



**TO:** Mayor and City Council

**FROM:** Planning and Zoning Department

**SUBJECT:** TMOD-23-004 Food Truck/Vending

**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 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**

## COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM \*Spoke-in-Person Meeting

**August 10, 2023**

*As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200)*

*Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address [planning-zoning@stonecrestga.gov](mailto:planning-zoning@stonecrestga.gov) by noon the day of the hearing August 10, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.*

- I. **Introductions:** Director Ray White, Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.
- II. **Presentations:** Upcoming Cases Presented by Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown
  - **SLUP22-016**
  - **SLUP23-007**
  - **SLUP23-008**
  - **V23-005**
  - **TMOD23-004**

### III. Presentations

*Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown Presented **SLUP22-016, SLUP23-007, SLUP23-008, V23-005, and TMOD23-004***

#### **Purpose and Intent**

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns.

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

#### **Announcements**

Visit the City of Stonecrest's Planning and Zoning website to access the *Project Viewer*.

*SLUP22-016 presented by Cobi Brown*

#### **SLUP22-016**

1352 Regal Heights Drive

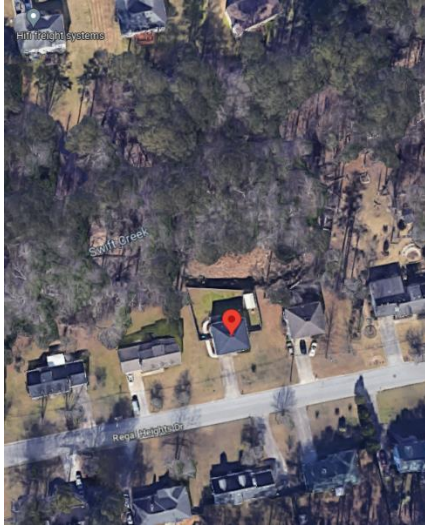
Stella Akolade

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Personal Care Home for up to three (3) persons.

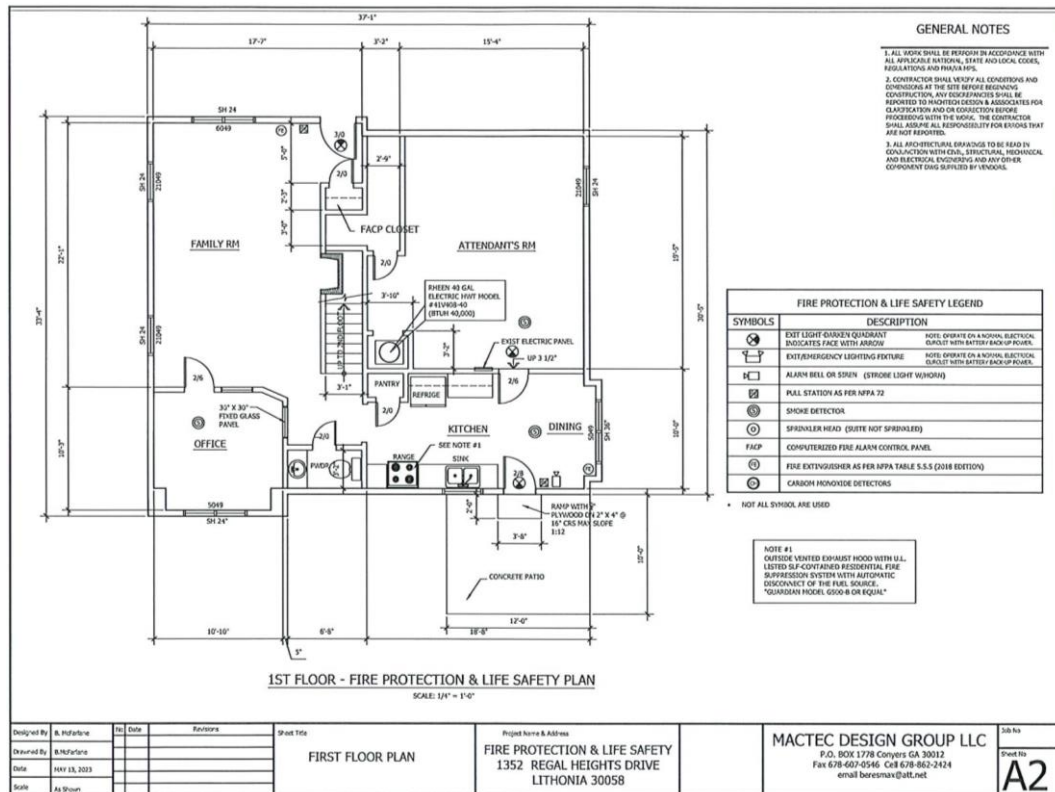
Future Land Use- Suburban Neighborhood (SN)

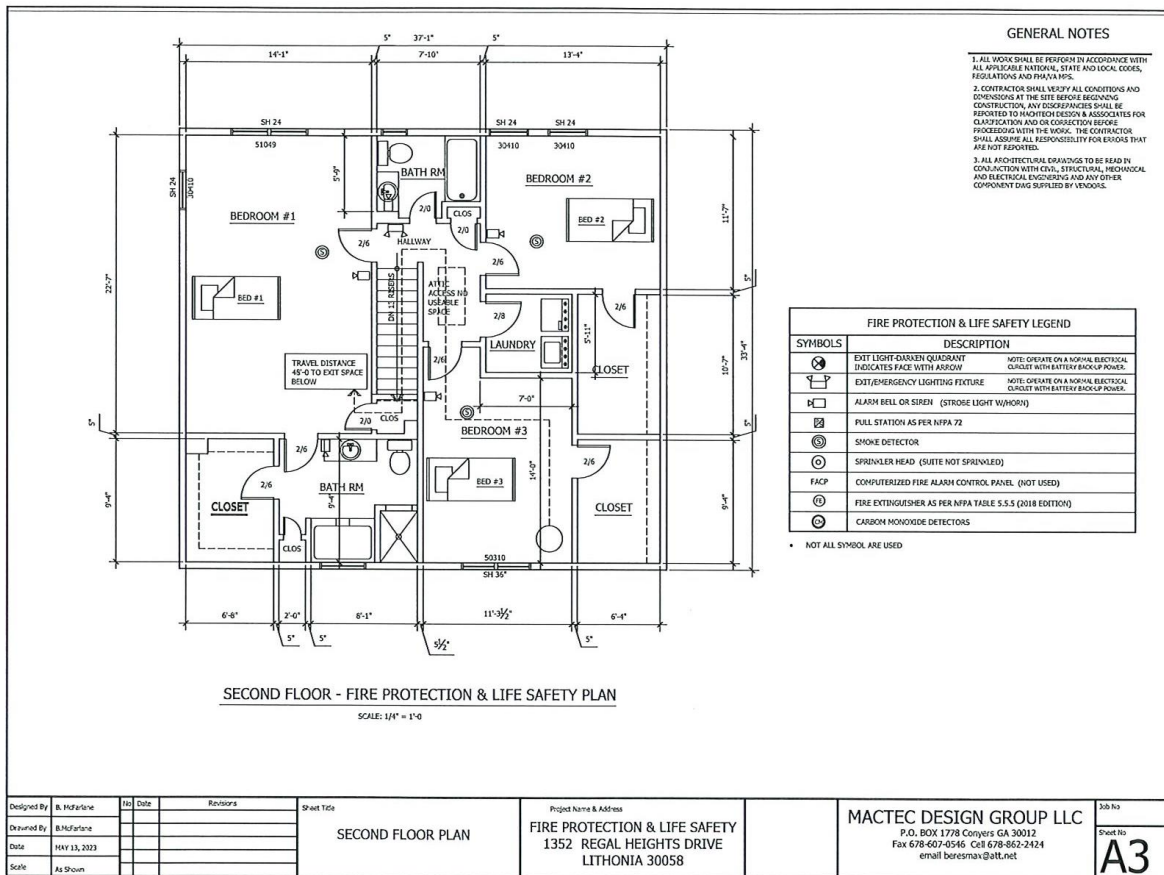
Zoned- R-100 Residential Medium Lot

Aerial Map and Submitted Photo-



Submitted Floor Layouts-





## Sec. 4.2.41. – Personal Care Homes & Child Caring Institutions

### A. Personal care homes, general requirements.

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
3. No personal care home may display any exterior signage that violates the sign ordinance in [chapter 21](#) of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in [section 7.5.9](#) of this chapter.
5. No city permit for the operation of the personal care home shall be transferable.

### B. Personal care home, group (up to six persons).

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in [article 6](#).
3. The home must be at least 1,800 sq. ft in size.
4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

**Stella Akolade** the applicant came to the stand. She stated that this will be a personal care home for people with developmental disabilities that the government encourages to integrate into the community. You cannot easily tell that these people have a disability.

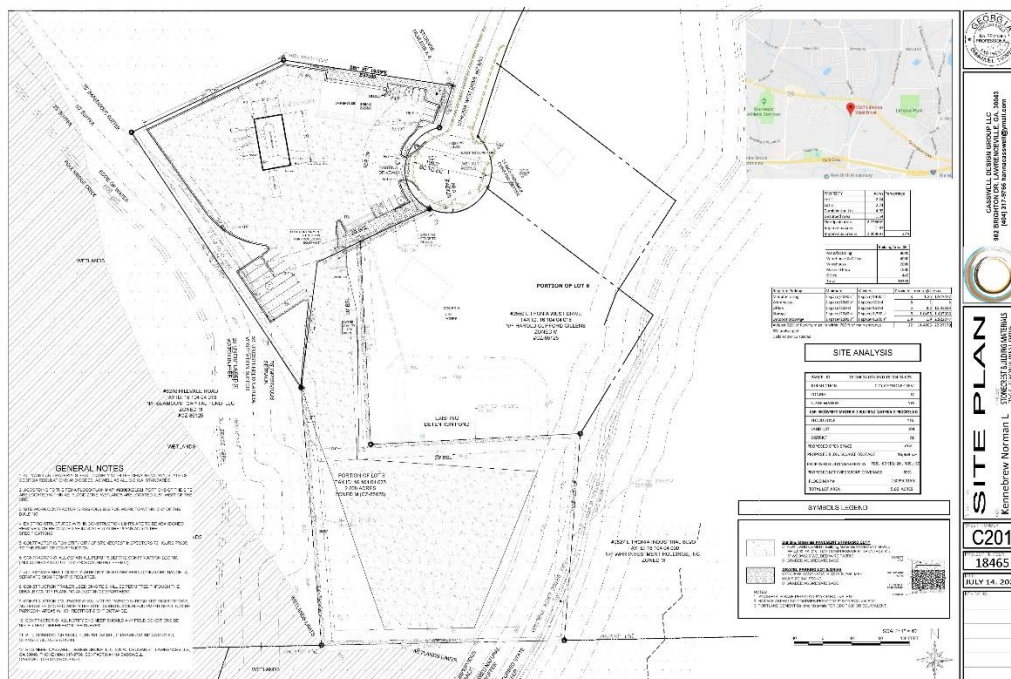
**Malika Wells** resident of Stonecrest came to the stand. She asked if the applicant was currently living in the home and the length of time she stayed there.







*Submitted Floor Layout-*



**Hannah Caswell** the applicant and representative for the company came to the stand.

**Renee Kale** a resident of District Four came to stand. She asked about the amount of asphalt/concrete produced per year

**Hannah Caswell** referred to the owner to answer some of the questions and also stated that the owner gets materials from repurposed buildings and recycles them.

**Renee Kale** asked if it was a concrete or asphalt plant and stated that both are dangerous for the community and our lungs. She listed some of the harmful chemicals that can be found in the materials.

**Malika Wells** a district four resident came to the stand. She asked for further clarification of what type of business is conducted on the site.

**Ron Kennebrew** the owner answered that they manufacture concrete.

**Malika Wells** also asked why they need a special land use permit

**Matthew Williams** the Deputy Director stated that it is required by code

**Malika Wells** asked if it was a new use

**Ray White** the Director stated that it is the same use and that the reason why we have the SLUP is that certain uses require certain other factors to be considered to make sure that those factors are considered essentially going forward such as making sure that they adhere to all the state and federal regulations that if there are environmental concerns those things are addressed and that the applicant has those certifications as it relates to federal state regulations

**Bernie Knight** chairman of Stonecrest Industrial Council came to the stand. He stated that the applicant originally tried to rezone from light to heavy industrial and wanted to know what happened to that application.

**Ray White** stated that the application was withdrawn.

**Bernie Knight** asked if the property would be leased to a third party or if the owner would operate the plant himself

**Hannah Caswell** stated that the owner plans to operate the plant.

**Bernie Knight** believes that this is a bad location for the business reasons being the area is transitioning and there are residential neighborhoods there. Does not support application.

*SLUP23-008 Presented by Abeykoon Abeykoon*

## **SLUP23-008**

6419 Rockland Road

Joel Burkholder

Petitioner is seeking a Special Land Use Permit (SLUP) to construct a Short-Term Vacation Rental.

Future Land Use- Rural Residential (RR)

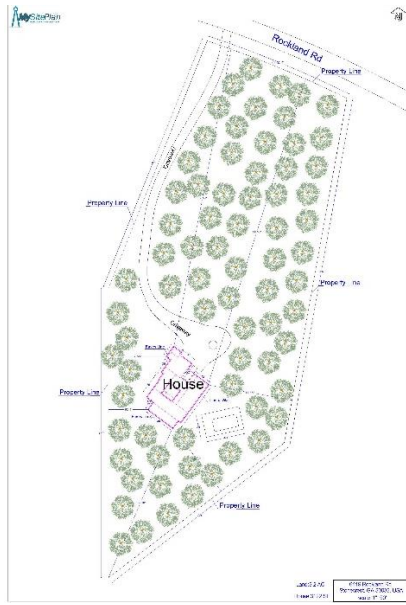
Zoned- R-100 – Residential Medium Lot

Overlay Zoning- Arabia Mountain

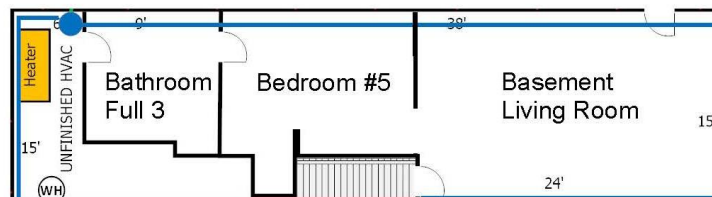
Aerial Map and Site Plan-







**Joel Buckholder**  
**Customer #316430**



**Sec. 4.2.58. – Short Term Vacation Rental**

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

The applicant was not present at this meeting. There were no attendees to speak for or against the petition.

*V23-005 Presented by Matthew Willaims*

### **V23-005**

2375 Panola Road

Battle Law P.C. on behalf of Atlanta Residential Investors LLC

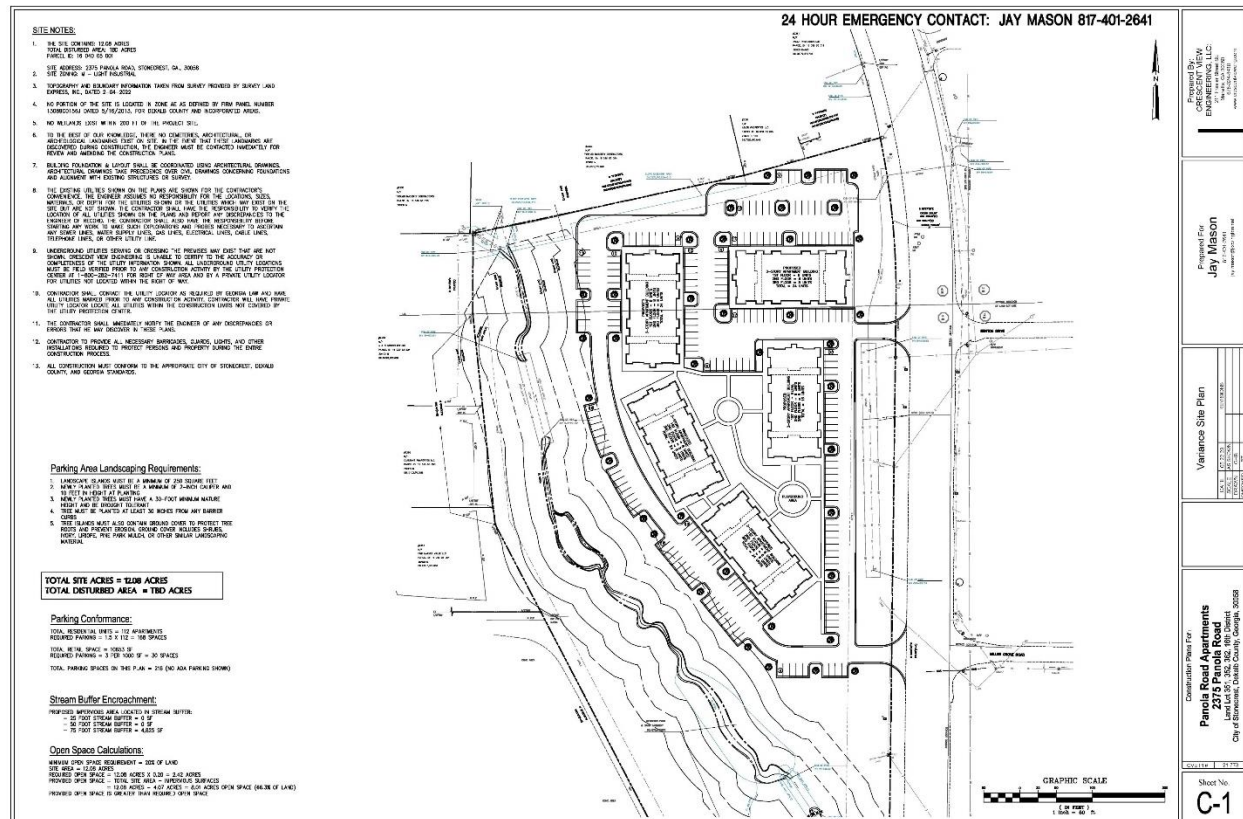
Petitioner is seeking a Variance to reduce stream buffer from seventy-five (75) feet to fifty (50) feet.

Future Land Use- Light Industrial (M)

Zoned- M – Light Industrial

Overlay Zoning District- I-20 Tier 2

*Aerial Map and submitted site plan-*



## Chapter 14 (Land Development) – Article 7 (Stream Buffer) – Sec. 14-543 (Minimum Stream Buffer Requirements)

- Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed except as otherwise provided in [section 14-544](#).
- Any new stormwater discharge crossing a stream buffer or state buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- Piping of streams is not allowed in required stream buffers unless a variance is granted.

**Michelle Battle** with Battle Law came to the stand.

**Angela Ash** resident of district four came to the stand. She asked about the state-federal requirement and if there will be any negative effects.

**Michelle Battle** stated that for the 75-foot stream buffer, the first 25 feet is required by the state of Georgia with regards to protecting the stream bank. You cannot encroach into that area without a permit from the state and the remaining 50 feet of the 75 feet is regulated by the city. This particular stream buffer request is at the rear of the site and in her opinion, there is no negative impact on the stream caused by the reduction of the stream buffer by 25 feet. They will have water quality system as well as detention on the site.

**Malika Wells** district four resident asked what will be on the site

**Michelle Battle** stated that they would like to develop apartments.

**Malika Wells** asked why the site plan touches on the buffer line

**Michelle Battle** She believes they could request the variance because of the shape of the parcel and the fact that the stream buffer takes up the entire rear portion of the site. They looked at different designs for the site but chose this one to include all the required parking and keep the site aesthetically pleasing. They believe that they can still protect the stream and put in a design that is visually acceptable along with the parking that is necessary to meet the code requirements.

**Angela Ash** resident of district four stated that stream buffers protect the water bodies from the impacts of human activities. She does not think that the variance should be granted. Stated that we need quality projects that are going to enhance Economic Development

**Mia Harper** a resident asked if there were any additional studies to help support Battle's opinion that there were no environmental impacts and she asked why the city established the 50 ft buffer.

**Michelle Battle** stated that they are providing for both water quality and detention on the site. There will be a tree study done for the site.

**Ray White** answered that the variance request are not taken likely and the final decision will be made at the Zoning Board of Appeals

*TMOD23-004 Presented by Matthew Williams*

## **TMOD23-004 Food Truck/Vending**

City-Wide

Stonecrest Planning and Zoning Department

Petitioner is seeking to make amendments and updates to Article 19 (Mobile Food Venders) of Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations) and Article 4 (Use Regulations), Article 9 (Definitions/Maps) of Chapter 27 (Zoning Ordinance) regarding Food Trucks/Vending..

*Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)*



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.~~

*What Changed?*

- Food Truck
  - Removed existing definition and implemented a new definition
- Vending Cart
  - Removed existing definition and implemented a new definition

*Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)*

~~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.~~



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~~(e) 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.~~

*What Changed?*

- Removed vending operations rules from Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

*Amendments to Chapter 27 (Zoning Ordinance)*

Article 4. – Use Regulations

Division 1. – Overview of Use Categories and Use Table



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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	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-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	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending/ Food Carts													SA				SA	SA	SA	SA	SA					✓

*What Changed?*

- Added Food Trucks, Mobile Vending/Food Carts to the Use Table
- Permits Food Trucks, Mobile Vending/Food Carts in the following zoning districts with an approved Special Administrative Permit (SA):
  - OI – Office Institutional
  - C-1 – Local Commercial
  - C-2 – General Commercial
  - OD – Office Distribution
  - M – Light Industrial
  - M2 – Heavy Industrial

*Amendments to Chapter 27 (Zoning Ordinance)*

## 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. The Food Truck, Mobile Vending/Food Cart Permit shall be valid for a period of one – calendar year after issuance and applicable to the approved site only.
3. 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.



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4. 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.

## *Amendments to Chapter 27 (Zoning Ordinance)*

#### 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



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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 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.

## *What Changed?*

- Added supplemental regulations for Food Trucks, Mobile Vending/Food Carts

### *Amendments to Chapter 27 (Zoning Ordinance)*

#### **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.

### *What Changed?*

- Added definitions for Food trucks and Vending

### *Amendments to 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.

**Matthew Williams** explained the difference between inside and outside jurisdiction. “Outside” refers to the food trucks that are outside of the city in unincorporated Dekalb County and the surrounding counties that are interested in doing business within the city and “inside” refers to the food truck owners that are originally based in the city.

They will only be permitted in C1-local commercial, C2- general commercial, OI- office institutional, OD- office distribution, M- light industrial, and M2- Heavy Industrial.

**Malika Wells**, a resident of the city came to the stand. She asked about the 90 day period for the permit and if there were any changes made to Chapters 15 and 27. She also asked if food trucks will be provided with a list of approved locations for their services as well as what will be done if traffic occurs if a food truck is popular.

**Matthew Williams** stated that in the Special Administrative Permit process a site plan is required, addresses they have in mind, and a document stating the property owner's permission. Certain locations are off-limits and there are also distance requirements.

He also stated that the permit is valid up to one year and an applicant is approved for 90 consecutive days.

**Glenda Jordan** a resident of district one came to the stand. She stated that the permit does not give an applicant a right to use the permit occasionally and did not agree with the fees.

**An Attendee** asked who determines the prices

**Matthew Williams** stated that the planning and zoning department works with the finance department.

**Rakia Murphey** came to the stand to state that a doable plan should be made if the city wants vendors to conduct business here. The city should not be greedy, and the money will eventually come.



### ***Upcoming Meetings***

- Public Hearing will be held for presented items during:
  - Planning Commission
    - September 9, 2023
    - 6 PM
    - Council Chambers
  - Mayor & Council
    - September 25, 2023
    - 6 PM
    - Council Chambers
  - Zoning Board of Appeals
    - September 19, 2023
    - 6:30 PM
    - Council Chambers

**Meeting ended at 7:11 p.m.**

APPROVED:

Tre'Jon Singletary 01/02/2024  
PLANNING AND ZONING DEPARTMENT MANAGER Date

ATTEST:

Cabi Brown 12/7/2023  
SECRETARY Date

## PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM \*Spoke-in-Person Meeting

**September 5, 2023**

*As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200)*

*Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address [planning-zoning@stonecrestga.gov](mailto:planning-zoning@stonecrestga.gov) by noon the day of the hearing August 1, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.*

I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:00 PM.

II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent and the District I seat is currently vacant.

Planning Director Ray 'White, Deputy Director Matthew Williams, Senior Planner Tre' Jon Singletary, and Planner Abeykoon Abeykoon were in attendance. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

III. **Approval of Minutes: The Planning Commission Meeting Minutes Summary dated August 1, 2023.** Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated **August 1, 2023** and moved by Chairman Hubbard. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

IV. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Hawkins motioned to **APPROVE THE AGENDA**. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

V. **Presentations: Upcoming Cases Presented by: Matthew Williams, Deputy Director**

- **RZ-23-003**
- **SLUP22-016**
- **SLUP23-007**
- **SLUP23-008**
- **TMOD23-004**

VI. **Old Business: RZ-23-003**

VII. **Announcements**

Dr. Ray White Retirement and Voting

VIII. **Presentations**

*The Deputy Director Matthew Williams Presented all cases above*

## RZ-23-003

- 4700 Browns Mill Road
- Battle Law PC on behalf of applicant, Ray of Hope Christian Church Disciples of Christ, Inc.
- Applicant is seeking a major modification of conditions of the subject property to change the conditions from zoning case number CZ-05-32, to allow for 46 Single-Family Detached Dwellings

Commissioner Hawkins asked for designs and site plans relating to the proposal to the last meeting.

Matthew Willaims states that the documents asked for in the last meeting were not sent over by the applicant

The applicant also was not present

## SLUP22-016

- 1352 Regal Heights Drive
- Stella Akolade
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Personal Care Home, Group.

### Facts and Background

- CPIM (Community Planning Information Meeting) was held on August 10<sup>th</sup>
- Petition is considered a Type II Home Occupation
- Applicant is proposing to host no more than three (3) individuals within home
- Existing structure is approximately 2,478 sq. ft.
- Applicant must obtain approval of SLUP (Special Land Use Permit) and Business License prior to operations

### Future Land Use/Character Area

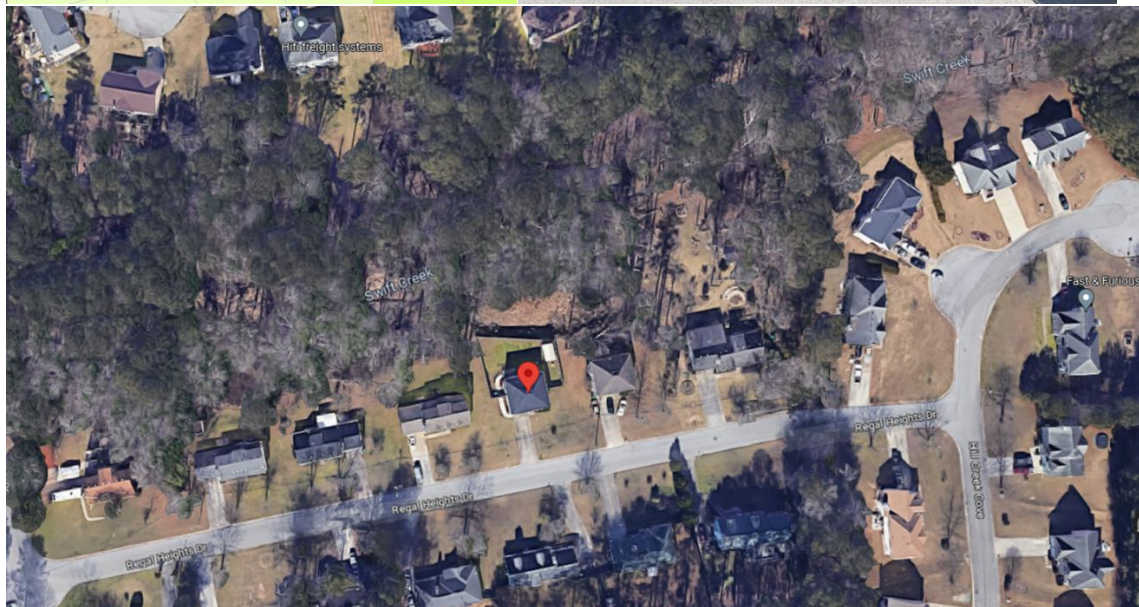
#### Suburban Neighborhood (SN)

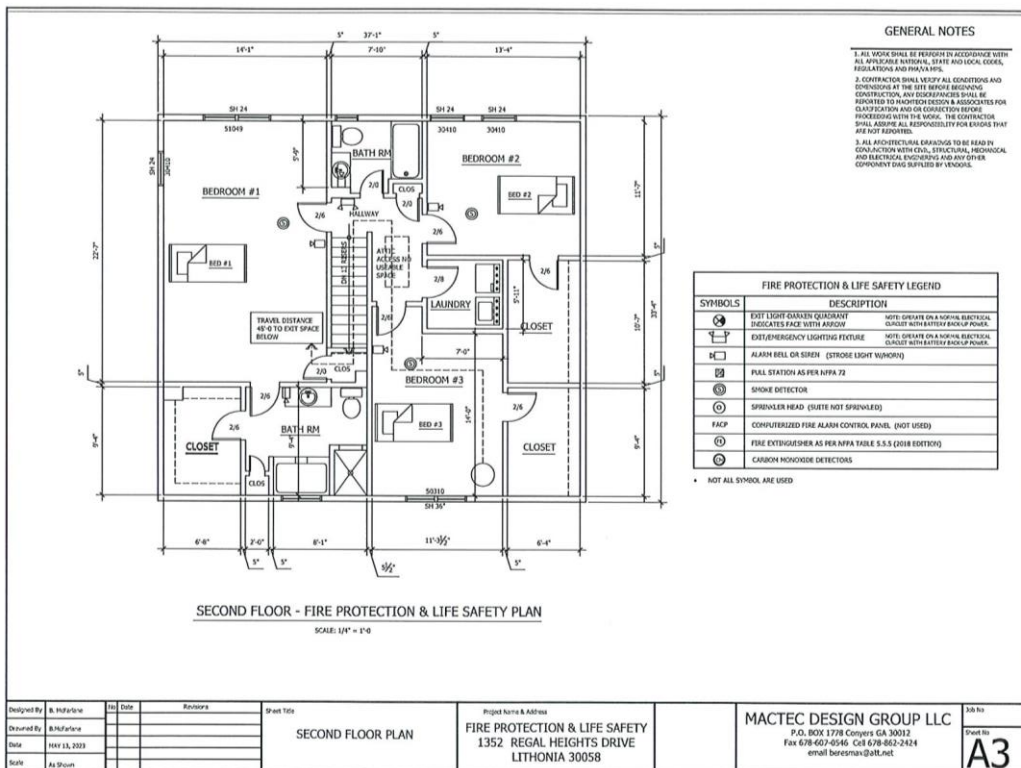
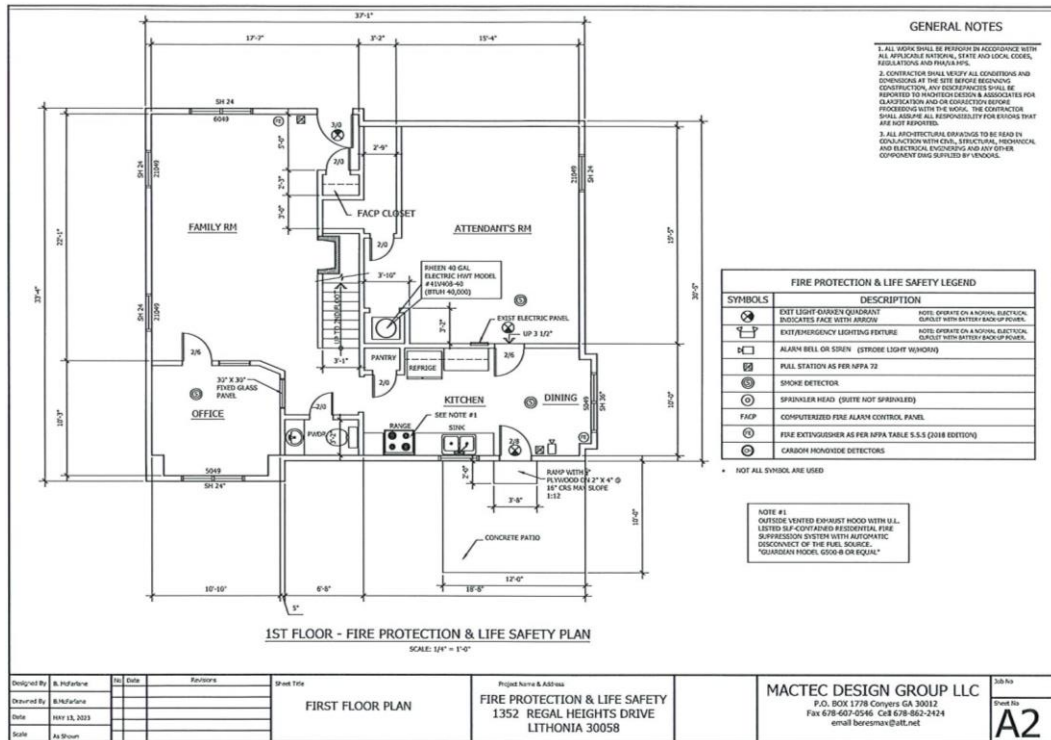
The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.



### Zoning- R-100 Residential Medium Lot







## Sec. 4.2.41. – Personal Care Homes & Child Caring Institutions

### A. *Personal care homes, general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
3. No personal care home may display any exterior signage that violates the sign ordinance in [chapter 21](#) of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in [section 7.5.9](#) of this chapter.
5. No city permit for the operation of the personal care home shall be transferable.

### B. *Personal care home, group (up to six persons).*

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in [article 6](#).
3. The home must be at least 1,800 sq. ft in size.
4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with [Sec. 4.2.41. - Personal care homes and child caring institutions](#); and
2. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling.

**Chairman Hubbard** asked if the applicant agreed to the two conditions

**Matthew Williams** stated that is a requirement

Public Hearing was opened

**Stella Akolade** (The applicant) came to the stand to speak on her petition and stated that it will be for individuals with development disabilities, staff will be with them all of the time, and the individuals who stay at the home are comparable to living with a family member

**Commissioner Hawkins** asks if there was a meeting with the community and what type of individuals will be staying there

**Matthew Williams** mentions that there was a CPIM meeting

**Ms. Akolade** mentions that it will be adults in the age range 18 to late 70s

There was no one to speak in favor of the application but one to speak in opposition.

**Charles Spivey** has been living across the street from this property since 1995. He stated that there was a citizen who previously owned this home and operated the same type of business. During that time traffic was an issue, parking was also an issue and people would park in front of his home including the employees, and the police were called at times.

Commissioner Walker asked if the neighborhood had an HOA and if there were any issues regarding the age range of the residents when the previous owners were there

**Mr. Spivey** stated that there was not an HOA which is why he enjoyed moving there because all of the neighbors were in agreement with the upkeep of the neighborhood. He stated that his youngest daughter had an issue because there was a man that would stare at her and smoke but there were never any confrontations.

The biggest problem was parking in the street because the driveway is steep.

**Ms. Akoldale** stated that she has been in this industry for a while because she was a registered nurse. She visited the home before the previous owner left. The driveway is a good size and she does not like parking on the street. She also stated that she would make sure to work with her neighbors before operating.

**Commissioner Hawkins** asked if there is someone at the house full-time and why would the individuals need to stay there.

**Ms. Akolade** stated that she will stay in the home and an individual (staff member) would be there full-time. Individuals will stay there if they have intellectual development disabilities.

**Commissioner Walker** asked why the previous owner left

**Ms Akoldae** stated that the owner said that she was tired.

Public hearing was closed for discussion.

**Commissioner Walker** asked if there were any other personal care homes in this area

**Director Ray White** stated that they did not have an estimate

**Commissioner Hawkins** was concerned about the individual who was in opposition

**Chairman Hubbard** made a motion to approve the petition with the conditions made by the department.

**Commissioner Hawkins** seconded the motion and it was **Approved** by unanimous **Approval**.

## **SLUP23-007**

- 2547 Lithonia West Drive



- Hanna Casswell of Casswell Design Group, LLC
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate an Asphalt Plant.

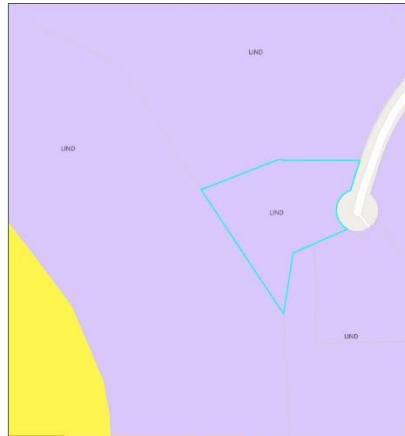
## Facts and Background

- CPIM (Community Planning Information Meeting) was held on August 10<sup>th</sup>
- Applicant sought to rezone property in 2020; applicant withdrew rezoning application
- Currently existing has a licensed business as a Concrete Plant
- Subject property is surrounded by industrial zoned parcels
- The Applicant is proposing to be an enclosed concrete plant
- Proposed hours of operation will be 7:00 AM – 7:00 PM

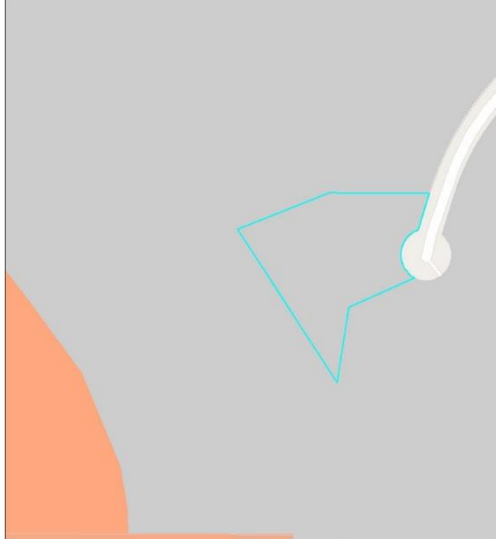
## Future Land Use/Character Area

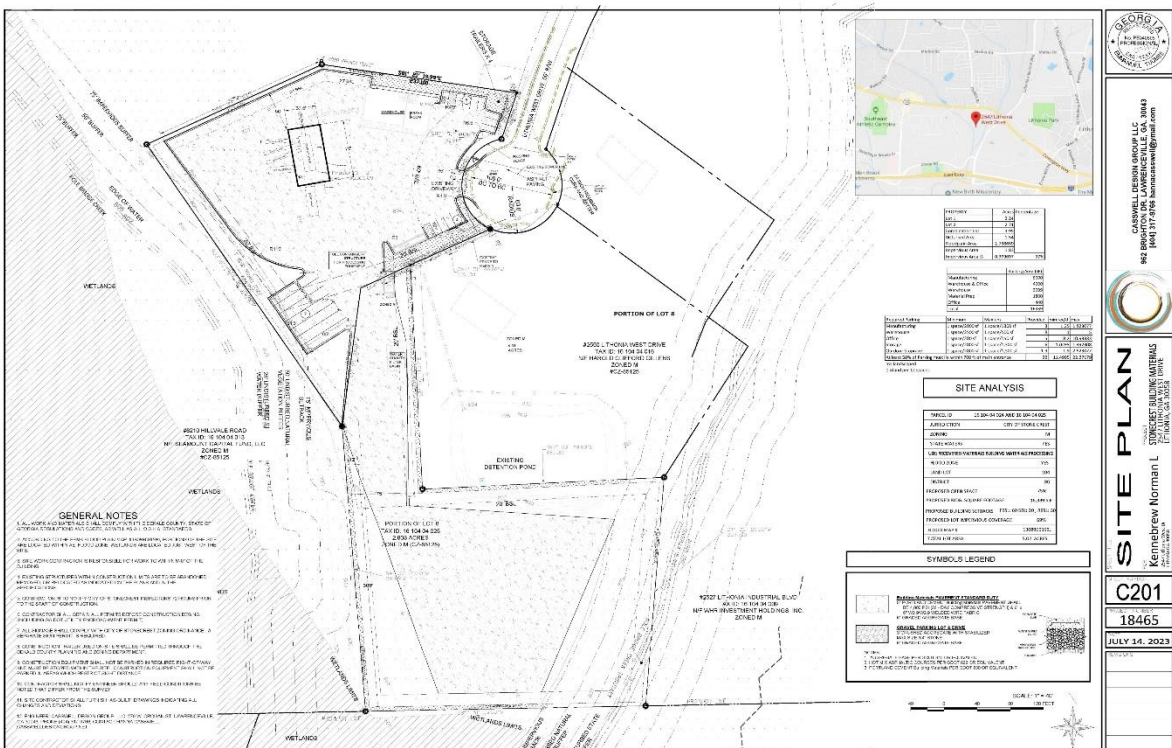
### Light Industrial (M-LI)

The intent of the Light Industrial Character Area is to identify areas that are appropriate for industrial type uses. The location of these areas shall preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics.



## Zoning Map- M Light Industrial







Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must submit a building permit prior any structures being constructed and;
2. Applicant must comply and remain in compliance with all federal, state, county, and local environmental ordinances.

Public Hearing was opened

**Antonio Vile representative of The Applicant Ron Kennedy** came to the stand. He stated it was brought up by staff that there was an application that was submitted in 2020. They made it to the city council but withdrew the application. He and his client want to make sure that they are in compliance.

**Commissioner Hawkins** asked how long they had been in business

**Ron Kennedy** stated that they have been 404Concrete since 2016, but have been in that location since 2020.

**Commissioner Walker** asked about the community meetings.

**Hanna Caswell** another representative for the company came to the stand. She stated that there were people who were in opposition, but they did not live in the area. This was during the time of the first rezoning application. She also explained that the property was originally zoned M1 but they wanted to do M2 at the time.

**Commissioner Walker** asked if they were in operation at the moment

**Antonio Vile** states They are currently operating

**Attorney Bernie Knight** came to the stand to speak in opposition. He thinks the application should be deferred. Asphalt should not be on the application because it is a concrete plant. The plant has been operating for years without the proper zoning and proper permits. He has nothing against the applicant. It is a heavy industrial use. There should not be heavy industrial usage added south of Covington Highway.

**Dave Marcus** a Stonecrest resident of 32 years spoke in opposition because they have been operating illegally. He doesn't believe that the people who attended the community meeting did not live in the area. Concerned about the previous application. He agrees with Bernie Knight about location. It leaves a bad taste in his mouth and asks that the Planning Commission deny the application.

**Anthony Vile** came back to the stand for rebuttal. The previous application is the past and the staff is aware of what happened. They have been operating with no issues and have been in communication with the city. They have paid fines and other fees needed for the application.

They are within the ordinance and right to operate. They have done everything required and ask that they approve.

The floor opened for discussion

**Commissioner Hawkins** mentions that he agrees that concrete is heavy industrial, but the usage is allowed within the light industrial according to the code. If there is an issue then the public can communicate with staff for amendments. The code allows it and they have to follow code.

**Commissioner Hawkins** approves the application with conditions recommended by staff. Chairman Hubbard seconded this motion. Commissioner Walker voted against it.

The application still passes

## **SLUP23-008**

- 6419 Rockland Road
- Joel Burkholder
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental.

### **Facts and Background**

- CPIM (Community Planning Information Meeting) was held on August 10<sup>th</sup>
- The existing dwelling is approximately 3,122 sq ft.
- Existing dwelling consists of four (4) bedrooms, 1.5-bathroom, family room, dining room, kitchen, outside courtyard, living room, mudroom hallway, laundry room on the main level
- Additionally, one (1) bedroom, full bathroom, and living room located in basement
- Section 4.2.58 (Short Term Vacation Rental (STVR)) lists eleven (11) supplemental regulations applicant must abide by

### **Future Land Use/Character Area**

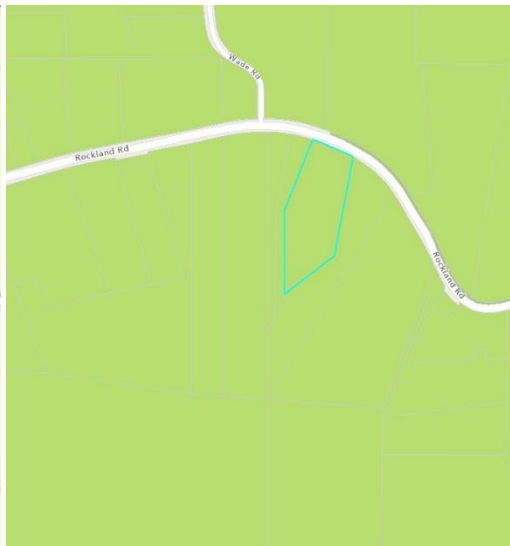
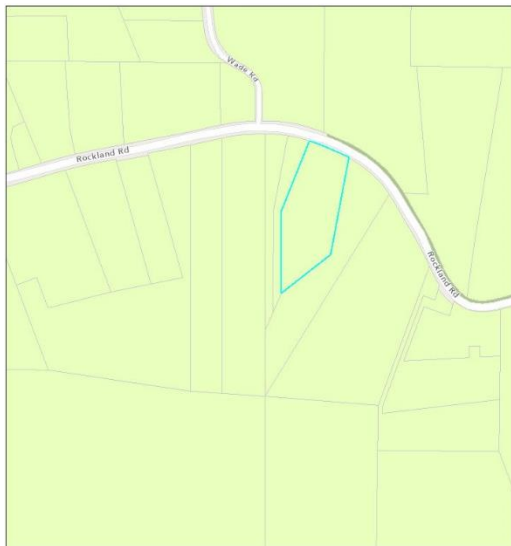
### Rural Residential (RR) Character Area

The purpose of the Rural Residential category is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity uses.

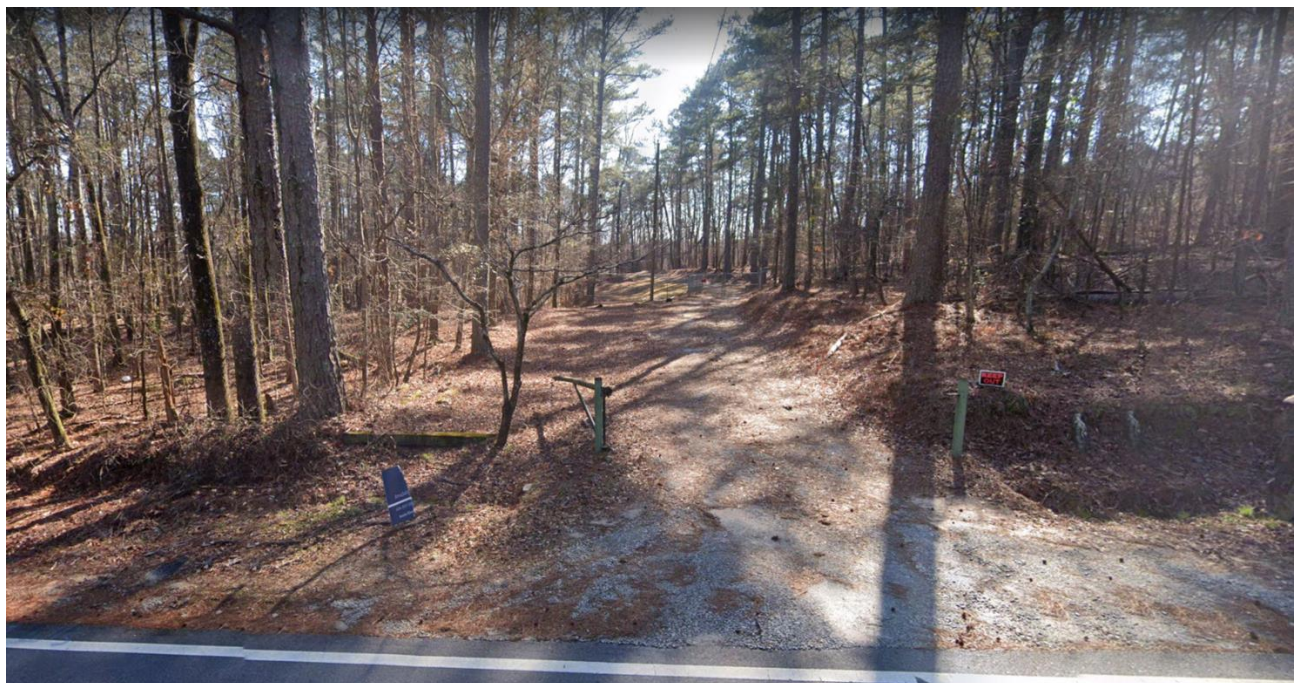


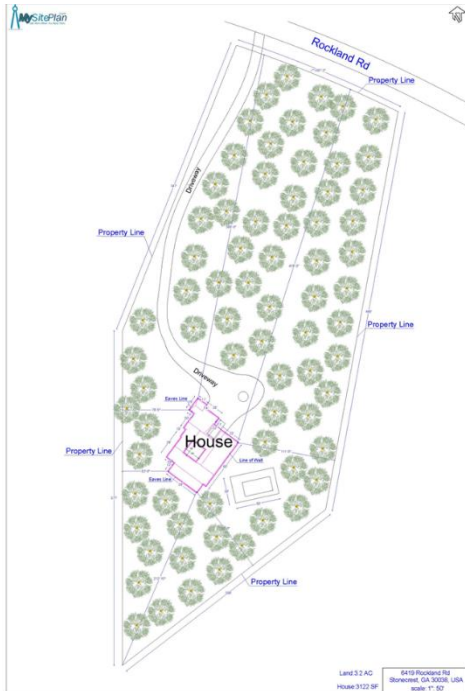
**Zoning-** R-100 Residential Medium Lot

**Overlay District-** Arabia Mountain Conservation

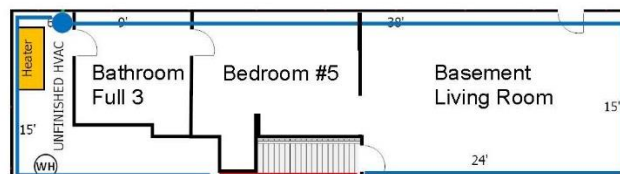








**Joel Buckholder**  
**Customer #316430**





## Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with [Sec. 4.2.58. - Short term vacation rental](#);
2. No city permit for the operation of the short-term vacation rental shall be transferable will only be permitted for the owner/operator Joel Burkholder;
3. Applicant must comply and remain in compliance with [ARTICLE VII. - NOISE ORDINANCE](#);
4. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health, and life safety code provisions.

**Joel Burkholder the applicant** came to the stand, He currently lives at the home with his family but is now fixing it up so it can become a short-term rental. The house sat vacant for a long time. Parking, noise, and vetting of renters are problems people are usually concerned with. The house is on 3.2 acres of land so there will be no issues with parking, no one under the age of 21 will be able to rent, the duration of stay will be under 30 days and 1-2 night stays will not be allowed, 24-hour surveillance cameras will be in operation on the outside of the property. There will also be smoke and fire monitoring. The pool there will be enclosed for liability's sake. They will be working with local businesses for upkeep.

**Commissioner Hawkins** asks if he and his family plan on vacating after approval

**Joel Burkholder** stated that they will not be living there when someone is renting.

**Dave Marcus** resident of Dekalb 30 years and neighbor came to the stand to speak in support to ask for approval with one condition. He was concerned about parties that people may try to have on the property. He thinks that it should be managed or owner-occupied even while someone is renting.

**Joel Burkholder** came back to the stand and stated that he has property owners at another property that he owns in Florida and they do not care about the property as much as he the owner does. He will have people on the ground and cameras will watch the property

**Commissioer Hawkins** moves to Approve this petition it is seconded by Chairman Hubbard and Approved by unanimous vote.

## **TMOD23-004 Food Truck/Vending**

- City-Wide
- Stonecrest Planning and Zoning Department
- Petitioner is seeking to make amendments and updates to Article 19 (Mobile Food Venders) of Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations) and Article 4 (Use Regulations), Article 9 (Definitions/Maps) of Chapter 27 (Zoning Ordinance) regarding Food Trucks/Vending.

### **Facts and Background**

- 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

### **Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)**

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.~~

### **What Changed?**

- Food Truck

- Removed existing definition and implemented a new definition
- Vending Cart
  - Removed existing definition and implemented a new definition

## Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

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.~~



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~~C 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.~~

## What Changed?

- Removed vending operations rules from Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

## Amendments to Chapter 27 (Zoning Ordinance)

### 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 <sup>a</sup>			Arabia Mountain Conservation Overlay <sup>a</sup>		See Section 4.2
	T1	T2	T3	T4	T5 <sup>b</sup>	T6 <sup>b</sup>	T1	T2	T3			
"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  "If blank, check underlying zoning use table (Sec.4.1.3)"  "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"							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development			
<b>COMMERCIAL</b>												
Restaurant/Food Establishments												
Brewpub/Beer growler	P	P	P	P								
Catering establishments	P	P	P	P								
Food Trucks, Mobile Vending/ Food Carts												✓

## What Changed?

- Added Food Trucks, Mobile Vending/Food Carts to the Overlay Use Table

- Permits Food Trucks, Mobile Vending/Food Carts in all Overlay District byway of the underlying zoning district.

## Amendments to Chapter 27 (Zoning Ordinance)

### 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) <b>*Blank = not permitted*</b>																
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	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending/ Food Carts													SA			SA	SA	SA	SA	SA					✓	

### What Changed?

- Added Food Trucks, Mobile Vending/Food Carts to the Use Table
- Permits Food Trucks, Mobile Vending/Food Carts in the following zoning districts with an approved Special Administrative Permit (SA):
  - OI – Office Institutional
  - C-1 – Local Commercial
  - C-2 – General Commercial
  - OD – Office Distribution
  - M – Light Industrial
  - M2 – Heavy Industrial



**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.

TMOD-23-004 PLANNING COMMISSION SEPTEMBER 5, 2023

PREPARED BY: TREJON SINGLETARY



TMOD-23-004

Planning and Zoning Department

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



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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 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.

## What Changed?

- Added supplemental regulations for Food Trucks, Mobile Vending/Food Carts

### 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.

## What Changed?

- Added definitions for the following:
  1. Food Truck
  2. Vending
  3. Vending/Food Cart

## Amendments to 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.

## Staff Recommendation(s)-

## Approval

**Chairman Hubbard** asked about the time extension possibilities for some applicants.

**Matthew Williams** stated that it will be looked at in a case-by-case basis. Generally, the hours will be 7-10.

**Chairman Hubbard** asks if the city is hosting an event will food trucks still need to get a permit

**Director White** stated that the city is not excluded.

**Commissioner Hawkins** asks if there is a definition of the different usages (food cart, bbq pits, etc) If should be added in somewhere so no one can say that the ordinance does not apply to them. He asked for the definitions to be more specific.

He also asks if the property owners have to get permission.

*Matthew Williams* stated that the notification of property owner approval is a requirement And that they can specify the definition.

*Commissioner Walker* asks about the different locations where food trucks are usually present.

*Chairman Hubbard* gave some examples such as the park, during the holidays, etc.

Chairman Hubbard closed public hearing so that they could go into discussion.

*Chairman Hubbard* agrees that the definition should be edited so citizens will not think they are exempt.

He motioned for approval of the TMOD with Commissioner Hawkins's suggestions. This is seconded by Commissioner Hawkins and **approved** by unanimous vote.

*Matthew Willaims* asked about the Old Business that was omitted but there was no motion

**Chairman Hubbard** made a motion to open the public hearing for RZ23-003 . He made a motion to defer the application to the next cycle because the applicant was not present. It was seconded by Chairman Hawkins and **deferred** by unanimous vote.

## **VII. Announcements:**

*Matthew Williams Deputy Director* stated that this was Director Ray White's last Planning Commission Meeting because he will be retiring.

*Chairman Hubbard* asks people to Vote

**Chairman Hubbard** moved to Adjourn. It was **seconded** and **approved by Unanimous Vote**.

Meeting ended at 7:32pm

APPROVED:

*Graig G. Hubler*

*10-3-23*

CHAIRMAN

Date

ATTEST:

*Cobi Brown*

*10/4/23*

SECRETARY

Date



## 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.~~



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~~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.~~



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- ~~(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.~~



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~~(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~~



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

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## 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.**





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

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**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.



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- 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.**





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- 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.**



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- 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.**



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- 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.**





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- 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.**



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- 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.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"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  *If blank, check use table for underlying zoning (Sec.4.1.3)*  * 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"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
COMMERCIAL											
Restaurant/Food Establishments											
Brewpub/Beer growler	P	P	P	P							
Catering establishments	P	P	P	P							
Food Trucks, Mobile Vending/ Food Carts											✓



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
COMMERCIAL																									
Recreation and Entertainment																									
Food Trucks, Mobile Vending/ Food Carts	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. These types of motor vehicles shall not stop or stand and do business for more than 30 minutes.**
- 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.**



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***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	Food Truck Permit	\$150



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



Food Truck Permit	
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**

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