

MEMORANDUM

To: Mayor and City Council
From: Madalyn Smith, Senior Planner
Date: December 13, 2021
Subject: Text Amendment
Chapter 27— Food Trucks

ITEM DESCRIPTION

This item is the proposed text amendment to amend the use regulations for food trucks. The amendment would allow food trucks within 100 feet of other eating and drinking establishments, with the permission of the owner or operator of the eating or drinking establishment(s). It would also allow a food truck to remain on site when not in operation, so long as the food truck and any associated seating is not visible from the street and it is in a zoning district that allows for restaurants.

DISCUSSION

In general, reducing the barriers to operating a food truck helps to foster a business-friendly environment, a stated goal of the comprehensive plan. Staff was prompted to propose this amendment after receiving a request from a local restaurant owner in the Dunwoody Village. The food truck is intended to activate an outdoor courtyard. This would be a significant improvement to the existing space and could be applied similarly to activate other underutilized spaces in the City, where appropriate.

RECOMMENDATION

Staff recommends **APPROVAL**.

Planning Commission recommends **APPROVAL**.

Chapter 27, Section 138 - current.
Chapter 27, Section 138 - proposed.

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO AMEND USE REGULATIONS FOR FOOD TRUCKS

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Zoning Ordinance specifies use regulations for food trucks to minimize nuisances and ensure orderly operation; and

WHEREAS, the further intent of the Zoning Ordinance is to implement relevant provisions of the comprehensive plan; and

WHEREAS, the City of Dunwoody has adopted a comprehensive plan which states a key goal of the city is to foster a business friendly environment; and

WHEREAS, reducing the barriers to operating a food truck can help small businesses; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend Chapter 27 to amend the use regulations food trucks.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby **ORDAIN that Chapter 27 is amended as follows:**

Section I: That Chapter 27 of the City Code is amended by amending Code Section 27-138 to read as follows:

Sec. 27-138. Food trucks.

Food trucks are subject to all of the following regulations:

- (1) Food trucks may only be located on a lot containing a principal building or use.
- (2) The number of food trucks allowed per site is limited as follows:
 - a. A maximum of one food truck is allowed on sites with less than 20,000 square feet of land area.
 - b. On sites with land area of 20,000 square feet or more, one food truck is allowed per 20,000 square feet of land area or fraction thereof.
 - c. For purposes of this provision, a site may consist of one lot or a combination of contiguous lots.

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- d. The number of food trucks allowed may be increased above the limits established in this section if approved in accordance with the special land use permit procedures of article V, division 3.
- (3) Food trucks must be located at least 100 feet from the main entrance of any eating or drinking establishment and at least 100 feet from any outdoor dining area serving a non-food truck eating or drinking establishment, unless written permission is provided, signed and notarized, by the owner/operator of the eating or drinking establishment. This permission must be provided to the Community Development Director prior to the issuance of a business license.
- (4) Food trucks may not obstruct pedestrian, bicycle or vehicle circulation routes, and must be set back at least five feet from the edge of any driveway or public sidewalk and at least 15 feet from fire hydrants.
- (5) Food trucks and any associated seating areas may not occupy parking spaces provided to meet the minimum parking requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Food trucks may not occupy any parking spaces reserved for persons with disabilities.
- (6) No freestanding signs or audio amplification are allowed as part of the food truck's operation.
- (7) Hours of operation of food trucks are limited to the hours between 6:00 a.m. and 11:00 p.m.
- (8) Food trucks and associated outdoor seating must be removed from all permitted locations when not in operation, unless food trucks and associated outdoor seating are not visible from the street and are located in a zoning district where eating and drinking establishments are allowed.
- (9) Operators are responsible for ensuring that all waste is disposed of in accordance with city regulations and for maintaining all areas used for food vending and customer activity in a safe and clean condition.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-9.80), 10-14-2013)

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

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Sharon Lowery, City Clerk
(Seal)

City Attorney