



**CHELSEA PLANNING COMMISSION
WORK SESSION
Agenda**

September 6, 2023

7:00 PM

305 S. Main St. Suit 100 Lower-Level Conference Room

No virtual attendance option is available.

Agenda:

1. Public Comment
2. Proposed Zoning Ordinance Amendment – Food Trucks
3. Planning Priorities Table

Persons requiring reasonable accommodations due to disabilities in order that the meeting is accessible to them are requested to notify the Chelsea Planning Commission of such disability no later than five business days prior to the date of the meeting.

Item 2

Proposed Zoning Ordinance Amendment

Food Trucks



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: City of Chelsea Planning Commission

FROM: Paul Montagno, AICP
Michelle Marin

DATE: September 1, 2023

RE: Draft Food Truck Ordinance

Per your recommendation at the August Planning Commission meeting, we have been working on gathering information to draft a Food Truck Ordinance for your consideration.

In reviewing the minutes and packet from the April Work Session when Food Trucks were last discussed, we identified what we believe are the major points to discuss. It is our understanding that the Planning Commission previously agreed to have a Food Truck Ordinance apply to both food trucks and food courts. If any decisions were made or topics discussed that are not listed here, feel free to update us ahead of or at the September 6th Work Session. We have provided some sample ordinance language (attached) for your consideration. The language has been designed to address the identified topics and incorporate practices from other similar ordinances but may need to be amended based on your feedback.

Discussion topics:

1. Licensing
2. Zoning districts permitted
3. Hours of operation
4. Seating requirements

LICENSING

Developing a food truck operator license that is different from a peddler license allows for more specific requirements to be communicated and implemented to vendors. It also allows the city to ensure that an applicant is meeting the requirements of the City's Food Truck Ordinance. Additionally, any required outside agency license or permits should be provided by an applicant for a local permit.

With limited exceptions, businesses that handle or serve food to the public are subject to state and county licensing requirements. Licensing for commercial food sales is under the jurisdiction of the Michigan Department of Agriculture and Rural Development. Local health departments administer licensing for businesses that serve food that can be immediately consumed, including food trucks. The Washtenaw County Health Department [licenses](#) and inspects food service establishments according to the Michigan Food Law of 2000, as amended, and the Michigan Modified FDA Food Code of 2009.

Most food truck operations are categorized under the following license types:

Mobile - A mobile food service establishment is a food service establishment operating from a vehicle, trailer, or watercraft that returns to a mobile food establishment commissary for servicing and maintenance at least once every 24 hours. The commissary license number must be recorded in the appropriate location on the application for it to be processed.

Special Transitory Food Unit (STFU) - An STFU is a temporary food establishment licensed to operate throughout the state without the 14-day limits or a mobile food establishment that is not required to return to a commissary. This category includes Food Trucks. Washtenaw County requirements are found [here](#).

In some circumstances, a vendor may apply to operate under a third license category:

Temporary - A temporary food service establishment means a food service establishment, which operates at a fixed location for a temporary period not to exceed 14 consecutive days. Temporary food service establishments use a different application than fixed, mobile, or special transitory food unit food service establishments.

Licensing requirements generally establish safe food handling practices and sanitation standards. Local permit or license requirements work in tandem with state or county food establishment licenses but do not need to address the same health and safety issues.

COMPONENTS OF LOCAL REGULATIONS

Local mobile vendor regulations generally govern how, when, and where vendors can operate and can include the following components according to the community's goals.

Location – Specifying where food trucks can operate. Examples include:

- Permitting food trucks by zoning district.
 - Options include permitting food trucks in the mixed-use districts, all non-residential districts, or all zoning districts. Additional operational and location requirements as well as vendor preference might limit the need to extensively regulate by zoning district.
- Designating specific streets or sidewalks as food truck areas.

- Options include permitting food trucks in any public parking space or only off-street public parking spaces.
- Providing a distance from an intersection or crosswalk – such as 20 ft – is a possible additional requirement.
- Ordinance language can further require that food trucks not interfere with or obstruct the free passage of pedestrians or vehicles.
- Requiring minimum widths of adjacent sidewalks – such as 5 ft – can ensure queuing customers do not interfere with pedestrian traffic.
- Allowing food trucks in certain parks or other public property.

Time and Duration – Establishing when food trucks can operate, and for how long. These standards can vary by location. Examples include:


- Times of day and/or days of the week that food trucks can operate.
 - This may be regulated by zoning district or simply reflect the City-wide on-street parking requirements.
- The length of time (days, weeks, or months) that a food truck can operate in a specific location, or during a single year.
- As part of a larger event. Some communities require food trucks to maintain a certain distance from an event (such as 500 feet or one city block) unless the event organizer authorizes them to be closer.

Operation and Site Layout – Operating requirements other than food safety and sanitation standards. Examples include:

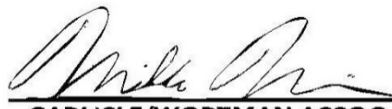
- Specifying the type of sign structure, sign dimensions, and number of signs a food truck may display, such as an A-frame sign.
- Whether food trucks may set out tables and chairs for customers, or requirements for tables that hold condiments, utensils, and napkins.
- Requirements to provide a refuse container.

We look forward to discussing any matter in detail with the Planning Commission at the work session on September 6, 2023.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin
Community Planner

Article [X] Mobile Food Vending

1. Intent.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Chelsea, while providing a framework under which such businesses operate, this ordinance is established.

2. Definitions.

- (a) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit that meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in mobile food vending business; if more than one individual is operating a single stand, cart, or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart, or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

3. Permit required.

No vendor shall engage in mobile food vending without a permit from the Community Development Department authorizing such vending. The Community Development Department shall prescribe the form for such permits and application for such permits. All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this ordinance.

4. Duration; non-transferability.

Permits may be issued by the Community Development Department for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

5. Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the Community Development Department for a permit under this chapter. The applicant shall truthfully provide all information necessary to determine compliance with the requirements in section X.7. or any other request by the Community Development Department deemed necessary to evaluate the application and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance or health department approvals, as required by the City.

6. Fees.

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this article.

7. Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) May operate on private or public property or public on-street parking in any zoning district with written permission from the property owner.
 - (2) If operating on City-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Council. If parked on public streets, vendors shall conform to all applicable parking regulations.
 - (3) Not be parked within twenty feet of a crosswalk or intersection.
 - (4) Not interfere with or obstruct the free passage of pedestrians or vehicles.
 - (5) If parked next to a sidewalk or pedestrian pathway, a minimum width of five feet for pedestrian access must be maintained along the sidewalk or pedestrian pathway. The vendor must ensure that any customer queue does not obstruct the five-foot-wide pedestrian access.
 - (6) Not operate on public property within one block of a City-authorized street fair, public festival, farmers market, or event being conducted without authorization from the event sponsor.
 - (7) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor daily.
 - (8) May operate between the hours of 7:00 a.m. and 12 a.m. in any non-residential district and between the hours of 9:00 a.m. and 9 p.m. in any residential district.
 - (9) Within all zoning districts, a mobile food vendor may only be parked within public parking spaces between the hours of 5:00 a.m. and 2:00 a.m. Between the hours of 5 a.m. and 2 a.m., no mobile food vending unit may be left unattended in a public parking space for more than three hours.
 - (10) Any mobile food vending unit not in operation shall be removed between the hours of 11:00 p.m. and 7:00 a.m. in non-residential areas and 9:00 p.m. to 9:00 a.m. in residential areas. This subsection applies to mobile food vending units operating on city-controlled property only.
 - (11) May set out tables and chairs for customers only when the unit is located in a public parking lot and if tables and chairs are not placed within a parking space or parking aisle.
 - (12) Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.
 - (13) Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
 - (14) Not use loud music, amplification devices, "crying out," or any other audible methods to gain attention that cause a disruption or safety hazard as determined by the City.
 - (15) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than three feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
 - (16) Comply with the city's Noise Ordinance, Sign Ordinance, and all other City ordinances.
 - (17) Comply with all applicable federal, state, and county regulations.
 - (18) Shall not represent the granting of a permit under this article as an endorsement by the City.
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8. Parking beyond limits allowed by City ordinance.

Any mobile food vending unit with a valid mobile food vending license may park in a city-controlled parking space for durations as authorized by the permit, and such mobile food vending unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no mobile food vending unit shall park in a City-controlled parking space if parking is prohibited altogether.

9. Impoundment.

Any equipment associated with food vending that is not in compliance with this article and left on public property may be impounded at the owner's expense.

10. Other permits.

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute, or administrative rule.

11. Revocation.

The Community Development Department shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state, or local regulation, makes a false statement on their application or conduct activity in a manner that is adverse to the protection of the public health, safety, and welfare.

Immediately upon such revocation, the Community Development Department shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

12. Complaints; appeals.

If a written complaint is filed with the Community Development Department alleging a food vendor has violated the provisions of this chapter, the Community Development Department shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint, present evidence, and respond to evidence produced by the investigation. If the Community Development Department, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the Community Development Department, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the Community Development Department, as to whether the grounds for denial, revocation, or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of the Community Development Department or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

13. Appearance tickets.

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

Item 3

Planning Priorities Table



Carlisle | Wortman
ASSOCIATES, INC.

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MEMORANDUM

TO: City of Chelsea Planning Commission

FROM: Paul Montagno, AICP
Michelle Marin

DATE: September 1, 2023

RE: 2023 Planning Priorities

After six weeks of working in the City of Chelsea Community Development Department, we have addressed the pending tasks and projects in need of immediate review, from fence permits to PUD development agreements. With a stronger understanding of procedures, policies, and ordinances, we would like to organize department priorities through a living table.

The attached table includes what we have identified as the major priorities of the Community Development Department, along with the suggested urgency and comments. We invite you to review and provide your feedback and/or additional priorities to this table.

We plan to continually update this Planning Priorities table to reflect progress on key planning-related projects. We suggest that this document be reviewed regularly to edit or add to the priorities list as needed.

We look forward to hearing your feedback at the next Planning Commission Work Session on September 6, 2023.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC
Paul Montagno, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin
Community Planner

CITY OF CHELSEA 2023 PLANNING PRIORITIES	PRIORITIES	COMMENTS
1. Zoning Ordinance Amendments		
1.1 Food Truck Ordinance	High	Draft in process.
1.2 Solar Ordinance	High	Draft in process. Update to allow solar in zoning districts beyond PF.
1.3 Site Plan Review	Medium	Draft in process. Update to clarify projects that qualify; identify requirements of minor site plan.
1.4 Certificate of Occupancy	Medium	Draft in process. Update to reflect current processes.
1.5 Tree Preservation Ordinance	Medium	Amendments for tree preservation
2. General Ordinance Amendments		
2.1 PILOT process and application	Medium	
3. Planning Policies		
3.1 Greater community outreach and engagement	Medium	Establish better tools for outreach and involving residents in planning
3.2 Consider greater collaboration with surrounding communities	Medium	Foster regional collaboration
4. Master Plan / Roads / Pathways		
4.1 Master Plan	Medium	Current plan adopted in 2019. Update required every 5 years.
5. Completed Priorities		Date