

**AN ORDINANCE TO AMEND THE TEXT OF SEC. 106-1 (DEFINITIONS), SEC. 218-1 (PERMITTED USE TABLE), SEC. 218-13 (STANDARDS OF USE AND DEVELOPMENT), AND SEC. 222-2 (PARKING SPACE REQUIREMENTS) OF THE UNIFIED DEVELOPMENT ORDINANCE OF ROCKDALE COUNTY, AS AMENDED, REGARDING CATERERS AND MOBILE FOOD VENDORS; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Title 2 the Unified Development Ordinance of Rockdale County (Subpart B – Planning and Development of The Code of Rockdale County, Georgia), as amended, governs land use and zoning; and

**WHEREAS**, provisions within the Unified Development Ordinance zoning district and standards of use and development for caterers and mobile food vendors, as well as definitions related thereto; and;

**WHEREAS**, provisions within the Unified Development Ordinance pertaining to caterers and food trucks require revision in order to create standardized regulations and criteria governing the establishment of caterers and mobile food vendors so as to protect the health, safety and welfare;

**WHEREAS**, public hearings were held following public notice and all other requirements of Sec. 238-4 of the Unified Development Ordinance;

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of Rockdale County, Georgia, and it is hereby ordained by the authority of same as follows:

**Section I**

That Sec. 106-1 Definitions is hereby amended by repealing the following:

*Mobile food vendor* is a motorized, wheeled vehicle designed and utilized for the preparation and sale of food and non-alcoholic beverage items to the general public, and whose operations are self-contained within the confines of the vehicle. Such vehicles shall operate in accordance with state law and the rules and regulations for food service of the Rockdale County Environmental Health Department.

**Section II**

That Sec. 106-1 Definitions is hereby amended by enacting the following:

*Base of Operation*: A fixed location with a food service permit from which a mobile food vendor or caterer operates.

*Caterers*: A permitted food service establishment that has been approved by the Rockdale County Environmental Health Department to perform catering operations offsite.

*Mobile Food Court (Permanent Vending Location)*: Any property or building for which the primary purpose is to allow mobile food vending to occur on site.

*Mobile Food Temporary Vending Location*: A fixed property location where a mobile food vendor parks to offer its food products to its consumer or a route along a street that a mobile food vendor travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers on a temporary basis.

*Mobile Food Vendor*: A motorized, wheeled vehicle designed and utilized for the preparation and sale of food and non-alcoholic beverage items to the general public, and whose operations are self-contained within the confines of the vehicle. Such vehicles shall operate in accordance with state law and the rules and regulations for food service of the Rockdale County Environmental Health Department. Permitted types are permittees selling ice cream from a motor vehicle and food trucks.

*Mobile Food Vendor Incubator:* A food service establishment properly sized, designed, equipped, and managed to foster mobile food vendors by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The Mobile Food Vendor Incubator, also known as an incubator food service establishment, kitchen incubator or shared kitchen, enables a mobile food vendor operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities.

**Section III**

That Sec. 218-1 entitled “Table of Permitted Uses” is hereby amended by repealing the following:

NAICS Code	Uses	Suppl. Reg?	A-R	R-1	R-2	CRS	CSD	MUR	RM	CID	O-I	NC	MxD	C-1	C-2	OBP	M-1	M-2	CSO
722320	Caterers										P		P	P	P				
722330	Mobile Food Vendor	Yes								P	P	P	P	P	P	P	P	P	

**Section IV**

That Sec. 218-1 entitled “Table of Permitted Uses” is hereby amended by enacting the following:

NAICS Code	Uses	Suppl. Reg?	A-R	R-1	R-2	CRS	CSD	MUR	RM	CID	O-I	NC	MxD	C-1	C-2	OBP	M-1	M-2	CSO
722320	Caterers (Base of Operations)										P		P	P	P		P		
722330	Mobile Food Temporary Vending Location	Yes								P	P	P	P	P	P	P	P	P	
	Mobile Food Vendor Base of Operations														P		P		
	Mobile Food Vendor Incubator														P		P		
	Mobile Food Court (Permanent Vending Location)	Yes											P		P				

**Section V**

That Sec. 218-13 entitled “Supplemental Regulations” is hereby amended by enacting the following:

(uu2) Mobile Food Court (Permanent Vending Location).

- (1) The site must be located upon an arterial or collector roadway and have direct access upon said roadway.
- (2) The site must be serviced by public water.
- (3) All food trucks must be positioned in a designated parking space constructed of a hard surface area that is under a covered canopy. No truck can block any driveway entrance/ exit, parking lot aisle, loading area, customer/ employee parking area, or fire lane.
- (4) A maximum of six (6) designated food truck parking spaces can be located on site.
- (5) Climate controlled indoor dining area shall be provided.
- (6) Outdoor covered or uncovered dining area shall be provided.
- (7) Permanent ADA restroom facilities shall be provided.
- (8) All primary and accessory structure(s) shall be limited to one (1) story in height.
- (9) All primary and accessory exterior building materials shall be constructed of brick, stone, stucco, or similar building materials as approved by the Director.
- (10) All canopy support structures shall be constructed of brick or stone.
- (11) Dumpsters shall be screened on three (3) sides by a brick or stone wall and have opaque closeable gates of a suitable height and material to adequately conceal them.
- (12) The permitted number of designated food trucks, if allowed by the Rockdale County Environmental Health Department, may remain onsite in the designated food truck parking spaces overnight. However, other food trucks will have to comply with Outdoor storage in Sec. 218-13(yy).

**Section VI**

That Sec. 218-22 entitled “Parking Space Requirements” is hereby amended by enacting the following:

Use	Minimum Number of Parking Spaces	Required for Each
Mobile Food Court (Permanent Vending Location)	2	Food truck

**Section VII**

That all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.

**Section VIII**

That should any court of competent jurisdiction declare any section of this ordinance invalid or unconstitutional, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid or unconstitutional.

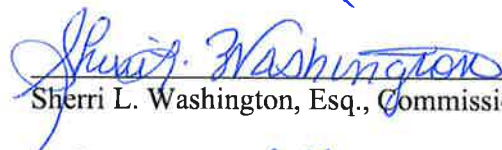
**EFFECTIVE DATE:** This Ordinance shall become effective as of the date hereof.

ADOPTED AND APPROVED THIS 10th DAY OF November, 2020.

**ROCKDALE COUNTY, GEORGIA  
BOARD OF COMMISSIONERS**



Oz Nesbitt, Sr., Chairman




Sherri L. Washington, Esq., Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Attest:

By:   
Jennifer Rutledge, County Clerk

Approved as to Form:

By:   
M. Qader A. Baig, County Attorney

First Reading: September 22, 2020

Second Reading: 11/10/2020