City of Hart, Michigan

PLANNING COMMISSION

May 5, 2022

AGENDA

Hart Council Chambers, 407 State Street, Hart, MI 49420

4:00 PM

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1. Call to order / roll call: Cunningham, Evans, Goldberg, LaPorte, Root, J. Wittman, P. Wittman
2. Approval of agenda
3. Approval of minutes of January 6, 2021, Commission meeting
4. Public comments
5. Action Items
    a. Review and acceptance of Annual Report
6. Discussion Item.
    a. Mobile Food Unit planning and direction
7. Other business and communications from Commission members
8. Adjourn – Next regular meeting on June 2, 2022

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, January 6th, 2022
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Jim Evans, Gale Goldberg,
LATE: Jack Wittman, Peggy Wittman, and D. LaPorte
ABSENT:
OTHERS PRESENT: City Manager – Rob Splane, and Jodi Eilleinger

B. Root called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA: J. Evans moved to approve the agenda and supported by J. Cunningham

Ayes: 4 Nays: 0 Absent: 3

APPROVAL OF MINUTES: J. Evans moved to approve minutes from December 2nd, 2021, and supported by J. Cunningham

Ayes: 4 Nays: 0 Absent: 3

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:
PUBLIC HEARING:
J. Cunningham moved to open the public hearing and supported by J. Evans

Ayes: 4 Nays: 0 Absent: 3

CITY OF HART CODE OF ORDIANCES PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO REMOVE THE MAZIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04

With no Public Comments Public Hearing was closed. Moved by J. Cunningham and Supported by J. Evans

Ayes: 4 Nays: 0 Absent: 3

J. Cunningham moved to open the Public hearing and supported by J. Evan

Ayes: 4 Nays: 0 Absent: 3

CITY OF HART CODE OF ORDIANCES, PART 12, TITLE FOUR, ZONING ORDIANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02(B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (B)(20).

J. Eilleinger supported the Amendment.

With no further comments public hearing was closed. Moved by J. Cunningham and Supported by J. Evans

Ayes: 4 Nays: 0 Absent: 3

ACTION ITEMS:

- Consider recommendation to the City Council:

CITY OF HART CODE OF ORDIANCES, PART 12, TITLE FOUR, ZONING ORDIANCES, A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04.

CITY OF HART
ORDINANCE NO.
ZONING ORDINANCE TEXT AMENDMENT

At a regular meeting of the Hart City Council held at City Hall on the ____ day of _____,2022 at _____p.m.

PRESENT:_____

ABSENT:_____

The following ordinance was offered by _____ and supported by _____:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDIANCE, A TEXT AMENDMENT TO RMEOVE THE MAXIMIUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04

Section 1. Chapter 1251 C-2 Limited Commercial. Chapter 1251, Section 1251.04, is amended to strike paragraph ©, which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 1. Chapter 1252 D-1, Industrial District. Chapter 1252, Section 11252.04, is amended to strike paragraph ©, which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 3. Effective Date. The Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: _____

NAYS: _____

ORDINANCE, DECLARED ADOPTED.

Karla Swihart

City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Karla Swihart

City Clerk

- Consider recommendation to the City Council:

CITY OF HART CODE OF ORDIANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECITON 1241.01. REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (B), AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13(B)(20).

J. Cunningham moved to recommend approval to City Council and supported by J. Evan

Ayes: 7 Nays: 0 Absent: 0

CITY OF HART

ORDIANCE NO.

ZONING ORDINANCE TEXT AMENDMENT

At a regular meeting of the Hart City Council held at City Hall on the _____ day of ____,2022 at ____p.m.

PRESENT:_____

ABSENT:_____

The Following ordinance was offered by _____ and Supported by_____:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (B)(20)

Section 1. Chapter 1241 Definitions. Chapter 1241, Section 1241.01, is amended to include the Following definition to be inserted in alphabetical order:

"Permanent cosmetic services" means a personal service establishment that applies permanent Cosmetic coloration to the skin using muted pigmentations to: disguise scars or tattoos: Provide pigmentation in areas of the body affected by surgery or medical procedures: or apply

Permanent cosmetics, generally to individuals with impairments or medical conditions, but Not limited to these individuals. Services may include permanent eye lining, lip lining, Re-pigmentation, or similar procedures but do not include traditional tattooing services Associated with tattoo parlors, as defined in this ordinance.

Section 2. Chapter 1249 B-1, Central Business District. Chapter 1249, Section 1249.02 (b) is amended to read in its entirety as follows:

(b) Any personal service establishment which performs services on the premises within a Completely enclosed building, such as, but not limited to: repair shops (watches, radio, Television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, Photographers, and permanent cosmetic services.

Section 3. Chapter 1256 Special Land Uses. Chapter 1256, Section 1256.13 (b)(20), is amended to read in its entirety as follows:

"Tattoo parlor" means a business having as its principal activity the application or placing, by Any method, of designs, letters, scrolls, figures, symbols, or other marks upon or under the Human skin with ink or any other substance resulting in the coloration of the skin by the aid Of needles or any other instrument designed to touch or puncture the skin, not including Permanent cosmetic services.

Section 4. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart

AYES: _____

NAYS: _____

ORDIANCE DECLARED ADOPTED.

Karla Swihart

City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Karla Swihart

City Clerk

J. Cunningham moved to recommend approval to City Council and supported by J. Evan

Ayes: 5 Nays: 2 Absent: 0

DISCUSSION ITEMS:

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:26 pm upon a motion by G. Goldberg and supported by J. Evans. The next scheduled meeting will be held on February 3rd 2022

Karla Swihart

Karla Swihart
City Clerk

Memorandum

To:	**City of Hart Planning Commission**
Date:	**April 29, 2022**
From:	**David M. Jirousek, AICP – Horizon Community Planning**
RE:	**Planning Commission Annual Report**

Overview

The Michigan Planning Enabling 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 2021 and potential goals for 2022.

Action Summary Table

Type	2017	2018	2019	2020	2021
Meetings	11	7	6	7	6
Text Amendments	3	0	5	0	0
Site Plans	2	0	2	1	2
Special Land Uses	1	0	0	1	0
Plats	0	0	0	0	0
Site Condos	0	0	0	0	0
Rezoning	1	3	1	2	1

2021 Attendance

Month	Betty Root, Chair	Robert Splane, Councilor	Diane LaPorte, Member	Gale Goldberg, Member	Peggy Wittman, Member	Jim Cunningham, Member	Jack Wittman, Member
January	X	--	--	X	X	X	X
March	--	X	--	X	X	X	X
April	X	--	X	X	--	X	--
May	X	X	--	X	X	X	X
October	X	X	X	--	X	X	X
December	X	X	X	X	--	X	--
Meetings	**5/6**	**4/6**	**3/6**	**5/6**	**4/6**	**6/6**	**4/6**

2021 Reviews

Date	Application	Decision	Vote
1-7-21	Rezoning of 311 East Main Street, B-1 Central Business District to A- Residential.	Recommendation of Denial	5-0
1-7-21	Auto Zone Site Plan	Approved	5-0
12-2-21	Seneca Foods Site Plan Amendment	Approved	5-0

2021 Discussions

1. Gale's IGA building future use.
2. Industrial Park covenants and restrictions.
3. Obscene signs.
4. Redevelopment Ready Communities.
5. Permanent make-up business.
6. Maximum lot coverage.

2022 Goals- To Discuss on May 5, 2022

1. General review of Zoning Ordinance.
2. Master Plan 5-Year Review.

Memorandum

To:	**City of Hart Planning Commission**
Date:	**April 29, 2022**
From:	**David M. Jirousek, AICP – Horizon Community Planning**
RE:	**Mobile Food Units**

Overview

The topic of mobile food unit regulation has recently arisen. Sometimes known as "food trucks," a mobile food unit is defined as a motor vehicle, such as a van or truck, or a trailer that can be attached to a motor vehicle, which is used for the preparation, sales, and service of food and beverages. Food preparation and service occur within the motor vehicle or alongside or inside the trailer.

In general, there are three placement scenarios for mobile food truck sales. Mobile food units can be placed in a single location permanently or seasonally, placed temporarily in a parking lot, or placed temporarily within the public right-of-way. In any of these scenarios, it is important to consider the pros and cons and potential implications.

It should be noted that owners of established restaurants are sometimes resistant to mobile food units as they create competition to serve a limited number of patrons in the market area. Other criticism sometimes relates to property taxes that are not paid by mobile food unit owners. However, mobile food units can serve as an incubator for new businesses and can even supplement the operations of existing restaurant owners.

Regulation

The three scenarios mentioned earlier in this report should be discussed by the Planning Commission.

1. Mobile food unit as a permanent fixture on a site. In this case, the mobile food unit would essentially be comparable to a principal or accessory building, and all development regulations would remain applicable (lighting, landscaping, signs, utilities, parking, setbacks, etc.).

2. Mobile food unit as an accessory use in a parking lot or yard area. Where mobile food units are an accessory use, typical regulations include the following topics:

    a. Zoning District/location
    b. Timeframe and hours of operation
    c. Number of mobile food units
    d. Corner sight clearance

e. Maintenance of required parking spaces for principal use
f. Setbacks
g. Temporary displays and signs
h. Maintaining clear areas for pedestrian and vehicle travel
i. Waste management

3. Mobile food units in the public right-of-way. In some cities, mobile food units are allowed to park in the public right-of-way, adjacent to sidewalks, for example. This scenario typically accommodates pedestrians in a downtown atmosphere. Since zoning does not regulate the public right-of-way, a separate ordinance would need to address this scenario.

Next Steps

The Planning Commission should discuss whether mobile food units are a desirable option for food service in the City of Hart.