


To: Department of Planning and Development Staff

From: Kathy S. Holland
Director 

Date: May 23, 2019

Re: Amendment to the Unified Development Ordinance – Mobile food service units,
UDO2019-00006, effective April 23, 2019

The Gwinnett County Board of Commissioners approved an amendment to Title I and Title 2 of the Unified Development Ordinance effective April 23, 2019 related to food trucks (mobile food service units) and temporary outdoor activities.

Summary of Key Changes

The ordinance:

1. Allows mobile food service units, to operate as temporary outdoor activities in the Infinite Energy Center, commercial developments with at least 750,000 square feet of commercial space, and any regional mixed use development; *Section 265 – 50.1.A.*
2. Requires mobile food service units to comply with general requirements and restrictions applicable to all temporary outdoor activities; *Section 265 – 10.*
3. Establishes additional regulations applicable only to mobile food service units (Section 265 – 50.2.A), including the following:
 - o Minimum distance from the right-of-way; *Section 265 – 50.2.A.1.*
 - o Documented permission from property owner to be kept on-site; *Section 265 – 50.2.A.2.*
4. Clarifies non-profit temporary outdoor activity permit exemption so that non-profits are exempt from fee payment, but must obtain a permit and comply with general requirements and restrictions in Section 265 – 10; *Section 265 – 10.A.9.*

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

ADOPTION DATE: April, 2019

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

	Present	Vote
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

On motion of Commissioner Hunter, which carried 5-0, the Unified Development Ordinance of Gwinnett County, Title 1: Administration and Title 2: Land Use & Zoning are hereby amended.

WHEREAS, pursuant to Article IX, Section II, Paragraphs I, III and IV of the Georgia Constitution, the County is authorized to enact laws and exercise powers to regulate development for the benefit of the citizens of unincorporated Gwinnett County; and

WHEREAS, mobile food vendors have become a popular attraction throughout metro Atlanta and the nation; and

WHEREAS, mobile food vendors can provide eclectic dining options in commercial centers, live-work-play developments, festivals, sporting or cultural events, and other venues; and

WHEREAS, the County is interested in expanding its dining options and tourism opportunities; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of Gwinnett County to adopt the recommended amendments to the Unified Development Ordinance to allow regulated mobile food service units to operate in the County.

NOW, THEREFORE, BE IT ORDAINED that Unified Development Ordinance of Gwinnett County, Title 1: Administration and Title 2: Land Use and Zoning are hereby amended as set forth in **Exhibit A**, which is attached hereto.

BE IT FURTHER RESOLVED that this Ordinance shall be effective upon its adoption, and that all ordinances, regulations or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

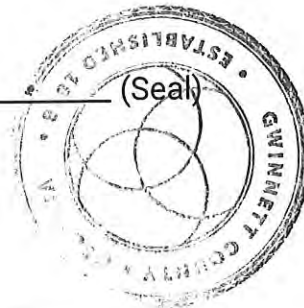
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 5/7/19

ATTEST:

By: Diane Kemp
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Melanie F. Wilson
Melanie F. Wilson, Senior Assistant County Attorney

Exhibit A

Section 110-40 General Definitions is amended by adding a new definition of mobile food service unit to read as follows:

Mobile food service unit: A food service establishment that is readily moveable, is a motorized wheeled vehicle, or is a towed wheeled vehicle and that is designed and equipped to prepare and serve food as defined by state law and in accordance with the rules and regulations for food service of the Gwinnett, Newton and Rockdale County Board of Health.

Section 265-10 is amended by deleting the existing Section 265-10 and replacing it with a new Section 265-10 to read as follows:

Section 265-10 - General Requirements and Restrictions.

A. The following requirements and restrictions apply to all temporary outdoor activities, agriculture oriented recreational uses, and holiday activities:

1. All activities governed by this chapter shall require a temporary outdoor activity permit which is issued by the Department of Planning and Development. The Department of Planning and Development shall collect a fee for the issuance of such permit.
2. All activities governed by this chapter shall require an Occupation Tax Certificate, which is issued by the licensing and revenue manager, as required by the Gwinnett County Code.
3. Written permission from the property owner shall be obtained and submitted by the applicant to the Department of Planning and Development prior to the issuance of a temporary outdoor activity permit.
4. All activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
5. No display shall be erected or installed, nor shall any activities take place, within 50 feet of a county or state right-of-way.
6. Display tables may be used.
7. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
8. Nonprofit organizations applying for a temporary outdoor activity permit for a charitable or nonprofit event are exempt from Section 265-20(A) and shall not be required to pay a fee for such permit.

9. Except within an Activity Center/Corridor Overlay District, any permitted temporary outdoor activity may utilize temporary signs, as described in Chapter 78 of the Gwinnett County Code of Ordinances, without obtaining a temporary sign permit.

Section 265-20, Subsection 265-20(A) is amended by deleting the existing Subsection 265-20(A) and replacing it with a new Subsection 265-20(A) to read as follows:

A. In addition to the provisions of Section 265-10, temporary outdoor activities other than agriculture oriented recreational uses, holiday activities, and mobile food service units shall adhere to the following provisions:

1. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
2. Temporary outdoor activities shall be permitted only within C-2, C-3, MU-N, MU-C, and MU-R zoning districts, and in mixed-use developments.
3. A temporary outdoor activity permit shall not be issued on parcels of land that are less than two acres in size.
4. No structure or covering shall be erected as a part of a temporary outdoor activity.
5. Multiple temporary outdoor activity permits shall not be simultaneously issued on a parcel of land containing less than five acres.
6. Temporary outdoor activities shall be conducted on a paved surface and not on grassed or landscaped areas.
7. No evidence of the temporary outdoor activity shall remain on a parcel of property for more than 12 consecutive hours of any calendar day.
8. Temporary outdoor activities shall be permitted for a period not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity, unless noted otherwise.

Section 265-50 is amended by deleting the existing subsection and replacing it with a new Section 265-50 to read as follows:

265-50.1 Zoning Districts and Locations Where Allowed

A. Mobile food service units may operate with the written approval of the property owner in the following zoning districts and locations without issuance of a temporary outdoor activity permit:

1. Gwinnett Entertainment District: the buildings and property currently known as the Infinite Energy Center, including any future development as envisioned on the Infinite Energy Center Master Plan 2015.
2. Any commercial development having at least 750,000 square feet of commercial space.
3. MU-R Regional Mixed Use district or development.

B. Mobile food service units shall be prohibited as a separate, stand-alone temporary activity in any location or zoning district not referenced in subsection 265-50.1(A) of this chapter.

265-50.2 Regulations Applicable to Permitted Mobile Food Service Units

A. All mobile food service units shall meet the following requirements:

1. No mobile food service unit shall conduct business or operate within 50 feet of the public right-of-way unless otherwise invited or permitted.
2. A mobile food service unit shall maintain documentation of permission from the property owner to operate on the premises while in operation.
3. A mobile food service unit shall not create sounds, play music or make announcements to call attention to the mobile food service either while traveling on the public rights-of-way or when the unit is stationary. At all times the mobile food service units shall comply with the County's noise control requirements set forth in Article III of Chapter 38 of this Code.
4. Mobile food service units shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
5. Mobile food service units shall comply with all state, federal and local health and safety regulations and requirements, shall comply with all provisions of this Code of Ordinances, and shall obtain and maintain any and all licenses required by any other health, or governmental organization or entity having jurisdiction over this subject matter.

Title 2 is amended by adding a new Section 265-60 to read as follows:

The Director of the Department of Planning and Development, or designee, is hereby authorized to inspect the temporary outdoor activity for compliance with the provisions of this article.