

AN ORDINANCE NO. 21-11

To amend § 286-410.62 of Chapter 286, Zoning, of the Colonial Heights City Code to authorize the operation of mobile food units on a less restrictive basis.

THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS AS FOLLOWS:

1. Section 286-410.62 of Chapter 286, Zoning, of the Colonial Heights City Code is amended as follows:

**§ 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 12 days in a one-year period.
- ~~(6)~~(5) As part of the application for the permit discussed in Subsection A(7) below, a real property owner, or 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~~ \$100 regardless of the number of mobile food units which will operate.

~~(7)~~(6) Whenever a real property owner, or tenant, ~~or other authorized user~~ desires to allow at least one mobile food unit on a parcel, the property owner, or 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.

(7) The Director of the Department of Planning and Community Development, or his designee, shall specify, on an approved permit, the permit's duration, which shall not exceed three months. Once a permit expires, the real property owner, tenant, or other authorized user may apply for a new permit; and the Director of the Department shall have total discretion to determine the number of mobile food units to be allowed on a parcel and whether to approve the permit. 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 revoke the permit or deny any future application for a permit made by a real property owner, or tenant, ~~or other authorized user~~ that includes the same mobile food unit operator.

(9) No mobile food unit shall operate between the hours of 10:00 p.m. and 6:00 a.m. of any day.

(10) Each mobile food unit shall be allowed to have signs that are attached to the unit and one detached temporary freestanding sign. The freestanding sign shall not

exceed ten square feet in area and may be on the site only when the mobile food unit is open for business.

(11) Each mobile food unit shall be on site only when the unit is open for business.

B. Where allowed:

(1) Subject to compliance with the provisions of this section, mobile food units shall be allowed ~~in the following locations:~~ for all use types specified in Article II of this Chapter, except for residential use types.

~~(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 noncommercial 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. This ordinance shall be in full force and effect upon its 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, Councilmember: \_\_\_\_\_

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

The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable Robert W. Wade, Councilmember: \_\_\_\_\_

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

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, Councilmember: \_\_\_\_\_

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

The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable Robert W. Wade, Councilmember: \_\_\_\_\_

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

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

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

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

Approved as to form:

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City Attorney