

AN ORDINANCE NO. 18-26

Amending §§ 286-202.10, 286-308.04 and 286-310.04 of Chapter 286, Zoning, of the Colonial Heights City Code by authorizing the operation of mobile food units in the BB Boulevard Business District and the GB General Business District; and further amending Chapter 286 by enacting a new section 286-410.62, which specifies general standards for mobile food unit operations and where they are allowed to operate.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. That Chapter 286, Zoning, of the Colonial Heights City Code is amended by modifying §§ 286-202.10, 286-308.04 and 286-310.04, and by adding new section 286-410.62, as follows:

**§ 286-202.10. Commercial use types.**

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**MOBILE FOOD UNIT**

A food establishment contained in a wheeled vehicle that is readily moveable, including but not limited to trailers, trucks, and vans; and is licensed by the Department of Motor Vehicles and has a valid permit from the Environmental Health Division of the ~~Chesterfield/Colonial Heights Health Department~~ Virginia Department of Health. These units are also known as “food trucks”.

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**§ 286-308.04. Permitted uses.**

A. The following uses are permitted by right or by special exception permit in the BB Boulevard Business District, subject to all other applicable requirements contained in this chapter. An (S) indicates a special exception permit is required. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article IV, Use and Design Standards.

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(5) Commercial use types:

Agricultural service

Antique shop  
Automobile dealership, new\*  
Automobile dealership, used\*  
Automobile parts/supply, retail  
Automobile rental/leasing  
Automobile repair service, major”  
Automobile repair service, minor\*  
Bed and breakfast\*  
Business support service  
Business trade/schools  
Car wash\*  
Commercial indoor sports and recreation  
Communication service  
Construction sales and service\*  
Consumer repair service  
Convenience store  
Day care center\*  
Equipment sales and rental\*  
Extended stay lodging  
Flea market (S)  
Funeral service  
Garden center\*  
Gasoline station  
Hotel/motel/motor lodge  
Itinerant merchant\*

Laundry

Mobile food unit\*

Personal improvement service

Personal services\*

Private farmer's market\*

Recreational vehicle sales and service\*

Restaurant, family

Restaurant, fast food or drive-in

Restaurant, general

Retail sales

Studio, fine arts

Veterinary hospital/clinic\*

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**§ 286-310.04. Permitted uses.**

A. The following uses are permitted by right or by special exception permit in the GB General Business District, subject to all other applicable requirements contained in this chapter. An (S) indicates a special exception permit is required. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article IV, Use and Design Standards.

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(5) Commercial use types:

Adult use (S)\*

Agricultural service

Antique shop

Assembly hall

Automobile dealership, new\*

Automobile dealership, used\*

Automobile parts/supply, retail

Automobile rental/leasing

Automobile repair service, major\*

Automobile service, minor\*

Business support service

Business/trade schools

Car wash\*

Commercial indoor amusement

Commercial indoor entertainment

Commercial indoor sports and recreation

Commercial outdoor entertainment

Commercial outdoor sports and recreation

Communication service

Construction sales and service\*

Consumer repair service

Convenience store

Dance hall (S)

Day care center\*

Equipment sales and rental\*

Extended stay lodging

Flea market (S)

Funeral service

Garden center\*

Gasoline station

Golf course  
Hospital  
Hotel/motel/motor lodge  
Kennel, commercial (S)\*  
Itinerant merchant\*  
Laundry  
Manufactured home sales (S)\*  
Mobile food unit\*  
Modular home sales  
Pawn shop  
Personal Improvement service  
Personal services\*  
Private farmer's market\*  
Recreational vehicle sales and service  
Restaurant, family  
Restaurant, fast food or drive in  
Restaurant, general  
Retail sales  
Studio, fine arts  
Studio, tattoo (S)\*  
Travel center  
Veterinary hospital/clinic

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**§ 286-410.62. Mobile food units.**

**A. General standards:**

(1) All waste discharge shall be disposed of in a sewage system that the Environmental Health Division of the Virginia Department of Health has approved.

(2) The mobile food unit operator shall provide trash receptacles and shall ensure that trash is properly removed from the site.

(3) The operator shall comply with the provisions of Article IV (“Noise”) of Chapter 218 of this Code and all other legal requirements.

(4) All mobile food units shall be parked a minimum of 100 feet from any residence.

(5) A mobile food unit may locate on the same parcel for up to three consecutive days, and may do so for a maximum of four times a year. Under no circumstances shall a unit operate on the same parcel for more than twelve days in a one-year period.

(6) As part of the application for the permit discussed in Paragraph 7 below, a real property owner, tenant, or other authorized user desiring to allow at least one mobile food unit on a parcel shall pay a fee of \$50 for up to three consecutive days of operation regardless of the number of mobile food units which will operate.

(7) Whenever a real property owner, tenant, or other authorized user desires to allow at least one mobile food unit on a parcel, the property owner, tenant, or other user shall apply for and obtain a permit from the Department of Planning and Community Development. Application for a permit shall be made on a form the Department prepares, and the applicant shall provide all information the form requests. As part of the permit process, the applicant shall submit a site plan showing the location where mobile food units shall be located. The Director of the Department, or his designee, has total discretion to determine the number of mobile food units to be allowed on a parcel and whether to approve the permit; and there shall be no appeal from such a decision.

(8) If a mobile food unit operator fails to obey a requirement in a permit, the Director or his designee is authorized to deny any future application for a permit made by a real property owner, tenant, or other authorized user that includes the same mobile food unit operator.

B. Where allowed:

1. Subject to compliance with the provisions of this Section, mobile food units shall be allowed in the following locations:

(a) the BB Boulevard Business District;

(b) the GB General Business District; and

(c) the real property of a religious assembly.

2. Exception for homeowners.

The owner of a home in a residential zoning district is authorized to have one or more mobile food units at his home for non-commercial uses. Such a homeowner shall be exempt from this section's requirements, except that he shall not violate any federal, state, or local law.

3. City-owned property.

The Director of the Department of Recreation and Parks is authorized to allow mobile food units on City-owned real property for specific events, and the Director shall impose those requirements on mobile food units that he deems reasonable and necessary.

2. That this ordinance shall be effective upon approval on second reading.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Michael A. Cherry, Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable John E. Piotrowski, Councilman: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable T. Gregory Kochuba, Mayor: \_\_\_\_\_.

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Michael A. Cherry, Councilman: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_.

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_.

The Honorable John E. Piotrowski, Councilman: \_\_\_\_\_.

The Honorable John T. Wood, Councilman: \_\_\_\_\_.

The Honorable Elizabeth G. Luck, Vice Mayor: \_\_\_\_\_.

The Honorable T. Gregory Kochuba, Mayor: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney