



CITY OF MADISON HEIGHTS

COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.

**PLANNING COMMISSION - APRIL 19TH REGULAR MEETING
AGENDA**

APRIL 19, 2022 AT 5:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS TO AGENDA

APPROVAL OF MINUTES

1. March 15th, 2022 PC Meeting

PUBLIC HEARING

2. **Zoning Text Amendment (ZTA 22-01): Mobile Food Vending**

Public hearing to discuss a proposed new Zoning Ordinance section – *Mobile Food Vending*. The amendment proposes regulations pertaining to mobile food vendors on private property and the operation of mobile food vehicles within the City.

MATTERS FOR CONSIDERATION

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

MEMBER UPDATES

PLANNER UPDATES

ADJOURNMENT



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

March 15, 2022
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:35 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Mark Bliss
Member Bruce Conn
Member Eric Graettinger
Member Cliff Oglesby

Absent: Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member Grant Sylvester

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Deputy Clerk Phommady A. Boucher

3. EXCUSE ABSENT MEMBERS

Motion by Oglesby, supported by Graettinger to excuse Commission members Grafstein and Marsh.
Nays: None
Absent: Grafstein, Marsh and Sylvester
Motion carries unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of January 18, 2022.
Nays: None
Absent: Grafstein, Marsh and Sylvester
Motion carries unanimously.

5. MATTERS FOR CONSIDERATION

a) ZONING TEXT AMENDMENT – Mobile Food Vendors

Planner Lonnerstater mentioned that the City’s prior consultants last year had led a discussion regarding mobile food trucks and mobile food vending, but no further action was taken. City Administration in the past months has received a few inquiries about mobile truck and mobile food vendors wanting to operate on private property in the city. Planner Lonnerstater stated that the City has no ordinance in place to regulate the mobile truck and food vendors, making it frustrating for these vendors by not giving them a clear answer. The City regulates these vendors on a case by case basis through the special events permit process. The permit outlines their location and hours of operation that are valid for a couple days or through the weekend. In some cases, the City has

extended the permit but there aren't clear guidelines.

In order to support the small businesses and increase the food options in the city, the Community and Economic Development department created a draft mobile food vending ordinance. Planner Lonnerstater provided a brief overview of the draft ordinance, which applies to food trucks on private property but not to food trucks on city streets or public property. Those will continue to be regulated through the special events permit process. If a business owner with a large parking lot wants to allow a food truck on their property to operate, this draft ordinance could apply. Planner Lonnerstater outlined the proposed mobile food site approval process, including standards pertaining to brick and mortar and residential separation.

The first process is called a mobile food site approval which would apply to the private property owner and require a site plan. The proposed ordinance requires it be zoned either business or industrial, there must be a principal use on the property, and site has to be a minimum of 150 feet from an established brick and mortar restaurant and 100 from residential property line. There are other regulations regarding paving, pedestrian vehicle, vehicular circulation, etc. The next step in the draft ordinance contains requirements for Certificate of Occupancy for specific mobile food vendors with standards pertaining to their hours of operation, signage, consistency with the site plan that was approved, county health license, business trash bins, and all operational aspects related to the food truck. Vendors would be required to apply for a Certificate of Occupancy for each mobile food site location but it would not apply to public property or streets. Staff proposes they continue to apply through our special events permit process. Transitory vehicles such as ice cream trucks and trucks continuously moving throughout a neighborhood than only to stop when needed are exempt. Planner Lonnerstater asked the Planning Commission to discuss the draft ordinance tonight and recommended setting a public hearing at the next meeting. City Administration would like to have something in place before the warmer months before the City receives more food truck requests.

Planner Lonnerstater responded to Commissioner Graettinger, the Certificate of Occupancy applied is good for the location they are operating at. The board can consider having them apply for a Certificate of Occupancy on an annual basis and for a business license to include checking on their food establishment license. Planner Lonnerstater explained the intent of zoning ordinances is to regulate private property whereas general code deals with operations within public rights of way and business licenses.

Planner Lonnerstater responded to Commissioner Conn's inquiry, stating that, regardless of who runs the food truck, the business still needs to maintain a business license with the City and a food license with the County. A business with multiple food trucks can operate from an approved mobile food site through the Certificate of Occupancy process. Planner Lonnerstater clarified that food truck vendors can apply for a special land use if they are unable to meet the 150 feet setback for restaurants and/or the 100 feet setback for residential. Staff will submit a resolution to adopt a fee schedule with reduced fees related to the proposed ordinance. The current Site Plan application is \$850 and the Certificate of Occupancy application is \$200. Planner Lonnerstater omitted from the draft ordinance food truck parks where you have multiple food trucks on one property but it could be added and best suited for the DDA. Neighboring cities that regulate food truck parks/courts require a physical bathroom, water hook up and electrical hook up. He replied to Chair Champagne's inquiry, that the new ordinance creates a new zoning district or mixed use district that allows you to adapt to include or exclude future land use categories. Planner Lonnerstater will provide several options for the next public hearing based on tonight's discussion. He asked for clarification on limitations of food trucks operating in the city for certain months throughout the year and/or days allowed at each approved site.

Commissioner Graettinger inquired if the Certificate of Occupancy expires annually and if there's a specific date it is good through. Mr. Graettinger shared that two subdivisions last year used a special events permit to allow food trucks in their area every other week. The food trucks were operated by a company that aggregates for up to 75 different food trucks. Commissioner Graettinger inquired about

any provisions to the ordinance for management companies and Certificate of Occupancy for multiple food trucks. Mr. Graettinger responded to Planner Lonnerstater saying the special events permit required the applicant to post no parking signs and allow the food trucks to park in residential driveways. Commissioner Graettinger suggests inviting owner Big Bo’s Grill to the public hearing since he operates a restaurant and food truck.

Commissioner Olgesby talked about his experience with the Lions Club concession trailer and expressed the importance of a health inspection each year by Oakland County. Mr. Ogleby expressed his concerns of safety for the customers of the food truck that are parked in a strip mall or shopping center parking lots. Commissioner Olgesby recommended the noise ordinance for food establishments applies to Ice Cream trucks.

Assistant City Attorney Burns clarified that the food vending permit, under the proposed ordinance, would not apply to residential. Attorney Burns stated that the City will need want to be cognizant if things get stricter in the ordinance, staff should differentiate in the revised version and consider approvals for non-conforming exemption. Mr. Burns discussed the Azteca restaurant offering a food truck on their property for customers that did not want to dine in and whether the City considers placing restrictions on carry-out type of businesses. Assistant City Attorney Burns informed that under the proposed resolution and existing ordinance food trucks cannot be parked consecutively for more than 24 hours.

Commissioner Conn inquired if the businesses are individually owned or part of a corporation and how the City would determine if the same person is operating the same truck and location each time or whether there is a shift in people and location.

Councilman Bliss suggested offering an incentive for food trucks to do business in the DDA, but not necessarily to exclude everywhere else from leveraging this opportunity. Mr. Bliss suggested limiting by quantity, days of use or fee structure outside of the DDA. Councilman Bliss stated that he is excited to encourage food trucks in the DDA and expressed his concerns outside of the DDA as it relates to competition with established restaurants. Mr. Bliss suggests the DDA offer a food truck park as a permanent use in their area and limit based on days of operation outside of the DDA. Councilman Bliss expressed his concerns with food trucks using retail parking lots and cannibalizing small business restaurants outside of the DDA.

Chair Champagne shared that Detroit Fleat on 9 Mile Road has a permanent building to serve alcohol and has space enough to accommodate 4 to 6 food trucks. He asked if the draft ordinance will be included with the ones McKenna is rewriting or be a seasonal permit and we address the types of scenarios more comprehensively. Chair Champagne expressed his concerns of the logistical burdens for the food truck operators to remove their property truck from approved site each day. He inquired about the need to address zoning in our mixed use areas. Chair Champagne talked about regulations for music at food establishments being at zero decibels at the property line and applies to food trucks.

Motion by Commissioner Bliss, supported by Commissioner Oglesby, to schedule a Public Hearing at the next Planning Commission meeting.

Ayes: Conn, Graettinger, Olgesby, Bliss and Champagne

Nays: None

Absent: Grafstein, Marsh and Sylvester

b) ZONING ORDINANCE REWRITE – Professional Services Agreement and Project Steering Committee

Planner Lonnerstater updated the Planning Commission that a contract was signed with McKenna Associates for the City’s zoning ordinance rewrite project. In the next few weeks, staff will be meeting with McKenna and they have recommend looking into setting up a Project Steering Committee to include staff and Planning Commission member(s). As part of the work plan the Project Steering

Committee will meet 5 to 6 times. Planner Lonnerstater stated that the City is looking for 2 to 3 volunteers from the Planning Commission to participate and; more information will be provided to these volunteers in the coming weeks.

6. PUBLIC COMMENTS: For items not listed on the agenda.

Chair Champagne opened the public comment period at 6:25pm to receive comments for items not on the agenda. Seeing no public comments, the period was closed at 6:26 pm.

7. MEMBER UPDATES

There were no member updates.

8. PLANNER UPDATES

Planner Lonnerstater had no further comments.

9. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair Champagne at 6:28 p.m.



MEMORANDUM

Date: March 24th, 2022
 To: City of Madison Heights Planning Commission
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Zoning Text Amendment - Mobile Food Vendors – Public Hearing

Introduction

City staff proposes the attached text amendment to create regulations for the operation of mobile food vehicles (a.k.a. food trucks) on private property within the City. The proposed amendment aims to promote small business growth within the City and simultaneously mitigate the negative impacts that mobile food vehicles may have on adjacent properties and businesses. The draft is presented in a flexible format that presents several regulatory options for Planning Commission consideration.

Background

The Planning Commission reviewed the initial draft of the mobile food vending text amendment at their March 15th, 2022 meeting. At this meeting, the Planning Commission had a productive discussion with staff and brought up the following questions relating to the draft:

- Should food trucks be permitted city-wide or only within the Downtown Development Authority (DDA) District?
- Should “food truck courts” be permitted which allow for multiple food trucks at a single location?
- Should food truck site plans and certificates of occupancy expire?
- Should food truck vendors be limited as to the number of days they can operate annually?
- Should food trucks be permitted to operate on public property or within the right of way?

The Planning Commission asked staff to consider these questions and present several regulatory options to consider at the scheduled April 19th public hearing.

Updated Food Vending Ordinance – Choose your own Adventure!

In response to the March 15th discussion and the questions posed by commissioners, staff has updated the proposed mobile food vending ordinance. The updated draft includes the following modifications, which are denoted in the draft by **yellow highlights**:

- Clarification that food truck operation on public property or within the right-of-way is subject to the ‘special event’ approval process as contained within City’s business license ordinance.
- New definitions and regulations pertaining to “mobile food courts.” As proposed, mobile food courts constitute a principal use of the property and require special use approval through City Council and site plan approval through the Site Plan Review Committee.

- Updates to the ‘brick and mortar’ separation requirement, now measured 100 feet to the property line of a property containing existing brick and mortar restaurants.
- Clarification that speakers/live entertainment may be permitted subject to decibel-level limits at the property line.

In addition to these changes, staff has included seven (7) ‘choose your own adventure’-style sections which present multiple regulatory choices for the Planning Commission to consider. These sections are denoted by a red star (★) and include the following:

1. CHOICE 1: Where should mobile food sites (as an accessory use) be permitted within the City?

- a. Option A: City-wide on property zoned O-1, B-1, B-2, B-3, M-1 or M-2.
- b. Option B: The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2, and shall be located within the boundaries of the DDA.
- c. Option C: The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be permitted by right within the DDA or as a special use outside of the DDA.

Points to Consider: Ability to enforce food vending ordinance city-wide vs. limited districts; incentivizing the operation of food trucks in areas where the city is trying to promote pedestrian activity.

2. CHOICE 2: Should property owners be required to re-apply for mobile site plan approval on an annual basis?

- a. Option A: Property owners shall be required to apply for mobile food site approval annually.
- b. Option B: Property owners shall be required to apply for mobile food site approval every two years (bi-annually).
- c. Option C: Mobile food site approval does not expire.

Points to Consider: Administrative processes/burden of requiring annual/bi-annual approval; ability for mobile food sites to be considered legally non-conforming (“grandfathered in”) if the ordinance changes in the future.

3. CHOICE 3: Where should mobile food courts (as a primary use) be permitted within the City?

- a. Option A: City-wide on property zoned O-1, B-1, B-2, B-3, M-1 or M-2.
- b. Option B: The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2, and shall be located within the boundaries of the DDA.

Points to Consider: Ability to enforce food vending ordinance city-wide vs. limited districts; incentivizing the operation of mobile food courts in areas where the city is trying to promote pedestrian activity.

4. CHOICE 4: Should there be a residential separation requirement for mobile food courts?

- a. Option A: Mobile food courts shall be located a minimum of 100 feet from properties zoned R-1, R-2, R-3, or R-M.
- b. Option B: No residential separation requirement.

Points to Consider: Protecting residential properties from impacts of a primarily outdoor use; many properties in DDA are directly adjacent to residential and would not be able to meet separation requirement; existing regulatory protections for residential properties (e.g. landscaping, buffer strips, screening, noise).

- 5. **CHOICE 5:** Should mobile food vendors be limited as to the number of days per year they can operate from an individual mobile food site?
 - a. Option A: Mobile food vendors shall be permitted to operate for a maximum of ninety (90) days per calendar year from an individual mobile food site.
 - b. Option B: No duration limits.

Points to Consider: Protection/assurance that mobile food truck will not act or appear as a primary use on the property; ability for administrators/code enforcement officers to enforce duration limits;

- 6. **CHOICE 6:** Should food vendors be required to remove their food trucks from mobile food sites during non-operational hours?
 - a. Option A: The mobile food vehicle and associated equipment shall be removed from the mobile food site during non-operational hours and shall not be permitted to be stored on the site during off-hours.
 - b. Option B: The mobile food vehicle may be stored on-site during non-operational hours from a location that is not readily visible from the right-of-way.

Points to Consider: Assurance that mobile food site does not turn into a permanent storage yard; difficulty of removing mobile food vehicle and setting back up on a daily basis.

- 7. **CHOICE 7:** Should mobile food vendors be required to obtain a new Certificate of Occupancy for each mobile food site/mobile food court on an annual/bi-annual basis?
 - a. Option A: Certificates of occupancy for each mobile food site/court are valid for a period of one (1) year and may be renewed annually.
 - b. Option B: Certificates of occupancy for each mobile food site/court are valid for a period of two (2) years and may be renewed bi-annually.
 - c. Option C: Certificates of occupancy do not expire.

Points to Consider: Administrative processes/burden of requiring annual/bi-annual approval; ability for mobile food vendors to be considered legally non-conforming (“grandfathered in”) if the ordinance changes in the future.

NEXT STEP

This flexible draft is presented to the Planning Commission for consideration after the required public hearing. After the public hearing, staff recommends going through each choice one-by-one in order to solidify the mobile food vending regulations. After the required public hearing, the Planning Commission may make a recommendation on the draft to City Council for their consideration. Any motion should include clear conditions relating to the selected regulatory language as well as any other desired changes to the draft.

Section 10.2200 – Mobile Food Vending – Draft 3-24-22

Section 10.2201 – Purpose, Intent and Applicability.

This section is intended to: (1) expand convenient and varied eating options in the City of Madison Heights; (2) support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and (3) protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g. ice cream trucks). **Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.**

Section 10.2202 – Definitions.

- (A) *Brick and Mortar Restaurant*: A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.
- (B) *Mobile Food Vehicle*: A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed with a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream trucks).
- (C) *Mobile Food Vendor*: An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.
- (D) ***Mobile Food Court*: A private property which has been approved under the provisions of this Ordinance for the operation of two (2) or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.**
- (E) *Mobile Food Site*: A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.

Section 10.2203 – Approvals Required

- (A) A **private property owner** intending to designate their property as a **mobile food site** shall obtain the following approvals:
 1. *Mobile Food Site Approval*. The property owner shall apply for mobile food site approval in accordance with **Section 10.2204**, below. Mobile food site approval constitutes

general zoning approval for the operation of a mobile food vehicle as an accessory use on the site.

(B) A private property owner intending to designate their property as a mobile food court shall obtain the following approvals:

1. *Special Use Approval.* The property owner shall apply for special use approval under the provisions of Section 10.201 and satisfy the mobile food court standards in accordance with Section 10.2205, below.
2. *Site Plan Approval.* Upon receiving special use approval through City Council, the property owner shall apply for site plan approval under the provisions of Section 10.514 and satisfy the mobile food court standards in accordance with Section 10.2205, below.

(C) A mobile food vendor shall obtain the following prior to operating a mobile food vehicle within the City of Madison Heights:

1. *Mobile Food Vendor Certificate of Occupancy.* Mobile food vendors shall obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section 10.2206.
2. *Business License.* Mobile food vendors shall obtain a business license from the City Clerk in accordance with Chapter 7 of the Code of Ordinances of the City of Madison Heights.

Section 10.2204 – Mobile Food Site Approval

Any person intending to create and designate a mobile food site as an accessory use on their property shall first obtain mobile food site approval in accordance with the following provisions. This section does not apply to mobile food courts.

(A) *Locational Requirements.* Mobile food sites shall satisfy all of the following locational requirements:

- ★ 1. **CHOICE 1: (OPTION A):** The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2.
(OR)
(OPTION B): The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.
(OR)
(OPTION C): The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be in accordance with one (1) of the following:
 - a. On properties located within the boundaries of the Southend Downtown Development Authority (DDA) district: Mobile food sites shall be permitted by-right in accordance with the provisions of this Ordinance.

- b. On properties located outside of the boundaries of the Southend Downtown Development Authority (DDA) district: Mobile food sites shall require special use approval in accordance with Section 10.201 and in accordance with the provisions of this Ordinance.**
- 2. The property shall contain a principal building or use. A mobile food site shall be deemed an accessory use of a property.
- 3. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property containing an existing brick and mortar restaurant, measured from the mobile food vehicle service window to the nearest property line of the property containing such brick and mortar restaurant(s). The 100 foot separation requirement shall only apply on the same linear block face as the mobile food vehicle. The following exceptions apply:
 - a. This standard may be waived if all of the affected brick and mortar restaurant(s) submit a letter to the Community and Economic Development Department indicating that they choose to waive the 100 foot separation requirement.
 - b. A brick and mortar restaurant owner may operate a food truck at the site of their own brick and mortar restaurant upon satisfying the remaining locational and general requirements of this Ordinance.
- 4. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the mobile food vehicle service window to the nearest property line of the residential property. A mobile food site may be established within 100 feet of a property zoned R-1, R-2, R-3 or R-M as a special use, in compliance with the process outlined in Section 10.201.

(B) *General Requirements.* A mobile food site shall satisfy the following general requirements:

- 1. No more than one (1) mobile food vehicle may operate or be placed on a mobile food site at one time. Only one (1) mobile food vehicle pad may be designated on the site plan.
- 2. The designated mobile food vehicle pad shall be located a minimum of 15 feet from any fire hydrant and 5 feet from any property line, driveway, sidewalk, utility box or vault, accessible ramp, building entrance or exit, or emergency call box.
- 3. The designated mobile food vehicle pad shall be on a paved surface.
- 4. The placement of the mobile food vehicle shall not reduce the availability of the minimum number of parking spaces required for the principal use on site nor impede vehicular or pedestrian circulation on site.

5. No portion of the mobile food vehicle shall hang over a public right-of-way or interfere with clear vision triangles.
6. An outdoor seating area may be designated consisting of portable tables and a seating capacity of eight. Outdoor seating areas shall not be placed within the right-of-way and shall not impede vehicular or pedestrian circulation in site.

(C) *Submittal Requirements.* A private property owner intending to designate their property as a mobile food site shall submit the following:

1. *Mobile Food Site application.*
2. *Site Plan.* Dimensioned site plans shall be 11" x 17" in size and shall denote, at minimum, the following:
 - a. Street, curbs, sidewalks and property lines.
 - b. The zoning classification of the subject site and adjacent sites.
 - c. Existing building footprints with tenant spaces labeled.
 - d. Existing accessory structures and refuse container footprints.
 - e. Parking spaces and drive aisles.
 - f. The general layout and dimensions of the mobile food vehicle pad.
 - g. The location and surface material of all paved areas.
 - h. The on-site storage location of the mobile food vehicle during non-operational hours, if applicable.
 - i. The location of fire hydrants.
 - j. The location of on-site water, generator and/or electric utilities that will serve the mobile food vehicle.
 - k. The location of any designated outdoor seating areas.
 - l. Sufficient details to demonstrate that the locational and general requirements of Section 10.2204(A) and (B) can be satisfied.
3. *Restaurant Map.* A map identifying existing brick and mortar restaurants within a 150-foot radius of the subject property.

(D) Site Plan Review Committee (SPRC) Approval: All applications and associated site plans for proposed mobile food sites shall be forwarded to the Site Plan Review Committee for review and approval.



(E) CHOICE 2: (OPTION A): Annual Approval Required. Mobile Food Site approval shall be valid for a period of one (1) year. Property owners shall be required to apply for mobile food site approval annually under the provisions of this Ordinance.

(OR)

(OPTION B): *Bi-Annual Approval Required.* Mobile Food Site approval shall be valid for a period of two (2) years. Property owners shall be required to apply for mobile food site approval every two (2) years under the provisions of this Ordinance.

(OR)

(OPTION C): Mobile Food Site approval does not expire.

Section 10.2205. Mobile Food Courts

Any person intending to create and designate a mobile food court as a principal use on their property shall first obtain mobile food court approval in accordance with the following provisions.

(A) *Special Use Approval Required.* Mobile food courts shall be deemed a principal use of the property and shall require special use approval in accordance with the provisions of **Section 10.201** and the standards of this Ordinance.

(B) *Site Plan Approval Required.* Upon receiving special use approval, the property owner shall obtain site plan approval in accordance with the provisions of **Section 10.514**.

(C) *Locational Requirements.* Mobile food courts shall satisfy all of the following locational requirements:

- ★ 1. **CHOICE 3: (OPTION A): The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2**
(OR)
(OPTION B): The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.

- ★ 2. **CHOICE 4: (OPTION A): The property shall be located a minimum of 100 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the property line of the mobile food court to the nearest property line of the residential property.**
(OR)
(OPTION B): No residential buffer requirement.

(D) *General Requirements.* A mobile food court shall satisfy the following general requirements:

- 1. The mobile food court site plan shall designate a minimum of two (2) and a maximum of eight (8) pads for the operation of mobile food vehicles. All mobile food vehicle pads shall be on a paved surface.

2. Permanent structures shall satisfy the setback, height, and lot coverage requirements contained in *Section 10.400 – Schedule of Regulations*.
 3. *Landscaping*. The site plan shall satisfy the landscaping and screening requirements contained in *Section 10.510 – Landscaping and Screening*.
 4. *Parking*. A minimum of two (2) parking spaces shall be required per each individual mobile food vehicle pad on site. Parking dimensions and design shall satisfy the requirements of *Section 10.505 – Parking Requirements*.
 5. *Lighting*. On-site exterior lighting shall satisfy the provisions of *Section 10.512 – Exterior Lighting*.
 6. *Hours of operation*. A mobile food court shall only operate between the hours of 8 a.m. and 10 p.m.
 7. *Restrooms*. Permanent restroom facilities shall be provided within the boundaries of the mobile food court in accordance with the Michigan Plumbing Code.
 8. *Water requirements*. Water hookup/access shall be provided for each individual mobile food vehicle pad on site.
 9. *Electrical requirements*. Electricity access shall be provided for each individual mobile food vehicle pad on site.
 10. *Signs*. A master sign plan for the mobile food court shall be submitted for review and approval as part of the site plan approval process. The plan shall provide information relating to permanent signs for the mobile food court, as well as individual signs for each business. Permanent ground and wall signs shall satisfy the standards of *Section 10.511 – Sign Regulations*.
 11. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at the property line.
 12. Alcohol sales shall only be permitted from a permanent structure on-site.
- (E) Submittal Requirements. A private property owner intending to operate a mobile food court as a principal use shall submit the following:
1. A Special Use Approval application, in accordance with Section 10.201.
 2. A Site Plan application, in accordance with the procedures and submittal requirements of Section 10.514. In addition to the requirements of Section 10.514, the site plan shall denote the following:
 - a. The location and orientation of each mobile food vehicle pad and each permanent structure.
 - b. The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.

- c. The location of all fire lanes.
- d. The location of fire hydrants.
- e. Lighting Plan.
- f. The location and type of water supply and electrical outlet(s) provided for each mobile food vendor pad.
- g. Signage plan.

Section 10.2206 – Mobile Food Vendor Certificate of Occupancy

A mobile food vendor must obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they intend to operate in accordance with the following provisions.

(A) *Operational Requirements.* Mobile food vendors shall comply with the following operational requirements:

- 1. Mobile food vendors shall only be permitted to operate from a mobile food site approved in accordance with Section 10.2204 or a mobile food court approved in accordance with Section 10.2205.
 - 2. Mobile food vendors shall not operate at a mobile food site or a mobile food court without first obtaining written approval from the private property owner.
 - 3. Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food site or mobile food court.
 - 4. Mobile food vendors shall only operate between the hours of 8 a.m. and 10 p.m.
 - ★ 5. **CHOICE 5: (OPTION A): Mobile food vendors shall be permitted to operate for a maximum of ninety (90) days per calendar year from an individual mobile food site. This provision shall not apply to mobile food courts.**
- (OR)
- (OPTION B): No duration limits.**
- 6. Mobile food vendors shall maintain a valid business license issued by the City Clerk, and shall display such license on the mobile food vehicle.
 - 7. Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division, and shall display such approval on the mobile food vehicle.
 - ★ 8. **CHOICE 6: (OPTION A): The mobile food vehicle and associated equipment (i.e. tables and signs) shall be removed from the mobile food site during non-operational hours, and shall not be permitted to be stored on the mobile food site property during non-operational hours. This provision shall not apply to approved mobile food courts.**

(OR)

(OPTION B): During non-operational hours, the mobile food vehicle and associated equipment (i.e. tables and signs) shall either be removed from the mobile food site or moved to a location on-site that is not readily visible from the public right-of-way. The on-site storage location shall be shown on the mobile food site plan. This provision shall not apply to approved mobile food courts.

9. Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.
10. A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.
11. Sales of alcoholic beverages are prohibited from a mobile food vehicle.
12. Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board “A-frame” sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.
13. Flashing, blinking or strobe lights are prohibited.
14. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at the property line.
15. A mobile food vehicle may utilize an electrical connection to the principal use/building on site, but only with a valid electrical permit. Utilities shall not be drawn from a public right-of-way.
16. Permanent connections to water and sanitary sewer lines and mains are prohibited.

(B) *Submittal Requirements.* A mobile food vendor intending to obtain a certificate of occupancy shall submit the following:

1. Mobile Food Vendor Certificate of Occupancy application.
2. Written approval from the property owner of the mobile food site or mobile food court to operate on said property.
3. A copy of the approved food license from the Oakland County Environmental Health Division.
4. A copy of the approved Madison Heights business license.
5. A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.

6. Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.
7. A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.



(C) CHOICE 7: (OPTION A): *Annual Renewal Required.* Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(OR)

(OPTION B): *Bi-Annual Renewal Required.* Certificates of Occupancy shall be valid for a period of two (2) years after issuance. Certificates of Occupancy may be renewed every two (2) years.

(OR)

(OPTION C): Certificates of Occupancy do not expire.

(D) *Revocation of Certificate of Occupancy.* An approved mobile food vendor certificate of occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission for the City of Madison Heights will hold a public hearing on **April 19th, 2022, at 5:30 p.m.** in the **City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071** to consider the following text amendment:

Zoning Text Amendment 22-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A (Zoning Ordinance) to add Section 10.1900 – *Mobile Food Vendors*. The amendment proposes regulations pertaining to mobile food vendors and the operation of mobile food vehicles within the City.

For further information, please contact the Community Development Department at (248) 583-0831. Please refer to <https://www.madison-heights.org/AgendaCenter> for any meeting updates.

Public Comment:

Send your public comment through email at: MaryDaley@Madison-Heights.org and your comment will be read at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the public hearing.

City of Madison Heights
Mary Daley
Business Services Coordinator

Madison Park News 3/23/22