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**TO:** Planning Commission

**FROM:** Planning and Zoning Department

**SUBJECT:** TMOD-23-004

**ADDRESS:** City-Wide

**MEETING DATE:** September 5, 2023

**Summary:** Amendment to Stonecrest Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations), Article 19 (Mobile Food Vendors), Chapter 27 (Zoning Ordinance), Article 4 (Use Regulations), and Article 9 (definitions/Maps) regarding Food Trucks.

**STAFF RECOMMENDATION:** APPROVAL

**PLANNING COMMISSION RECOMMENDATION:** TBD



## FACTS & ISSUES

- There are not existing Zoning Regulations for Food Truck with Zoning Ordinance
- Current “Vending Operations Rules” exist in Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)
- Staff is proposing changes to the Stonecrest’s Ordinance

### **Attachment(s) Included:**

- **Revisions to Stonecrest’s Ordinance regarding Food Trucks**



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**STONECREST ORDINANCE UPDATE**

**Revision to the Licenses, Permits and Miscellaneous Business Regulations, Chapter 15**

**Article 19 – Mobile Food Vendors**

**Division 1. – Generally**

**Sec. 15.19.1. – Definitions.**

~~**Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.**~~

**Food truck shall mean a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.**

~~**Vending cart means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.**~~

**Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.**



**Sec. 15.19.4. – Vending operational rules. Reserved**

~~(a) Hours of operation shall be between 7:00 a.m. and 6:00 p.m., or as previously approved by the City Manager or his designee in connection with a special event permit.~~

~~(b) Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.~~

~~(c) Vendors may offer items permissible for sale only.~~

~~(d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.~~

~~€ All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15-19-3.~~

~~(f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.~~

~~(g) Vending operations, including, but not limited to, the display of merchandise and may not exceed the approved operating area.~~

~~(h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.~~

~~(i) Vending carts and/or food trucks should not occupy more than one standard parking space.~~

~~(j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.~~

~~(k) Vending carts and/or food trucks shall be located within 100 yards of the principal structure of the lot upon which it intends to vend.~~

~~(l) Vending carts and/or food trucks are allowed to stay at any one place of operation for a maximum of four hours.~~

~~(m) Vendors offering prepared food shall obtain the proper authorization and permits from the DeKalb County Board of Health or the comparable department of another municipality.~~

~~(n) Vendors offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.~~



## Revision to the Zoning Ordinance, Chapter 27

### Article 3. Overlay District Regulations

#### Division 1. – Overlay Districts.

#### 3.1.6. – Overlay Use Table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
<p>"Key: P—Permitted use                      Pa—Permitted as an accessory Use                      SA—Special administrative permit required                      SP—Special Land Use Permit (SLUP) required                      X—Prohibited Use</p> <p><b>*If blank, check underlying zoning use table (Sec.4.1.3)*</b></p> <p><b>*Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b></p>							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<b>COMMERCIAL</b>											
<b>Restaurant/Food Establishments</b>											
<b>Brewpub/Beer growler</b>	P	P	P	P							
<b>Catering establishments</b>	P	P	P	P							
<b>Food Trucks, Mobile Vending/ Food Carts</b>											✓





**Division 2. – Supplemental Use Regulations**

**Sec. 4.2.67. – Food Trucks, Mobile Vending/Food Cart.**

**All Food Trucks shall comply with the following:**

**A. Permit.**

- 1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit to operate within the city.**
- 2. Any condition of zoning or provision of the Stonecrest and Dekalb County’s zoning ordinance that prohibits a food truck use on a property shall supersede this section.**
- 3. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all current city, Dekalb County, State of Georgia, and federal licenses and shall follow all laws of the state and county health departments, or any other applicable laws.**

**B. Permitted locations.**

- 1. Allowable districts: OD, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Department.**
- 2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.**

**C. Restricted locations.**

- 1. No Food Trucks, Mobile Vending/Food Carts shall be located within 250 feet of a residential structure(s).**
- 2. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.**



- 3. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.**
- 4. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.**

**D. Hours of operation.**

- 1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.**
- 2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of DeKalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.**

**E. Parking.**

- 1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.**
- 2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.**

**F. Signage.**

- 1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.**

**G. Lighting/Noise.**

- 1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements.**

**H. Waste Disposal.**

- 1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or**





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**private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the Special Administrative Permit application.**



**Article 9. – Definitions/Maps**

**Sec. 9.1.3. – Defined terms.**

***Food truck* means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.**

***Vending* means vending activity as permitted on privately-owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.**

***Vending/Food cart* means a pushcart which is designed to be readily movable from which food items are dispensed.**



**Appendix A - SCHEDULE OF FEES**

PROPOSED 90 DAY FOOD TRUCK PERMIT			PROPOSED TEMPORARY FOOD TRUCK PERMIT		
Permit Fee	\$350.00	Inside and Outside jurisdiction.	Permit Fee	\$250.00	Inside and Outside jurisdiction.
Approved Period	90 Days	These are 90 designated consecutive days.	Approved Period	3 Days	These are 3 designated consecutive days.
Number of Locations	3	Food Truck can serve up to 3 locations during days of operation.	Number of Locations	2	Food Truck can serve up to 2 locations during days of operation.
Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.	Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.
Permit Amendments	\$115.00	Updating permit to remove or add a new location.	Permit Amendments	\$115.00	Updating permit to remove or add a new location.