City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, February 6th, 2025
Minutes

MEMBERS PRESENT: Jim Cunningham, Cynitha Fout, Diane LaPorte, Andrew Mullen, and Betty Root
ABSENT: Gale Goldberg
OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Community & Economic Development Director – Nichole Kleiner

- C. Fout called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA:

- B. Root motioned to approve agenda and supported by D. LaPorte
  - Ayes: 5 Nays: 0 Absent: 1

APPROVAL OF MINUTES:

- J. Cunningham moved to approve minutes from January 2nd, 2025, and supported by D. LaPorte
  - Ayes: 5 Nays: 0 Absent: 1

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

PUBLIC HEARING:

- A) Proposed A- Residential Zoning Amendments:
  - J. Cunningham motioned to open Public Hearing at 4:04pm on Proposed A- Residential Zoning Amendments and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance
  - J. Cunningham motioned to close public hearing at 4:09pm on Proposed A- Residential Zoning Amendments and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1
- B) Proposed A1 – Residential Zoning Amendments:
  - J. Cunningham motioned to open Public Hearing at 4:09pm on A1 – Residential Zoning Amendments and supported by A. Mullen

  With No Public in attendance
  - D. LaPorte motioned to close Public Hearing at 4:10pm on A1- Residential Zoning Amendments and supported by J. Cunningham
    - Ayes: 5 Nays: 0 Absent: 1
- C) Proposed Landscaping Zoning Amendments:
  - B. Root motioned to open Public Hearing at 4:10pm on Proposed Landscaping Zoning Amendments and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance
  - J. Cunningham motioned to close Public Hearing at 4:11pm on Proposed Landscaping Zoning Amendments and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1
- D) Proposed Food Truck Zoning;
  - J. Cunningham motioned to open Public Hearing at 4:12pm on Proposed Food Truck Zoning and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance

- J. Cunningham motioned to close Public Hearing at 4:20pm on Proposed Food Truck Zoning and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

ACTION ITEMS:

- Consider recommendation to the Council to adopt Proposed A-Residential Zoning Amendments

CHAPTER 1245

A, Residential Zone

1245.01 Purpose
1245.02 Permitted uses
1245.03 Speical uses
1245.04 District regulations
1245.05 Additional regulations
CROSS.REFERENCES
Zoning and planning in home rule cities – see M.C.L.A. Sec. 117.4i
Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A Sec. 125.581 Section 125.581
Regulation on buildings; authority to zone – see M.C.L.A. Sec. 125.582
Regulation of congested areas – see M.C.L.A Sec. 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a
Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A 125.592

- **1245.01 PURPOSE**

This district provides primarily for single family dwelling units and includes the majority of the existing residential areas in the City. This district is intended to be served by public water and sanitary sewer. Regulations contained within this chapter also provide for the development of certain non-residential facilities as special land uses which can provide convenient services while at the same time maintaining the overall residential character of the district.
(Ord. 182. Passed 5-12-98; Ord. 184 passed 5-25-99.)

- **1245.02 PERMITTED USES.**

Land and structures in the A, Residential Zone, may be used for the following purposes only.
(a) Single Family detached dwellings.
(b) Child and adult day care homes with no more than six minor children and adults.
(c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 fee apart as measured between property lines.
(d) Home occupations.
(e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18.
(f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
(g) Essential public service equipment.
(h) Two-family dwellings (duplexes) including the conversion of single family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
(i) Churches, synagogues or other similar places of worship and customary related uses.
(j) Public and institutional uses.
(k) Public and private schools and school administration buildings.
(l) Accessory apartments as regulated by Section 1243.25.
(Ord. 182. Passed 5-12-98; Ord. 184 Passed 5-25-99.)

1245.03 SPECIAL USES.

The following uses may be permitted as a special land use subject to the applicable general and specific requirements and standards of Chapter 1256.
(a) Antenna and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.

(b) Non-commercial parks, playgrounds and play fields.
(c) Essential public service buildings and structures.
(d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
(e) Public and private golf courses.
(f) Child day care homes which provide care to more than six but not more than twelve minor children.
(g) Child day care centers.
(h) Bed and breakfast establishments.
(i) Foster care group home for seven or more persons.
(j) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls and located on a parcel of land containing three acres or more.
(k) Duplexes.
(l) Boarding houses.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2005-6. Passed 6-28-05; Ord. 2014-01. Passed 1-7-13

1245.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

	Minimum Lot Area	**Minimum Lot Width**	**Minimum Front Setback**	**Minimum Rear Setback**	**Side Setback Total/Min. One Side**
Lots with both public sewer and water	6,000 s.f.	45ft	15ft local 30ft major street or state highway	25ft	15ft/5ft
Lots with public sewer or water	9,000 s.f.	65ft	Same as above	25ft.	15ft./5ft.
Lots with no public sewer or water	12,000 s.f.	100ft	Same as above	25ft.	15ft./10ft.

(a) Corner Lots. The setback along the principal street shall be the minimum required by this section while the setback along the secondary street shall be at lease fifteen feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.
(b) Maximum height – 35 feet.
(C) Minimum floor area:
(1) one-story ~~720~~ 400 square feet.
(2) two-story ~~600~~ 500 square feet on the ground floor
(3) split level, bi-level and raised ranch ~~800~~ 700 square feet total.
(4) two-family dwelling ~~720~~ 600 square feet per dwelling.
(Ord. 182 Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 06-02. Passed 11-28-06; Ord. 2007-04. Passed 11-13-07.)

1245.05 ADDITIONAL REGULATIONS.

(a) Off-Street parking shall be regulated by Chapter 1260.
(b) Signs shall be regulated by Chapter 1259
(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.
(d) Site condominiums shall be regulated by Chapter 1257.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend Proposed A- Residential Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider recommendation to the council to adopt proposed A1 Residential Zoning Amendments

CHAPTER 1246

A-1, Residential Zone

1246.01 Purpose.
1246.02 Permitted uses.
1246.03 Special Uses.
1246.04 District regulations
1246.05 Additional Regulations

CROSS REFERENCE

Zoning and planning in home rule cities – see M.C.L.A Sec. 117.4i.
Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. Sec. 125.581
Regulation of location of buildings; authority to zone – see M.C.L.A. Sec 125.582
Regulation of congested areas – see M.C.L.A. Sec 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a
Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A Sec. 125.592

1246.01 PURPOSE.

This district allows for single family dwellings as predominant land use on minimum lot sizes which are larger than those required in the A Zone.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

1246.02 PERMITTED USES.

Land and structures in the A-1 Residential Zone may be used for the following purposes only.
(a) Single family detached dwellings.
(b) Child and adult day care homes with no more than six minor children and adults.
(c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.
(d) Home occupations
(e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18
(f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
(g) Essential public service equipment.
(h) Two-family dwellings (duplexes) including the conversion of single-family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
(i) Churches, synagogues or other similar places of worship and customary related uses.
(j) Public and institutional uses.
(k) Public and private schools and school administration buildings.
(Ord. 182. Passed 05-12-98; Ord. 184. Passed 5-25-99.)

1246.03 SPECIAL USES.

The following uses may be permitted as special land use subject to the applicable general and specific requirements and standards of Chapter 1256.
(a) Antennae and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.
(b) Non-commercial parks, playgrounds and play fields.
(c) Essential public service buildings and structures.
(d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
(e) Public and private golf courses.
(f) Child day care homes which provide care to more than six but not more than twelve minor children.
(g) Child day care centers.
(h) Bed and Breakfast establishments.
(i) Accessory apartments as regulated by Section 1243.25.

(j) Foster care group home for seven or more children or adults.
(k) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls, and located on a parcel of land containing three acres or more.
(l) Boarding houses.
(m) Buildings containing 3 or 4 dwelling units.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2014-01. Passed 1-7-14.)

1246.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.
(a) Minimum lot area and width.
(1) Single family dwellings: 12,000 square feet and 100 feet of lot width.
(2) Non-residential uses: 15,000 square feet and 100 feet of lot width.
(b) minimum required building setbacks.
(1) Front yard – 25 feet.
(2) Side yard. For dwelling units a total of 30 feet provided no side setback shall be less than 10 feet. For all other uses 25 feet on each side.
(3) Corner lots. The setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.
(4) Rear yard – 25 feet.
(c) Maximum building height – 35 feet.
(d) Minimum floor area:
(1) One Story – ~~720~~ 400 square feet
(2) Two Story – ~~600~~ 500 square feet on the ground floor.
(3) Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.
(4) Two – four unit ~~family~~ dwellings – ~~720~~ 600 square feet per dwelling unit.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2007-04. Passed 11-13-07.)

1246.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by Chapter 1260.
(b) Signs shall be regulated by Chapter 1259.
(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.
(d) Site condominiums shall be regulated by Chapter 1257.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend Proposed A1 Residential Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider Recommendation to the Council to adopt Proposed Landscaping Zoning Amendments.

GENERAL PROVISIONS RELATING TO ALL DISTRICTS:

1243.22 LANDSCAPE REGULATIONS.

(a) The intent of this section is to set forth minimum standards for landscaping. Landscaping areas are intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.
(b) For site plans requiring Planning Commission review, buffer strips shall be required where an industrial use abuts any other nonindustrial use or where any parking lot exceeding fifteen parking spaces abuts residential, public, or religious use. Where a landscape buffer strip or greenbelt is required, the following minimum landscape requirements shall be observed.
(1) Two trees plus one additional tree for each twenty-five feet in length of the buffer strip measured along the outer periphery of the required landscape area.
(2) One shrub for every twenty feet in length of the buffer strip measured along the outer periphery of the required landscape area.

(3) All plantings in the buffer strip shall be maintained in a neat and orderly manner. Dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

(c) Landscaping shall be located so it does not obstruct the vision of drivers or pedestrians entering or leaving a site.

(d) Parking area landscaping.

(1) All parking areas more than 5,000 square feet in area, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every ten parking spaces, with a minimum of two trees shall be planted, adjacent to the parking area.

(2) Landscape islands or peninsulas shall be installed at the end of these parking rows which are more than twenty spaces long. Within such rows a landscaped island shall be installed every twenty spaces.

(3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of ten feet in width by the length of the parking space or spaces, with an appropriate curb radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.

(4) Each island or peninsula within a parking area shall contain a minimum of one canopy tree.

(5) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.

(e) Limitations on Removing Existing Trees.

(1) Applicability. The tree removal regulations in this Section shall apply when compliance with other landscaping standards is required under Section 1243.22. The regulations of this section shall not apply to any construction project that does not require approval from the Planning Commission or Administrative Site Plan Review Committee. Lots containing one single family home shall also be exempt from this section.

(2) Exempt Activities. The following activities shall be exempt for this section.

(a) Tree trimming and other routine maintenance that does not result in the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the sire, or the mutilation of a tree to the point of near certain death.

(b) Removal or trimming made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disasters, in which the removal of the tree would prevent injury or damage to persons or property.

(c) The removal or trimming of dead trees, diseased trees or discouraged species.

(3) Exempt Organizations. The following organizations shall be exempt for this section.

(a) Public Utilities. The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

(b) Public Agencies. The removal or trimming of trees if performed by or on behalf of the City, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

(c) Tree Farms, where the primary purpose of the operation is to grow trees for wholesale or retail.

(4) Tree Removal Restriction., Any tree greater than twelve (12) inches in Diameter at Breast Height (DBH), except those exemptions by Sections 1243.22e (2-3), shall be replaced in accordance with Section 1243.22e(5) if it is removed from a site. “Removed” shall mean the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

(5) Replacement Requirement. Replacement Trees shall be provided to replace each tree to be removed in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size at planting for Replacement Trees is 8 feet in height for coniferous trees and 2.5 inches DHB for deciduous trees.

(a) If the replacement trees are coniferous trees:

(i) A replacement tree under 6 feet tall replaces 0.5 removed trees.

(ii) A replacement tree between 6 and 8 feet tall replaces 1 removed tree.

(iii) A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees.

(iv) A replacement tree over 10 feet tall replaces 2 removed trees.

(b) If the replacement trees are deciduous trees:

(i) A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.

(ii) A replacement tree between 2.5 and 3.5 inches DBH feet tall replaces 1 removed tree.

(iii) A replacement tree between 3.5 and 4.5 inches DBH feet tall replaces 1.5 removed trees

(iv) A replacement tree over 4.5 inches DBH replaces 2 removed trees.

(6) Standards for Replacement Trees. Replacement trees must meet the requirements of Section 1243.22b-c.

(7) Relationship to Landscape Requirements. Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question.

(~~fe~~) Landscape modifications. The landscape requirements of this section may be modified by the Planning Commission or Zoning Administrator in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section the Planning Commission or Zoning Administrator shall determine that the intent of the regulations will still be met if modifications are allowed.

(Ord. 182. Passed 5-12-98.)

- D. LaPorte motioned to Recommend Proposed Landscape Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider recommendation to the Council to adopt proposed Food Truck Zoning Ordinance

AN ORDINANCE TO REGULATE THE OPERATION OF TRANSITORY FOOD SERVICE UNITS AND THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR TRANSITORY FOOD SERVICE UNITS.

THE CITY OF HART ORDIANS:

Section 1. <u>Purpose</u>

The purpose of this Ordinance is to establish a policy to regulate and manage Transitory Food Service Units in the City of Hart (the "CITY"); to permit and regulate Transitory Food Service Units in the City; to reduce vehicular and pedestrian traffic congestion; to encourage new business; and to protect the health, safety, and welfare of the City's business district and the City's people.

Section 2. <u>Definition</u>

Transitory Food Service Unit means a motorized vehicle, including pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatuses that engages in the storage, preparation, service, sale or distribution of ready-to-eat or immediately consumable food items to the public directly from the unit. Transitory Food Service Unit includes a "special transitory food unit" and a "temporary food establishment" as defined under the Michigan Food Law, MCL 289.1111.

Section 3. <u>Permit Requirements</u>

Except as otherwise authorized under this Ordinance, no Transitory Food Service Unit may engage in the preparation service, sale, or distribution of food in the City of public or private property without first obtaining a permit from the City in the manner prescribed in this ordinance. The application fee will be set from time to time by resolution of the City Council. All fees must be paid to the City Treasurer at the time the application is submitted. All permits issued pursuant to this Ordinance must be available on sire for inspection upon request by the City Zoning

Administrator or law enforcement officer. Permits must be conspicuously displayed on the premises of any cart, stand, booth, motorized vehicle, mobile trailer, or similar apparatus used in the business at all times. No person may carry or display any expired, suspended, or revoked permit, or any license or permit for which a duplicate has been issued. Additionally, the Transitory Food Service Unit must comply with all applicable state licensing requirements, including but not limited to filing a Notification of Intent to Operate a Special Transitory Food Unit, and must further comply with all applicable requirements of the Oceana County Health Department. Failure to comply with all applicable licensing and regulatory requirements may result in the revocation of the permit by the City.

Section 5. Applications

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.
2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.
3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to "The City of Hart". All payments must be made by cash, check, credit card, or electronic fund transfers.
4. The application fee is nonrefundable and does not guarantee approval by the City.
5. Permits are valid for 14 consecutive days. Eash additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by City Council resolution.
6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may nor receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure of fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.
7. Application Process
   A. Application must be submitted to: City of Hart, 407 South State Street, Hart MI 49420 in accordance with the requirements this Ordinance for approval by either the City Manager or the Chief of Police.
   B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money, judgement, or any other indebtedness to the City, except for real property taxes and special assessments, or to any person using any personal property in the operation of a business upon which personal property in the operation of a business upon which personal property taxes are delinquent.
   C. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

Section 6. Regulations

All the following regulations must be followed at all times by any Transitory Food Service Unit operating in the City.

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by City Council.
2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick – and – mortar food service establishment unless the unit is an accessory use of the restaurant.
3. Transitory Food Service Units may operate within the hours of 7:00am and 10:00 pm on Sundays though Thursdays and 7:00am and 12:00am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.
4. No Transitory Food Service Units may be left overnight, unattended on public property, unless authorized by City Council by Resolution or under an approved Special Events Permit.

5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.
6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian foot traffic, movement or access to public walkways, trails or public amenities.
7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.
8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application. And must be in good quality condition. Furnishings are subject to approval by the City Manager or Chief of Police.
9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.
10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.
11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.
12.The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any other agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation, or product sales.
13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proof or documents requested by Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit permit holder, and private property owner, agrees to hold harmless and indemnify the City of Hart, its agencies, its employees, or agents in all matters arising from the permitted application, and/or the operation of the Transitory Food Service Unit.

Section 8. Insurance

A Transitory Food Service Unit permit holder, operating on public property, must have no less than $1,000,000.00 business liability insurance naming the City of Hart as an additional insured for approved dates of operation. Proof of business insurance must be submitted with permit application. Proof of insurance is due prior to the Transitory Food Service Unit permitted operation dates.

Section 9. Impoundment

Any equipment associated with a Transitory Food Service Unit that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Non-Exclusivity:

No provision in this chapter limits or intends to limit in any way the Transitory Food Service Unit, or its operator, the right to offer or sell its products to the general public, other business entities, municipalities, or agencies before, during or after the operation permitted herein. The permit does not limit the City of Hart from freely engaging other persons, organizations, or businesses to provide the same or similar products or services at any time. Approval for a permit does not constitute approval or agreement to approve future applications.

Section 11. Revocation, Suspension, or Refusal Appeal

Once a permit has been issued, the Zoning Administrator may, at any time, revoke or suspend a license for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the city included, but not limited to one or more of the following reasons:

1. Failure to pay all required fees;
2. Fraud, misrepresentation or false statement contained in the application for a permit;
3. Fraud, misrepresentation or false statement made in the operation of a business;

4. Any violation amounting to a felony, or misdemeanor involving moral turpitude, resulting from a business in the City;
5. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a nuisance per se to the health, safety or welfare of the public;
6. Failure to comply with an requirement of any authorized City official as it relates to the operation or business pertaining to the permit;
7. The failure of any applicant or permittee (including all employees, agents and representatives of the applicant or permittee) to meet and satisfy any provision of this Code or any other duly established rule or regulation of the City applicable to the business for which the permit has been requested or granted;
8. Failure to obtain any other required license or permit for the business from any federal, state or local agency or authority and lack of any evidence that such state license or permit has been obtained and proof that all fees pertaining thereto have been paid;
9. Failure to provide any information reasonably requested by the Zoning Administrator related to the application;
10. Failing to comply with this Ordinance.

The City must provide a permittee with reasonable notice and an opportunity to be heard before revoking or suspending a permit.

If a permit application is denied or a permit is revoked or suspended, the aggrieved party may appeal to the City Council in writing withing ten days. If no appeal is timely filed, then the denial, revocation, or suspension is final.

Section 12. Other Permits.

A permit obtained does not relieve any Transitory Food Service Unit of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Violation

A violation of this ordinance is a municipal civil infraction, and, in addition, the City of Hart is entitled to enforce this ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This ordinance is effective 30 days after publication.

- J. Cunningham motioned to recommend proposed Food Truck Zoning to City Council and supported by D. LaPorte.
  - Ayes: 5 Nays: 0 Absent: 1

- Review and Accept 2024 Planning Commission Annual Report

The Michigan Planning Enable Act requires the Planning Commission to provide an annual written report to the City Council concerning its operations and the status of planning activities, recommendations, and goals. Please find the following summary information for 2024 and potential goals for 2025

Action Summary Table

Type	2020	2021	2022	2023	2024
Meeting	**7**	**6**	**4**	**2**	**5**
Text Amendments	**0**	**0**	**2**	**0**	**0**
Site Plans	**1**	**2**	**0**	**0**	**1**
Special Land Uses	**1**	**0**	**0**	**1**	**0**
Plats	**0**	**0**	**0**	**0**	**1**
Site Condos	**0**	**0**	**0**	**0**	**0**
Rezoning	**2**	**1**	**0**	**2**	**1**

2024 Attendance

Month	Betty Root Chair	Jim Evans Councilor	Diane LaPorte Member	Gale Goldberg Member	Cynthia Fout Member	Jim Cunningham Member	Justin Adams Councilor
Meetings	5/5	1/5	5/5	5/5	4/5	4/5	0/4

2024 Reviews

Date	Application	Decision	Vote
2-1-2024	Site Plan Review- Dollar General 4128 Polk Rd	Recommendation	5-0
3-7-2024	PUD Amendment and Re-plat Creeks Subdivision	Recommendation	5-0
6-6-2024	Rezone 3 E Main Street From B-2 to PUD	Recommendation	4-0

2024 Discussions

1. Joint City Council retreat Planning Commission Members

2025 Goals

1. Continuing work on Redevelopment Ready Community Initiatives
2. Revisit food truck ordinance
3. Short-term rental ordinance
4. Continue regular review of all existing ordinances and suggest updates as necessary
5. Refine potential creation of overlay district using form-based code
6. Fill Planning Commission Vacancy
    - B. Root motioned to approve 2024 annual report with adding the Planning Commission Bi-Laws and supported by D. LaPorte
        - Ayes: 5 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- D. LaPorte is going to speak with Lisa Clark regarding vacant seats on Planning Commission
- Joint City Council retreat is scheduled for March 1st invites are to be sent out
- Frozen Tinman Golf Outing is scheduled for Saturday February 8th

OTHER BUSINESS:

- NONE

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

- NONE

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by J. Cunningham and supported by B. Root. The next meeting scheduled will be held on March 6th, 2025.

Karla Swihart

Karla Swihart
City Clerk