in other areas of the Museum Support District.



- (e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: January 10, 2019

Attest: Debi Burcham
Debi Burcham, City Council Clerk

Paul T. Freiling
Paul T. Freiling, Mayor