



**TO:** Mayor and City Council

**FROM:** Planning and Zoning Department

**SUBJECT:** TMOD-23-004

**ADDRESS:** City-Wide

**MEETING DATES:** August 10, 2023 (**CPIM**) | August 14, 2023 (**Work Session**) | September 5, 2023 (**PC**) | November 13, 2023 (**Work Session**) | December 11, 2023 (**MCC/ Fee Announcement**) | January 22, 2024 (**MCC/ First Read**) | February 12, 2024 (**Work Session**) | February 26, 2024 (**MCC/ Second Read**)

**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:** APPROVAL with one (1) modification: To add a reference to mobile BBQ pits, mobile stoves, etc.



## 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 the following changes:
  - ❖ Removing “Mobile Food Vendors” from Chapter 15
  - ❖ Allowing Food Trucks in certain zoning districts
  - ❖ Implementing regulations for Food Truck within Chapter 27

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

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



## TMOD-23-004

### STONECREST ORDINANCE UPDATE

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

##### Article XIX – ~~Mobile Food Vendors Reserved~~

##### ~~Division 1. — Generally~~

##### ~~Sec. 15.19.1. — Definitions:~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).~~

~~*Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.~~

~~(1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran~~



- ~~served.~~
- ~~(2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.~~
  - ~~(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.~~

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

~~Items permissible for sale means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.~~

~~Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.~~

~~Non-alcoholic pre-packaged beverages means beverages sealed in plastic or aluminum single-serving containers excluding all beverages in glass containers, and excluding all alcoholic, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Operating area means:~~

- ~~(1) The area in which a vendor may operate from a vending cart and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle; or~~
- ~~(2) The parameters of the food truck.~~

~~Pre-packaged food means single-serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.~~

~~Prepared non-alcoholic beverages means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Prepared food means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.~~



~~Public property and public space both mean, for the purpose of this article, any property owned by the City of Stonecrest within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.~~

~~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.~~

~~Valid vendor permit means a permit issued by the City of Stonecrest for a vendor of a vending cart or food truck. Such permit shall consist of a photo-identification card which contains the vendor's name, photograph, vending type and classification, authorized valid vendor locations and time period for which such permit is valid.~~

~~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.~~

~~Vendor means any person who has been issued a valid vendor permit.~~

~~Sec. 15-19-2. — Purpose, intent and applicability.~~

~~A. Vending on public property in the incorporated boundaries of the city, as defined in this article, shall be prohibited. Vending on privately-owned commercial or industrial property without a permit issued pursuant to this article shall be unlawful and a person violating this article shall, upon conviction, be punished as provided by this Code.~~

~~B. It is the intent of council in enacting this article to:~~

- ~~(1) Serve and protect the health, safety and welfare of the general public.~~
- ~~(2) Establish a uniform set of rules and regulations which are fair and equitable.~~
- ~~(3) Provide economic development opportunities for small entrepreneurs in the city.~~
- ~~(4) Provide a variety of goods and services for sale.~~
- ~~(5) Promote stable vendors who will enrich the city's ambiance and be assets to public security.~~



~~Sec. 15-19-3.—Vending business required to remit sales taxes and keep records~~

- ~~(a) Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall prohibit the revocation of any permit in accordance with the provisions of division 2 of this article.~~
- ~~(b) Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to, the following:  
Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.~~

~~Sec. 15.19.4.—Vending operational rules:~~

- ~~(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.~~

~~Sec. 15-19-5. —Aesthetic standards.~~

~~Vending carts must comply with the following aesthetic standards:~~

- ~~(a) Length of the cart may not exceed seven feet and width may not exceed four feet in height, excluding canopies, umbrellas, or transparent enclosures; may not exceed five feet;~~
- ~~(b) Canopies shall have a minimum clearance of seven feet and a maximum height of nine feet, six inches above the sidewalk;~~
- ~~(c) Canopies may not exceed 48 square feet (eight feet by six feet);~~
- ~~(d) All carts must be mobile, and able to roll on wheels;~~
- ~~(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;~~
- ~~(f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;~~
- ~~(g) The wheels located under the cart are preferred; however projecting wheels must have fenders;~~
- ~~(h) Hitches attached to the cart must be removable and detached when in operation; and~~
- ~~(i) If used, propane tanks must be enclosed.~~



TMOD-23-004

~~Sec. 15-19-6—15-19-20. Reserved.~~

~~DIVISION 2.— PERMITS AND LICENSES~~

~~Sec. 15-19-21.— Vendor permit and business license required.~~

~~(a) No vending shall occur without a permit issued pursuant to this article.~~

~~(b) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.~~

~~(c) All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated food truck area at all times when the vendor or assistant vendor is present.~~

~~Sec. 15-19-22.— Application.~~

~~(a) An application shall be required by all persons seeking issuance of a valid vendor permit. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.~~

~~(b) Permit fees and applicable maintenance fees are due and payable in the manner required by the City Manager or his designee if and when the application is approved by the City.~~

~~(c) An application for permit, including the proposed vending areas, must be submitted the City Manager or his designee for approval at least 30 calendar days prior to the proposed vending start date. The City Manager or his designee shall approve, deny, or request addition information from the applicant within 14 business days.~~

~~(d) The application shall, at a minimum, consist of the following data:~~

~~(1) Applicant's name and current address.~~

~~(2) Applicant's previous addresses within the last five years.~~

~~(3) Social Security number.~~

~~(4) Proposed vending locations.~~





- ~~(5) Certification of approval of vending location from the private property owner.~~
- ~~(6) A dimensional site plan drawing for each vending location within the city which clearly shows the footprint and placement of the cart and the operating area.~~
- ~~(7) The times and days/dates during which the vendor estimates they will vend on the proposed property.~~
- ~~(8) GDOR retail identification tax number.~~
- ~~(9) State issued picture identification.~~
- ~~(10) — City business license.~~
- ~~(11) — A general description of the items permissible for sale to be sold or offered for sale.~~
- ~~(c) All applicants shall furnish all data, information and records requested of them by the City Manager or his designee within ten days from the date of request. Failure to furnish such information within ten days shall automatically dismiss, with prejudice, the application.~~

~~Sec. 15-19-23. — Term and renewal of permits.~~

- ~~(a) A valid vendor permit will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal.~~
- ~~(b) Vendors may present to the City Manager or his designee an application for a renewal permit. Upon a review and approval of the renewal application, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees as indicated in section 15-19-24, the vendor shall be furnished with a renewal permit.~~
- ~~(c) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in section 15-19-22.~~

~~Sec. 15-19-24. — Annual fees.~~

- ~~(a) Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.~~
- ~~(b) The annual permit fee for all valid vendor permits shall be \$75.00.~~



~~Sec. 15-19-25. – Location:~~

~~(a) Valid vendor locations shall:~~

- ~~(1) Not be within 15 feet of street intersections or pedestrian crosswalks or 15 feet of building entrances/exits or within 50 feet of hotels/motels;~~
- ~~(2) Not be within 15 feet of a driveway, bus stop, crosswalk, or intersection;~~
- ~~(3) Provide a minimum of five feet of unobstructed pedestrian space;~~
- ~~(4) Not be within 15 feet of a fire hydrant driveway; and~~
- ~~(5) Not be within 600 feet of the closest property line of any public or private elementary, middle or high school.~~

~~Sec. 15-19-26. – Notification of name change or change of address.~~

~~Whenever either the name or address provided by the vendor on the application for a valid vendor permit changes, the vendor shall notify the City Manager or his designee in writing within ten days of such change and provide same with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the City Manager or his designee at all times.~~

~~Sec. 15-19-27. – Denials, fines, suspensions and revocations.~~

- ~~(a) No valid vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.~~
- ~~(b) Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.~~
- ~~(c) A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:
  - ~~(1) Fraud, misrepresentation or false statements contained in the application.~~
  - ~~(2) Failure on the part of a vendor to maintain initial eligibility qualifications.~~~~



~~(3) Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.~~

~~(4) Any failure to comply with any requirement set forth in this article or this Code.~~

~~(d) Any person whose permit is revoked may not reapply until one year following the effective date of the revocation.~~

~~(e) In addition to carrying out all other investigations as may be permitted under this article, the license and permits unit shall investigate any alleged violation of this article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury, and shall be accompanied by any supporting evidence.~~

~~Sec. 15-19-28. – Appeal on suspension, fine, revocation or denial.~~

~~A person to whom the city refuses to issue a vendor's permit or whose vendor's permit is suspended or revoked may file an appeal therefrom in accordance with article XVI of this chapter.~~

~~Sec. 15-19-29. – Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.~~

~~(a) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.~~

~~(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.~~

~~(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment between the hours of 9:00 p.m. and 9:00 a.m. daily. On days in which schools are actually in session, no motor vehicle shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.~~

~~(d) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.~~

~~(e) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be~~



TMOD-23-004

~~restricted to an operational area or location specifically described in section 15-19-25.~~

Planning and Zoning Department



## **Revision to the Zoning Ordinance, Chapter 27**

### **Article 2. District Regulations**

#### **Division 3. – RE (Residential Estate) District**

##### **Sec. 2.3.2. – Permitted and special land uses.**

#### **B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

##### **3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.**
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 4. – RLG (Residential Large Lot) District**

**Sec. 2.4.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 5. – R-100 (Residential Medium Lot-100) District**

**Sec. 2.5.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.



- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 6. – R-85 (Residential Medium Lot-85) District**

**Sec. 2.6.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 7. – R-75 (Residential Medium Lot-75) District**

**Sec. 2.7.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.





- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 8. – R-60 (Residential Small Lot-60) District**  
**Sec. 2.8.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 12. – RSM (Small Lot Residential Mix) District**  
**Sec. 2.12.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.



**Division 13. – MR-1 (Medium Density Residential-1) District**

**Sec. 2.13.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 14. – MR-2 (Medium Density Residential-2) District**

**Sec. 2.14.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.



TMOD-23-004

- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 15. – HR-1 (High Density Residential-1) District**

**Sec. 2.15.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 16. – HR-2 (High Density Residential-2) District**

**Sec. 2.16.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.



TMOD-23-004

- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**
- g. Temporary produce stand; see section 4.2.**
- h. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 17. – HR-3 (High Density Residential-3) District**

**Sec. 2.17.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 26. – C-1 (Local Commercial) District**

**Sec. 2.26.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales; seasonal; see section 4.2.
- e. Temporary outdoor sales or events, seasonal; see section 4.2.



TMOD-23-004

Planning and Zoning Department

- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

**Division 27. – C-2 (General Commercial) District**

**Sec. 2.27.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.**
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

**Division 28. – OD (Office - Distribution) District**

**Sec. 2.28.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.**





- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Division 29. – OI (Office - Institutional) District**

**Sec. 2.29.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales; seasonal; see section 4.2.
- e. Temporary outdoor sales or events, seasonal; see section 4.2.
- f. Temporary produce stand; see section 4.2.
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.

**Division 31. – M (Light Industrial) District**

**Sec. 2.31.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**



TMOD-23-004

Planning and Zoning Department

- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

**Division 32. – M-2 (Heavy Industrial) District**

**Sec. 2.32.2. – Permitted and special land uses.**

**B. Special Administrative Uses. The following uses are permitted only with administrative approval:**

**3. Commercial.**

- a. Farmer's market, temporary/seasonal; see section 4.2.**
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



**Article 3. Overlay District Regulations**

**Division 1. – Overlay Districts.**

**Sec. 3.1.6. – Overlay Use Table.**

<b>Table 3.1 Overlay Use</b>											
<b>Land Use</b>	<b>Stonecrest Area Overlay</b>						<b>Interstate 20 Corridor Overlay*</b>			<b>Arabia Mountain Conservation Overlay*</b>	<b>See Section 4.2</b>
	<b>T1</b>	<b>T2</b>	<b>T3</b>	<b>T4</b>	<b>T5*</b>	<b>T6*</b>	<b>T1</b>	<b>T2</b>	<b>T3</b>		
<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 use table for underlying zoning (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>							<b>In Mixed Use Development</b>	<b>In Mixed Use Development</b>	<b>In Mixed Use Development</b>		
<b>COMMERCIAL</b>											
<b>Restaurant/Food Establishments</b>											
<b>Brewpub/Beer growler</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>							
<b>Catering establishments</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>							
<b>Food Trucks, Mobile Vending/ Food Carts</b>											<b>✓</b>



**Article 4. – Use Regulations**

**Division 1. – Overview of Use Categories and Use Table**

**Sec. 4.1.3. – Use Table.**

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)															
Use	R E	RL G	R- 10 0	R - 8 5	R - 7 5	R - 6 0	RS M	M R- 1	M R- 2	H R- 1,2 3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU- 1	MU- 2	MU- 3	MU- 4,5	See Section 4.2	
<b>COMMERCIAL</b>																										
<b>Recreation and Entertainment</b>																										
<b>Food Trucks, Mobile Vending/ Food Carts</b>	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA			SA			SA	SA	SA	SA	SA						✓



**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, in accordance with Sec. 7.6.1. of this chapter, to operate within the city.**
- 2. No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.**
- 3. All valid vendor permits are nontransferable.**
- 4. 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.**
- 5. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all unexpired city, county, and state licenses. Vendors shall follow all laws of the state and county health departments, or any other applicable laws.**
- 6. Food Trucks, Mobile Vending/Food Carts offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.**
- 7. Food Trucks, Mobile Vending/Food Carts selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section.**
- 8. Food Trucks, Mobile Vending/Food Carts may offer items permissible for sale only.**
- 9. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.**

**B. Permitted locations.**

- 1. Allowable districts: All residential, 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 Director.**



**2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.**

**C. Restricted locations.**

- 1. 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.**
- 2. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.**
- 3. 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.**
- 3. Food Trucks, Mobile Vending/Food Carts 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.**

**E. Sales Taxes and Records Keeping.**



1. Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR.
2. Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to:
  - a. Records of sales and receipts for purchases and expenses from any business in which a vender has any interest.

**F. 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.

**G. Signage.**

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

**H. Lighting/Noise.**

1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements, except for Ice Cream Food Truck.
  - a. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.

**I. 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 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.

**J. Denials, fines suspension and revocations.**

1. No valid permit shall be issued to any person who has been convicted within five (5) years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter, crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false





**swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.**

- 2. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.**
- 3. A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:**
  - a. Fraud, misrepresentation or false statements contained in the application.**
  - b. Failure on the part of a vendor to maintain initial eligibility qualifications.**
  - c. Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.**
  - d. Any failure to comply with any requirement set forth in this article or this Code.**



**Article 9. – Definitions/Maps**

**Sec. 9.1.3. – Defined terms.**

***Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).**

***Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.**

- (1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.**
- (2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.**
- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.**

***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.**



TMOD-23-004

Planning and Zoning Department

***Items permissible for sale*** means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.

***Moral turpitude*** means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

***Pre-packaged food*** means single serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.

***Prepared non-alcoholic beverages*** means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.

***Prepared food*** means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.

***Vending*** means vending activity as permitted on privately-owned commercial, industrial, and residential 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.

***Vendor*** means any person who has been issued a valid vendor permit.



**Appendix A - SCHEDULE OF FEES**

## Stonecrest Planning and Zoning Fee Schedule

Special Administrative Permit	<b>Food Truck Permit</b>	<b>\$150</b>
-------------------------------	--------------------------	--------------



### Fees Justification

The following diagram is a breakdown of prices for one (1) food truck in one (1) location.

Department(s)	FRONT DESK	PLANNING & ZONING			PERMITS	CODE ENFORCEMENT		ADMINISTRATIVE
Employee	Receptionist	Zoning Administrative Technician	Senior Planner	Deputy Director	Permit Specialist	Director	Code Enforcement	Miscellaneous (Fuel Cost, Date Storage, Vehicle Maintenance, etc.)
Total Costs	\$8.90	\$86.50			\$13.50	\$33		\$8.50



<b>Food Truck Permit</b>	
Permit Fee	\$150
Approved Period	30 Days (Consecutive)
Number of Locations	1
Operational Days	Monday - Sunday



## **With one (1) Food Truck Permit, Applicant(s) can:**

- Have maximum of six (6) locations
- Operate at each location a maximum of eleven (11) months

## **Calculations for additional locations and months**

- $\$150 \times (\# \text{ of location}) + [41.50 \text{ (code enforcement \& administrative fee)} \times (\# \text{ of additional month(s)})]$