

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

ORDINANCE NO. 614

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY ADDING THE FOLLOWING: ARTICLE 90 - I, SECTION 90-1 DEFINITIONS, FOOD TRUCK AND FOOD TRUCK PARK AND ADDING SECTION 90-462 (P), SECTION 90-472 (V), AND SECTION 90-552 (Q), AND ADDING DIVISION 90-IX-9 FOOD TRUCK/FOOD TRUCK PARK, SECTIONS 90-916 AND 90-917 TO ARTICLE 90-IX SUPPLEMENTARY DISTRICT REGULATIONS

AS RECOMMENDED BY THE PLANNING COMMISSION ON APRIL 3, 2023

THE CITY OF HASTINGS ORDAINS:

SECTION I.

Section 90-1 is hereby amended to Chapter 90, Article 90 – I to add Food Truck and Food Truck Park to definitions and adding Sections 90-462 (p), 90-472 (v), and 90-552 (q), and adding Division 90-IX-9 Food Truck/Food Truck Park to Article 90-IX Supplementary District Regulations.

Sec 90-1 Definitions

Food Truck means a motorized or non-motorized vehicle designed as a complete and transportable unit and used as a mobile business to sell food and/or beverages from a stationary location during serving hours. Food trucks exclude structures installed with a permanent foundation, tent-walled structures, and mobile food trucks which distribute food and/or beverages as driven throughout a community (e.g., mobile ice cream truck).

Food Truck Park means three (3) or more food trucks that congregate at an established private property location to offer food and/or beverages for sale to the public as the principal use of the land.

Sec 90-462 Permitted Uses (O Office District)

p. Food Truck/Food Truck Park as regulated by Division 90-IX-9.

Sec 90-472 Permitted Uses (B-1 Central Business District)

w. Food Truck/Food Truck Park as regulated by Division 90-IX-9.

Sec 90-552 Permitted Uses Permitted Uses (D-1 Industrial District)

q. Food Truck/Food Truck Park as regulated by Division 90-IX-9.

Division 90-IX-9 Food Truck/Food Truck Park

Sec 90-916 Scope

- a. Public property. A food truck located on public property is not regulated by this ordinance.
- b. Private property. A food truck located on private property shall only be allowed as regulated by Article 90-VI – District Regulations and shall be subject to the standards and approval process of Section 90-917 – Standards.

Sec 90-917 Standards

- a. Location. A food truck may be located and operate on property with or without a principal use/building.
- b. District regulations. Lot area, lot width, setbacks and any other dimensional requirement of the zoning district shall apply.
- c. Parking
 1. A food truck located/operating on property with a principal use/building shall not serve to reduce on-site parking for the principal use/building in violation of parking requirements.
 2. A food truck located on property without a principal use/building and food truck parks shall be adequately served by on-site and/or off-site parking facilities.
- d. Separation. A food truck shall not be located within 150 feet of a permanent business with a food license during the permanent business's hours of operation.
- e. Traffic. A food truck shall be located and operate in such a manner so as not to interfere with pedestrian or vehicular traffic
- f. Noise. The use of amplifiers, banners, loud music, and other attention gathering devices in conjunction with the operation of a food truck shall be prohibited.
- g. Lighting. The use of flashing or blinking lights or strobe lights in conjunction with the operation of a food truck is prohibited. All exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- h. Refuse. A food truck provider shall provide appropriate waste receptacles at the site of the food truck and keep the area in which it operates clean, sightly, and free of trash.

- i. Local ordinances. A food truck shall comply with the city's nuisance ordinance, sign ordinance and all other city ordinances.
- j. Other regulations. A food truck shall comply with all applicable federal, state, and county regulations.
- k. Approval. A food truck/food truck park shall be subject to the following approval process:
 - 1. No food truck/food truck park shall locate or operate on private property until a zoning permit has been approved by the city.
 - 2. Application for a zoning permit shall be made through the city clerk/treasurer and shall be accompanied by a plot plan, which shall show parking and outdoor seating proposed to serve the food truck/food truck park and demonstrate compliance with the standards of this section.
 - a. Application for a zoning permit for a food truck may be for a single location or to rotate between multiple locations.
 - b. Application for a food truck/food truck park shall be accompanied by written consent of the property owner(s) of the private property(ies) under consideration.
 - 3. The zoning administrator shall review the application and plot plan for a single food truck to be located on one (1) property or multiple properties for compliance with the standards of this section. Based on these standards, the zoning administrator shall approve, deny, or approve with conditions the zoning permit.
 - 4. The planning commission shall review the application and plot plan for a food truck park for compliance with the standards of this section. Based on these standards, the planning commission shall approve, deny, or approve with conditions the zoning permit.
 - 5. The zoning permit shall state the approved time periods of location/operation of the food truck/food truck park.
 - 6. A zoning permit for a food truck/food truck park shall be valid for one calendar year.
 - 7. An amendment of a zoning permit is required if there are proposed modifications to the approved plot plan or conditions of the temporary zoning permit.
 - 8. A zoning permit may be revoked by the zoning administrator upon evidence of a failure to comply with the standards of this section and/or the conditions of the temporary zoning permit.

SECTION II.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

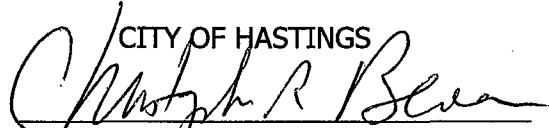
SECTION III.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by Resseguie, with support by Barlow, that Ordinance No. 614 be adopted as read.

YEAS: Barlow, Bowers, Cary Furrow, Jarvis, McLean, Nesbitt, Resseguie and Tossava.
NAYS: None.
ABSENT: None.

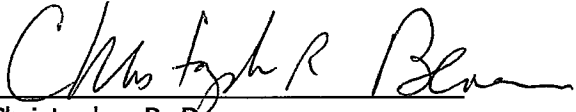
Adoption Date: April 24, 2023
Effective Date: April 28, 2023
First Reading: April 10, 2023
Second Reading: April 24, 2023

CITY OF HASTINGS

By: Christopher R. Bever
Hastings City Clerk

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Hastings, at a regular meeting of the City Council on the 24 day of April 2023, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted, and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: April 24, 2023



Christopher R. Bever
City Clerk