



Planning Commission Recommendation Zoning Ordinance Text Amendments for Food Trucks

September 12, 2018

The Honorable Mayor Fournier and
Members of the City Commission:

At their three most recent regular meetings, the planning commission conducted public hearings on proposed text amendments to the city's zoning ordinance regarding food trucks and temporary or transient outdoor sales. The proposed text amendments are included (Attachment 1) with new language shown in red and deleted text stricken out.

Food trucks are not specifically addressed within the city's existing zoning ordinance. The planning division's current policy is to treat them in the same manner as transient merchants – referred to as temporary or transient outdoor sales within the ordinance. Based on this interpretation food trucks are allowed as a special land use in the "neighborhood business," "neighborhood business II," and "general business" zoning districts. They are not permitted in the "central business district" or either of the mixed-use districts.

If adopted, the text amendments would specifically reference food trucks in the zoning ordinance and codify staff's current policy of allowing them as a special land use in the same manner as temporary or transient outdoor sales. Downtown bars and similar uses without kitchen facilities would also be allowed to host food trucks on their own property as an accessory use. Operational standards for food trucks would be added, and existing standards for temporary or transient outdoor sales would be revised so that they are consistent throughout the ordinance.

At the September 11th regular meeting, the planning commission adopted the following resolution recommending the city commission reject the proposed text amendments:

Moved by Commissioner Douglas
Supported by Mr. Klooster

Whereas, the planning commission held public hearings on July 10, 2018, August 14, 2018, and September 11, 2018 to consider text amendments to article II, definitions; rules applying to text, article IV, zone regulations and general provisions, article V, special provisions, and article IX, off-street parking and loading, of the City of Royal Oak Zoning Ordinance, chapter 770, zoning, of the code of the City of Royal Oak, for the purpose of revising required standards for food trucks and temporary or transient outdoor sales; and

Whereas, the planning commission has determined that the proposed text amendments to the zoning ordinance do not solve a clear and present problem and only affect a limited number of properties and businesses; and

Whereas, the planning commission has determined that there are other reasonable options for establishments in the downtown that have liquor licenses but no kitchen facilities to serve food, including special event permits; and

Whereas, the planning commission has determined that the proposed text amendments to the zoning ordinance are not consistent with the goals and objectives of the City of Royal Oak Master Plan by encouraging a vehicular use within the downtown.

Therefore, be it resolved, that the planning commission hereby rejects the zoning ordinance text amendments and recommends their denial by the city commission:

Motion adopted 3 to 2

Yes: Commissioner Douglas, Mr. Klooster, Ms. Vaara

No: Mr. Godek, Mr. Quesada

Also provided is the staff report to the planning commission dated August 1, 2018 (Attachment 2). A detailed summary of the proposed text amendments is contained within the report. All correspondence received by staff either in favor of or in opposition to the amendments is also included with the report.

Various individuals spoke during the public hearings at the planning commission meetings. Their comments along with those of the planning commission can be seen in the videos of the meetings available on the city's website.

Michigan's Zoning Enabling Act (Public Act 110 of 2006) does not require that the city commission conduct another public hearing on zoning ordinance text amendments, although it may do so if desired. The city charter provides that amendments to the zoning ordinance cannot be approved upon introduction but must receive a second reading.

The following options are available to the city commission:

- Adopt the zoning ordinance text amendments upon first reading, with or without modification, and direct staff to prepare them for final disposition;
- Adopt the zoning ordinance text amendments upon first reading, with or without modification, and schedule a public hearing prior to final disposition;
- Refer the zoning ordinance text amendments back to the planning commission for additional information or study, identifying specific areas of concern; or
- Reject the zoning ordinance text amendments (no further action would be required).

The following resolution is recommended for approval:

Whereas, the planning commission held public hearings on July 10, 2018, August 14, 2018, and September 11, 2018 and recommended denial of text amendments to the city's zoning ordinance for the purposes of amending standards for food trucks and temporary or transient outdoor sales; and

Whereas, the city commission has determined that the zoning ordinance text amendments are not consistent with the goals and objectives of the city's master plan and has received the record of public comments taken at the public hearings held at the planning commission meetings of July 10, 2018, August 14, 2018, and September 11, 2018.

Therefore, be it resolved, that the proposed text amendments to the city's zoning ordinance for food trucks and temporary or transient outdoor sales as described in Attachment 1 are hereby rejected.

Respectfully submitted,
Timothy E. Thwing
Director of Community Development

Approved,

A handwritten signature in black ink, appearing to read "Donald E. Johnson". The signature is written in a cursive, flowing style.

Donald E. Johnson
City Manager

2 Attachments

Attachment 1

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Text Amendments to Zoning Ordinance to Revise Required Standards for Food Trucks and Transient Merchants

- A. Article II, Definitions; Rules Applying to Text, shall be amended by adding a definition for “food truck” as subparagraph F to the definition of “restaurant” in § 770-8, Definitions, which shall read as follows:

F. **FOOD TRUCK** – A kitchen within a licensed and operable motor vehicle or trailer whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or nonalcoholic beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

- B. Article II, Definitions; Rules Applying to Text, shall be amended by adding a definition for “temporary or transient outdoor sales” to § 770-8, Definitions, which shall read as follows:

TEMPORARY or TRANSIENT OUTDOOR SALES – Commercial activities conducted outside of an enclosed building on a non-permanent basis, including, but not limited to, the following: retail sales of Christmas trees, flowers and plants, fruits and vegetables, fireworks, pumpkins, sportswear and sports memorabilia, and other seasonal merchandise; automobile windshield repair; food trucks; carnival rides and games; commercial quadricycles; and similar uses. Commercial activities conducted as part of a special event permit authorized by the City Commission and/or Chief of Police under Chapter 312, Events, Special, shall not be considered temporary or transient outdoor sales.

- C. Article IV, Zone Regulations and General Provisions, § 770-39, Neighborhood Business, shall be amended by revising subparagraph (11) of subsection C, Special Land Uses, in its entirety to read as follows:

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- (11) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks**.
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- D. Article IV, Zone Regulations and General Provisions, § 770-40, Neighborhood Business II, shall be amended by revising subparagraph (8) of subsection C, Special Land Uses, in its entirety to read as follows:
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(8) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks**.

- E. Article IV, Zone Regulations and General Provisions, § 770-41, General Business, shall be amended by revising subparagraph (17) of subsection C, Special Land Uses, in its entirety to read as follows:
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(17) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks**.

- F. Article IV, Zone Regulations and General Provisions, § 770-42, Central Business District, shall be amended by adding subparagraph (16) to subsection C, Special Land Uses, which shall read as follows:
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(16) **Food trucks as an accessory use for establishments with liquor licenses but without kitchen facilities, when located on private property of the principal use, and subject to the requirements set forth in § 770-69, Temporary or Transient Outdoor Sales; Food Trucks.**

- G. Article V, Special Provisions, §770-64, Automobile Filling Stations, shall be amended by revising subsection G, in its entirety to read as follows:
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G. Outdoor display of merchandise for sale shall be limited to those areas approved as part of site plan review. All ~~seasonal and~~ **temporary or transient merchants sales of seasonal goods** shall comply with § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks**. Applicable licenses with the city shall be maintained.

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- H. Article V, Special Provisions, §770-69, Seasonal and Transient Display of Products or Materials Intended for Sale, is hereby renamed “Temporary or Transient Outdoor Sales; Food Trucks,” and is amended its entirety to read as follows:

**§ 770-69. ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~
Temporary or Transient Outdoor Sales; Food Trucks.**

~~The sale of seasonal items such as Christmas trees, flowers and plants, pumpkins and other such seasonal items,~~ Temporary or transient outdoor sales of seasonal goods, food trucks, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall be subject to the following standards and conditions:

- A. ~~Temporary or transient or seasonal outdoor~~ sales may be located within any required yard, provided a ten-foot landscaped greenbelt meeting the requirements of § 770-90 F, Front Yard Landscape or Greenbelts, is provided between any outdoor display and any public road right-of-way. Where outdoor displays abut residentially zoned property, landscape screening in accordance with § 770-90 D, Screening Between Land Uses, shall also be provided. ~~Alternatively, the Planning Commission, during the course of its special land use permit and site plan review, may establish alternative locations and screening for temporary or transient outdoor sales as it determines necessary and advisable.~~
- B. ~~Temporary or transient or seasonal outdoor~~ sales and food trucks shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Article IX or Subsection A or create a traffic or safety hazard.
- C. Off-street parking and maneuvering lanes shall meet minimum ordinance requirements for the retail use based upon the area designated for display and storage of products as determined by the Zoning Administrator. All loading and unloading areas and off-street parking and maneuvering lanes shall be located within the boundaries of the site.
- D. ~~All such sales~~ Temporary or transient outdoor sales and food trucks shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- E. Upon discontinuance of the ~~seasonal use~~ temporary or transient outdoor sales or food trucks, any temporary structures shall be removed within 48 hours.
- F. Signs shall conform to the provisions of ~~the district in which the seasonal use is located~~ Chapter 607, Signs.
- G. The Planning Commission may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any temporary or transient outdoor sales or food trucks.
- H. Food trucks shall also be subject to the following additional standards and conditions:
- (1) Food trucks and the distribution of products shall occur solely on private property and on a hard-surfaced pavement in accordance with § 770-109 A. Food trucks are prohibited from occupying and/or operating within any public right-of-way.

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- (2) Food trucks and any associated seating or tables shall maintain (a) a minimum ten-foot setback from all driveways, public sidewalks, utility boxes and vaults, ramps for barrier-free access, building entrances, exits or emergency access ways; and (b) a minimum 15-foot setback in all directions from all fire hydrants.
- (3) Food trucks and any associated seating or tables shall not occupy any barrier-free parking spaces; or any off-street parking spaces required to fulfill the minimum amount of off-street parking required of a principal use under § 770-107, Table of Off-Street Parking Requirements.
- (4) Hours of operation for a food truck shall be as deemed necessary and advisable by the Planning Commission.
- (5) Trash receptacles shall be provided for use by customers of the food truck. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the food truck.
- (6) No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets or other public places, or municipal waste receptacles located within any public sidewalk or right-of-way.
- (7) Electrical service may be provided only by a temporary service or other connection provided by an electric utility, or by an on-board generator, subject to compliance with all other codes and ordinances.
- (8) Permanent connections to water and sanitary sewer mains shall be prohibited.
- (9) An amended plan of operation approved by the City Commission shall be required for any establishments with liquor licenses hosting a food truck as an accessory use in accordance with Chapter 430, Liquor.
- (10) Appropriate licenses with the City of Royal Oak, Oakland County, and the State of Michigan shall be maintained.

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- I. Article IX, Off-Street Parking & Loading, §770-107, Table of Off-Street Parking Requirements, is hereby amended to rename “transient merchant” under general commercial uses to “temporary or transient outdoor sales,” and add a separate minimum required amount of off-street parking for food trucks under general commercial uses, all of which shall read as follows:
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Use	Required Number of Parking Spaces Per Each Unit of Measure	Unit of Measurement
Transient merchant Temporary or transient outdoor sales	1	Per each 250 square feet of usable floor area or exterior sales area.

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Use	Required Number of Parking Spaces Per Each Unit of Measure	Unit of Measurement
Food trucks	1	Per each 250 square feet of usable floor area or exterior sales area including any tables and seating.



MEMORANDUM

DATE: August 1, 2018

TO: Planning Commission

FROM: Planning Division

SUBJECT: Public Hearing – Zoning Ordinance Text Amendments for Food Trucks & Temporary or Transient Outdoor Sales

- (a) Article II Definitions; Rules Applying to Text [§ 770-8 Definitions];
- (b) Article IV Zone Regulations & General Provisions [§ 770-39 Neighborhood Business, § 770-40 Neighborhood Business II, § 770-41 General Business, § 770-42 Central Business District];
- (c) Article V Special Provisions [§ 770-64 Automobile Filling Stations, § 770-69 Seasonal & Transient Display of Products or Materials Intended for Sale]; and
- (d) Article IX Off-Street Parking & Loading [§ 770-107 Table of Off-Street Parking Requirements].

Staff was recently directed to review standards in the city's zoning ordinance relating to food trucks. Specifically, the possibility of allowing establishments in the downtown with liquor licenses but no kitchen facilities to host food trucks on their own property was to be explored.

Food trucks are not specifically addressed within the zoning ordinance. The planning division's current policy is to treat them in the same manner as transient merchants – referred to as temporary or transient outdoor sales within the ordinance. Based on this interpretation food trucks are currently allowed as a special land use in the "neighborhood business," "neighborhood business II," and "general business" zoning districts. They are not permitted in the "central business district" or either of the mixed-use zoning districts.

The attached text amendments would add specific standards into the zoning ordinance for food trucks. Current standards for temporary or transient outdoor sales would be revised so they are consistent throughout the ordinance. A summary of the proposed language is as follows:

- A definition for food trucks would be added as a subparagraph to the existing definition of restaurant. A separate definition for temporary or transient outdoor sales would also be added.
- Food trucks would be specifically listed as a special land use in those zoning districts where temporary or transient outdoor sales are currently allowed – "neighborhood business," "neighborhood business II," and "general business."
- Food trucks would be added as a special land use in the "central business district" but only for establishments with liquor licenses that have no kitchen facilities but do have space on their own property to accommodate a food truck.
- The title for the section with design and operational standards for temporary or transient outdoor sales (§ 770-69) would be revised to be consistent with how those uses are listed in

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each zoning district where they are allowed. A reference to food trucks would also be added to the section's title. References to the old section title would then be replaced in the design and operational standards for automobile filling stations (§ 770-64).

- The existing design and operational standards for temporary or transient outdoor sales in § 770-69 would be made applicable to food trucks.
- Screening requirements in § 770-69 A would be revised to be at the discretion of the planning commission so they are consistent with all other landscaping and screening standards in the zoning ordinance.
- A new subparagraph G would be added to § 770-69 to allow the planning commission to impose reasonable conditions it deems necessary during their formal review of a special land use permit and site plan application. This same standard is required of other uses throughout the zoning ordinance.
- A new subparagraph H would be added to § 770-69 to provide specific operational requirements for food trucks. These requirements were modeled on standards adopted in Denver, CO, Raleigh, NC, Portland, OR, and Seattle, WA.
- Transient merchants would be renamed temporary or transient outdoor sales within the table of off-street parking requirements, and a new parking standard for food trucks would be added.

The text amendments are scheduled for a public hearing at the next regular meeting. The criteria for considering zoning ordinance text amendments can be found in § 770-130 which reads as follows:

In considering any application for amendment to the regulations of this chapter, the planning commission and city commission shall consider the following criteria in making its findings, recommendation, and decision:

- A. The proposed amendment would correct an error or clarify the intent of this chapter.*
- B. Documentation has been provided from the zoning administrator or zoning board of appeals indicating problems and conflicts in implementation or interpretation of specific sections of this chapter.*
- C. The proposed amendment would address potential legal issues or administrative problems with this chapter based on recent case law or opinions rendered by state or federal courts or attorneys general of competent jurisdiction.*
- D. The proposed amendment would address and promote compliance with changes in other city ordinances and county, state or federal legislation and regulations.*
- E. The proposed amendment is supported by the findings, reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical issues.*
- F. Other criteria as determined by the planning commission or city commission which would protect the public health, safety and welfare, protect public and private investment in the city, promote implementation of the goals, objectives and policies of the master plan and any amendments thereto, and enhance the overall quality of life in the city.*

Should the planning commission wish to recommend adoption of the proposed zoning ordinance text amendments by the city commission, the following resolution is offered for consideration:

Whereas, the planning commission held public hearings on July 10, 2018 and August 14, 2018, to consider text amendments to Article II, Definitions; Rules Applying to Text, Article IV, Zone

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Regulations and General Provisions, Article V, Special Provisions, and Article IX, Off-Street Parking and Loading, of the City of Royal Oak Zoning Ordinance, Chapter 770, Zoning, of the Code of the City of Royal Oak, for the purpose of revising required standards for food trucks and temporary or transient outdoor sales; and

Whereas, the planning commission has determined that the proposed text amendments to the zoning ordinance are consistent with the goals and objectives of the City of Royal Oak Master Plan.

Therefore, be it resolved, that the planning commission hereby accepts the following zoning ordinance text amendments and recommends their adoption by the city commission:

- A. Article II, Definitions; Rules Applying to Text, shall be amended by adding a definition for “food truck” as subparagraph F to the definition of “restaurant” in § 770-8, Definitions, which shall read as follows:

§ 770-8. Definitions.

RESTAURANT – Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast-food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- F. **FOOD TRUCK** – A kitchen within a licensed and operable motor vehicle or trailer, whose method of operation is temporary and may be transient or in a static location and involves the preparation and sale of food and/or nonalcoholic beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

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- B. Article II, Definitions; Rules Applying to Text, shall be amended by adding a definition for “temporary or transient outdoor sales” to § 770-8, Definitions, which shall read as follows:

§ 770-8. Definitions.

TEMPORARY or TRANSIENT OUTDOOR SALES – Commercial activities conducted outside of an enclosed building on a non-permanent basis, including, but not limited to, the following: retail sales of Christmas trees, flowers and plants, fruits and vegetables, fireworks, pumpkins, sportswear and sports memorabilia, and other seasonal merchandise; automobile windshield repair; food trucks; carnival rides and games; commercial quadricycles; and similar uses. Commercial activities conducted as part of a special event permit authorized by the City Commission and/or Chief of Police under Chapter 312, Events, Special, shall not be considered temporary or transient outdoor sales.

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- C. Article IV, Zone Regulations and General Provisions, § 770-39, Neighborhood Business, shall be amended by revising subparagraph (11) of subsection C, Special Land Uses, in its entirety to read as follows:
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§ 770-39. Neighborhood Business.

C. Special Land Uses.

- (11) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks.**
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- D. Article IV, Zone Regulations and General Provisions, § 770-40, Neighborhood Business II, shall be amended by revising subparagraph (8) of subsection C, Special Land Uses, in its entirety to read as follows:
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§ 770-40. Neighborhood Business II.

C. Special Land Uses.

- (8) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks.**
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- E. Article IV, Zone Regulations and General Provisions, § 770-41, General Business, shall be amended by revising subparagraph (17) of subsection C, Special Land Uses, in its entirety to read as follows:
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§ 770-41. General Business.

C. Special Land Uses.

- (17) Temporary or transient outdoor sales of seasonal goods **and food trucks**, subject to the requirements set forth in § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ **Temporary or Transient Outdoor Sales; Food Trucks.**
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- F. Article IV, Zone Regulations and General Provisions, § 770-42, Central Business District, shall be amended by adding subparagraph (16) to subsection C, Special Land Uses, which shall read as follows:
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§ 770-42. Central Business District.

C. Special Land Uses.

- (16) Food trucks as an accessory use for establishments with liquor licenses but without kitchen facilities, when located on private property of the principal use, and subject to the requirements set forth in § 770-69, Temporary or Transient Outdoor Sales; Food Trucks.
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- G. Article V, Special Provisions, §770-64, Automobile Filling Stations, shall be amended by revising subsection G, in its entirety to read as follows:
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§ 770-64. Automobile Filling Stations.

- G. Outdoor display of merchandise for sale shall be limited to those areas approved as part of site plan review. All ~~seasonal and~~ temporary or transient merchants sales of seasonal goods shall comply with § 770-69, ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ Temporary or Transient Outdoor Sales; Food Trucks. Applicable licenses with the city shall be maintained.
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- H. Article V, Special Provisions, §770-69, Seasonal and Transient Display of Products or Materials Intended for Sale, is hereby renamed "Temporary or Transient Outdoor Sales; Food Trucks," and is amended its entirety to read as follows:
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§ 770-69. ~~Seasonal and Transient Display of Products or Materials Intended for Sale~~ Temporary or Transient Outdoor Sales; Food Trucks.

~~The sale of seasonal items such as Christmas trees, flowers and plants, pumpkins and other such seasonal items;~~ Temporary or transient outdoor sales of seasonal goods, food trucks, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall be subject to the following standards and conditions:

- A. Temporary or transient ~~or seasonal~~ outdoor sales may be located within any required yard, provided a ten-foot landscaped greenbelt meeting the requirements of § 770-90 (F), Front Yard Landscape or Greenbelts, is provided between any outdoor display and any public road right-

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of-way. Where outdoor displays abut residentially zoned property, landscape screening in accordance with § 770-90 (D), Screening Between Land Uses, shall also be provided. Alternatively, the Planning Commission, during the course of its special land use permit and site plan review, may establish alternative locations and screening for temporary or transient outdoor sales as it determines necessary and advisable.

- B. Temporary or transient or seasonal outdoor sales and food trucks shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Article IX or Subsection A or create a traffic or safety hazard.
- C. Off-street parking and maneuvering lanes shall meet minimum ordinance requirements for the retail use based upon the area designated for display and storage of products as determined by the Zoning Administrator. All loading and unloading areas and off-street parking and maneuvering lanes shall be located within the boundaries of the site.
- D. ~~All such sales~~ Temporary or transient outdoor sales and food trucks shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- E. Upon discontinuance of the ~~seasonal use~~ temporary or transient outdoor sales or food trucks, any temporary structures shall be removed within 48 hours.
- F. Signs shall conform to the provisions of ~~the district in which the seasonal use is located~~ Chapter 607, Signs.
- G. The Planning Commission may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects to the general operation of any temporary or transient outdoor sales or food trucks.
- H. Food trucks shall also be subject to the following additional standards and conditions:
 - (1) Food trucks and the distribution of products shall occur solely on private property and on a hard-surfaced pavement in accordance with § 770-109 (A). Food trucks are prohibited from occupying and/or operating within any public right-of-way.
 - (2) Food trucks and any associated seating or tables shall maintain (a) a minimum ten-foot setback from all driveways, public sidewalks, utility boxes and vaults, ramps for barrier-free access, building entrances, exits or emergency access ways; and (b) a minimum 15-foot setback in all directions from all fire hydrants.
 - (3) Food trucks and any associated seating or tables shall not occupy any barrier-free parking spaces; or any off-street parking spaces required to fulfill the minimum amount of off-street parking required of a principal use under § 770-107, Table of Off-Street Parking Requirements.
 - (4) Hours of operation for a food truck shall be as deemed necessary and advisable by the Planning Commission.

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- (5) Trash receptacles shall be provided for use by customers of the food truck. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the food truck.
- (6) No liquid waste or grease shall be disposed of or released into any sanitary sewer or storm drains, sidewalks, streets or other public places, or municipal waste receptacles located within any public sidewalk or right-of-way.
- (7) Electrical service may be provided only by a temporary service or other connection provided by an electric utility, or by an on-board generator, subject to compliance with all other codes and ordinances.
- (8) Permanent connections to water and sanitary sewer mains shall be prohibited.
- (9) An amended plan of operation approved by the City Commission shall be required for any establishments with liquor licenses hosting a food truck as an accessory use in accordance with Chapter 430, Liquor.
- (10) Appropriate licenses with the City of Royal Oak, Oakland County, and the State of Michigan shall be maintained.

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- I. Article IX, Off-Street Parking & Loading, §770-107, Table of Off-Street Parking Requirements, is hereby amended to rename “transient merchant” under general commercial uses to “temporary or transient outdoor sales,” and add a separate minimum required amount of off-street parking for food trucks under general commercial uses, all of which shall read as follows:

§ 770-107. Table of Off-Street Parking Requirements.

Use	Required Number of Parking Spaces Per Each Unit of Measure	Unit of Measurement
General Commercial Uses		
Transient merchant Temporary or transient outdoor sales	1	Per each 250 square feet of usable floor area or exterior sales area
Food trucks	1	Per each 250 square feet of usable floor area or exterior sales area including any tables and seating

Attachment 2

Thwing, Tim

From: Shelly Kemp <shellyk@royaloakchamber.com>
Sent: Monday, July 30, 2018 2:51 PM
To: Thwing, Tim
Subject: RE: Zoning Ordinance Amendment - Food Trucks

Sorry for the delay, Tim. Trying to get a consensus out of 17 people takes a while sometimes.

The Board feels that allowing a non-food serving business within the downtown to have a food truck on their property more than a few times a year would be a disservice to the food establishments in the city who maintain a full service kitchen. Food trucks have a considerable price advantage over the restaurants in town who pay rent, taxes, water bills and maintain their facility. If an existing business would like to have a food truck for a special event, then of course they should be able to do so as long as they take the proper steps in obtaining a Special Event Permit.

The Board feels that there should be a reasonable limit to the number of times a business can request a SEP for the selling of food outside of their business, from a truck or similar.

If you need more clarification, please let me know.

Shelly

Shelly Kemp | Executive Director
Royal Oak Chamber of Commerce

office: 248.547.4000 fax: 248.547.0504
shellyk@royaloakchamber.com

Attachment 2

7. FOOD TRUCKS – DRAFT ZONING ORDINANCE AMENDMENT

Mr. Thwing provided background and an overview of the draft ordinance. Board members discussed the provisions and provided the following general comments:

- All facilities that want to provide food in the CBD should build a kitchen or potentially make arrangements with a restaurant to provide food.
- Food Trucks should not be a replacement for a kitchen.
- Restaurants with kitchens have made a significant investment and need every potential customer. Need level playing field.
- Food Trucks could create other unforeseen issues, running vehicles, generators, noise, trash in the CBD.
- Very concerned over the potential future expansion/use of these provisions throughout the CBD.

MOVED by Director Riley

SUPPORTED by Director Yezbick

Be It Resolved, the Royal Oak Downtown Development Authority, DDA hereby vehemently opposes the proposed zoning ordinance amendment to allow food trucks in the Central Business District, CBD for the reasons stated.

MOTION APPROVED UNANIMOUSLY.

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To the Planning Commission,

Thank you for allowing for the time and consideration of others thoughts on this matter.

We, the Royal Oak Restaurant Association, stand with the Royal Oak DDA and the Royal Oak Chamber of Commerce, to vehemently oppose the changing and altering of the verbiage of this ordinance pertaining to Food Truck allowance into the CBD

We, as a unified group, would never fault a business to try to grow- if it makes sense. These are the reasons that we do not back alteration:

1. The verbiage change only helps one, possibly two, particular places, currently, How does changing an ordinance that does not benefit the greater good, but just singular entities, make sense? Also, to remove food trucks from the sub category of transient vendor is ridiculous- since it is the most literal sense of the term. They distribute their product for money in a mobile device. They pay no taxes to the city. Have no anchor to the community.
2. If a business has a liquor license- wants to offer food, has the space to house an outside vendor.. then they should have to build a kitchen, just as the rest of the bars have. Deal with the maintenance and upkeep of said kitchen, just as the rest of us have. Adhere to the strict codes and regulations, just like we have to do- in order to stay in business.
3. According to a recent, and not completely flattering article written in the Free Press- Royal Oak has 109 restaurants... alot are in the CBD and willing to deliver. Or, instead of bringing in a food truck... have these kitchen-less establishments hire a runner who can go get food from other Royal Oak restaurants...or Utilize Uber Eats, Grub Hub, Restaurant Connection, Door Dash. If it is the time constraint for carry out from sit down restaurants, there are quick serve restaurants that are close- ie Noodles and Co., QDoba, Leo's, Boukies, 2nd Street, Little Brothers, Comet Burger, Blaze Pizza- all of these tax paying establishments with don't carry the benefits of a Liquor license, but still carry high rent, utilities and pay taxes... Why would we not want the extra patronage to them?
4. With the influx of outside, under priced, liquor licenses that have been allowed to be transferred into the CBD by the City Commission due to the changes in State regulation, this ordinance change will open the door for all private property to be used in this way and possibly in a way that this commission didn't plan on it being used. Then allowing for the proverbial snowball effect to happen

We would like to ask the commission to take a moment and ponder if this is the direction and plan for growth and development that you see for the City of Royal Oak moving forward? We

Attachment 2

do not object to special event permits being properly secured and paid for on a case by case event basis, but not as an everyday occurrence. Perhaps in the future, when and if, all the brick and mortar establishments are at capacity, and guests are waiting to get a seat, this would make sense- but that is not the environment of Royal Oak currently. Given the current parking situation and construction constraints, we brick and mortar businesses, have been waiting patiently for the promised influx in patrons and business the potential growth from the new builds will bring. Allowing outside vendors in is a bitter pill to swallow.

We ask that you support the brick and mortar establishments that have been here, pay taxes, support and participate in this community's events. We ask you to show loyalty to the businesses in this area- that have roots and personal stake in the community.

Thank you for hearing us out,

Your constituents from,

Ale Mary's Bistro 82 B Spot Bigalora Cafe Muse D'Amatos

Fifth Avenue Gasoline Alley Hamlin Hop Cat Inn Place Jim Brady's

Jolly Pumpkin Lily's Lockhart's Mesa Mongolian BBQ

Mr. Bs Oak City Grille O'Tooles Pronto ROAK Rock on 3rd

Royal Oak Brewery Royal Oak Taphouse Strada Toms Oyster Bar

Town Tavern Trattoria da Luigi Ye Olde Saloon 526 Main Tequila Blue

Attachment 2

From: [Thwing, Tim](#)
To: [Anne Vaara](#); [Douglas, Commissioner](#); ["Gary D. Quesada"](#); ["Dan Godek \(godekd@gmail.com\)"](#); [Fournier, Mayor](#); ["Eric Klooster"](#)
Cc: [Johnson, Donald](#); [Hedges, Doug](#); [Murphy, Joseph](#)
Subject: FW: Food Trucks - Planning Commission
Date: Tuesday, August 14, 2018 12:09:10 PM

FYI,

-----Original Message-----

From: Becky Maas <becky.maas@yahoo.com>
Sent: Tuesday, August 14, 2018 11:07 AM
To: Thwing, Tim <TimT@romi.gov>; ccfournier@ci.royal-oak.mi.us
Subject: Food Trucks - Planning Commission

Hi Guys!

I know that the Restaurant Association also submitted a letter in regards to the food trucks, but I just wanted to give you both my own personal thoughts. I am actually not against food trucks. I deal with over 30 food trucks for another company we have and have actually even brought them to Krieger Klatt to do employee appreciations. I do believe there is a time and place for them. I believe that under the right circumstance, paperwork, fees, etc... that a few times a year food trucks are a good option for certain establishments. My concern is by changing the whole ordinance to help one person who has the ability to put a kitchen in his establishment is not correct and is a very slippery slope. As someone who personally pays \$17,000 each month in rent in downtown Royal Oak to be able to serve food it is a huge issue. At that point if the ordinance changes I am better off closing my kitchen which is costly to have, losing all my back of the house labor and just partnering with a truck to park in my back lot (yes this is very dramatic, but ultimately I would be able to do that if this goes through and likely would save money). My personal belief is if I did that with Pronto that would not be the best thing for the community so of course I wouldn't, but technically I could. Believe me I understand, wanting to change things to make things work for your own business, but in this case I don't agree. Hope all is well with both of you! Thanks for taking the time to read my rant!

Thank you!
Becky Maas
Cell: (248)866-8100
becky.maas@yahoo.com

Attachment 2

Thwing, Tim

From: Stephen Bouren <sbouren@gmail.com>
Sent: Thursday, August 30, 2018 9:53 AM
To: Thwing, Tim; MotorCityGas@gmail.com
Subject: New Food Truck Ordinance

Please accept this email in support of the proposed Royal Oak food truck ordinance, which would allow businesses with a liquor license, but without a kitchen, to host food trucks on their own property. Allowing food trucks at venues like that is a win/win for business owners and diners because patrons are likely to stay longer if they can eat and are likely to feel better and have a better time if there is food available to go with their beverages.

Thanks very much for your time and consideration.

Stephen and Kellie Bouren
Hickory Ave., Royal Oak

Attachment 2

Thwing, Tim

From: Kelly Puzio <kgpuzio@gmail.com>
Sent: Thursday, August 30, 2018 10:05 AM
To: Thwing, Tim
Subject: Please Allow Food Trucks in Royal Oak

Tim,

I am writing to express my support for Food Trucks in Royal Oak.

Along with bringing exciting and innovative food to our beloved town, these food trucks will bring revenue to the city and increase foot traffic in important areas. We don't want folks in Royal Oak driving to Ferndale or Detroit to get their favorite food.

At a more global level, protectionism is never the answer. Food trucks will support local entrepreneurs to experiment with food and learn the ins and outs of how to run a small business.

Best wishes,
Kelly

Attachment 2

Thwing, Tim

From: Paul M. Kittinger <pkittinger@cardellilaw.com>
Sent: Thursday, August 30, 2018 11:06 AM
To: Thwing, Tim
Subject: New Food Truck Ordinance

Hi Tim,

I am a Royal Oak resident and partner in a central business district law firm. I support any ordinance to bring food trucks downtown. I don't really eat out much downtown because the present offerings are mostly sit down or fast food. I would love another option, and so would our 20+ employees.

Paul M. Kittinger

Attorney

Cardelli Lanfear P.C.

322 W. Lincoln; Royal Oak, MI 48067

tel: (248) 544-1100 ext. 2051 | fax: (248) 544-1191

pkittinger@cardellilaw.com

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Attachment 2

Thwing, Tim

From: David George <dtgeorge27@gmail.com>
Sent: Thursday, August 30, 2018 1:01 PM
To: motorcitygas@gmail.com
Cc: Thwing, Tim
Subject: Royal Oak Food Truck Ordinance

Good afternoon,

As someone who both lives and works in Royal Oak, I fully support the proposed Food Truck Ordinance. I love visiting both Motor City Gas and River Rouge, but without food options I can honestly say I don't go there as often as I would if they were to offer food.

Additionally, my office is also located on 5th Street and the company provides catered lunch each day. We are currently unable to arrange for food trucks, but would love to have the option for them to cater to our office.

Appreciate your time and consideration.

Thanks,
-David George-

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: Food Trucks in Royal Oak
Date: Tuesday, September 04, 2018 10:16:55 AM

Another

From: Greg Clarke <gregclarke981@gmail.com>
Sent: Monday, September 03, 2018 4:50 PM
To: Thwing, Tim <TimT@romi.gov>
Subject: Food Trucks in Royal Oak

Dear Sir -

I am writing today in support of food trucks within Royal Oak. Royal Oak needs to embrace food trucks, rather than operate in a protectionist mode. Food trucks cater to a different clientele than traditional brick and mortar restaurants, and will provide another reason for people to visit and spend money within the city. Other cities across the nation allow food trucks, and the impact to traditional restaurants is insignificant. Food trucks represent an extension of business in the city. I am sure you will allow more traditional restaurants to open, more bars, and more competition to current businesses. Why not allow food trucks, and allow businesses to have these on site as a service to their patrons. It is good for the city, it will support merchants without food and help them to grow their business, and make Royal Oak a better, more diverse community.

Thank you,

Greg Clarke

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: New Food Truck Ordinance
Date: Tuesday, September 04, 2018 10:16:39 AM

Another

From: Dan Burns <Daniel.Burns@newbalance.com>
Sent: Friday, August 31, 2018 9:08 PM
To: Thwing, Tim <TimT@romi.gov>
Subject: New Food Truck Ordinance

Tim,

I'm emailing in support of the *New Food Truck Ordinance* for Royal Oak.

I believe downtown businesses that have a liquor license, but do not have a kitchen should be able to pay for a city permit to host food trucks on their own private property on a limited basis.

Thank you for the consideration

Dan Burns
Apparel Product Manager
work (1) 617.746.2449
mobile (1) 248.854.6119
NEW BALANCE ATHLETICS, INC.
100 Guest St Boston, MA 02135

FEARLESSLY INDEPENDENT
SINCE 1906



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Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: New Food Truck Ordinance - Royal Oak Michigan
Date: Thursday, September 06, 2018 8:38:13 AM

Another comment.

From: Kyle Josefiak <kjosefiak@triplelift.com>
Sent: Wednesday, September 05, 2018 5:13 PM
Subject: New Food Truck Ordinance - Royal Oak Michigan

To whom it may concern,

I'm writing to voice my support for changing the current city ordinance as it relates to allowing food trucks to temporarily park in various locations throughout Royal Oak. This is something I would love to see revised as I've had nothing but great experiences with food trucks in the past and I think it would allow for new partnership opportunities in Royal Oak between the food truck businesses and local business to attract a larger lunch crowd from surrounding areas.

 **Kyle Josefiak**
Sales Manager
triplelift.com (M) 313-258-1035



|

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: New Food Truck Ordinance SUPPORT!!
Date: Thursday, September 06, 2018 8:51:27 AM

Another

From: Motor City Gas <motorcitygas@gmail.com>
Sent: Thursday, September 06, 2018 8:18 AM
To: Thwing, Tim <TimT@romi.gov>
Subject: Fwd: New Food Truck Ordinance SUPPORT!!

Good morning Tim. Looks like the following person forgot to copy you on the attached email.

----- Forwarded message -----

From: **Michelle Quicho** <mquicho@triplelift.com>
Date: Wed, Sep 5, 2018 at 3:39 PM
Subject: New Food Truck Ordinance SUPPORT!!
To: <motorcitygas@gmail.com>

Hi there!

I am in total support for the NEW Food Truck Ordinance as a patron and employed in the city of Royal Oak.

Thank you,
Michelle Quicho Duncan

--

Michelle Quicho
VP, Key Accounts

M: 248-877-8369
triplelift.com

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: Royal Oak Food Truck Ordinance
Date: Friday, September 07, 2018 9:30:15 AM

Another

From: Douglas Diedrich <dougdiedrich@gmail.com>
Sent: Friday, September 07, 2018 9:27 AM
To: Thwing, Tim <TimT@romi.gov>
Cc: Motor City Gas <motorcitygas@gmail.com>
Subject: Royal Oak Food Truck Ordinance

To all it may concern,

I am writing to show my support for food trucks in Royal Oak. Food trucks would be an excellent addition to the Royal Oak experience that has the potential to attract new foot traffic and revenue to the city and local businesses. Food trucks are a desirable and in-demand feature of modern cities throughout the United States. By allowing food trucks, you will be allowing Royal Oak to truly stand out in the Detroit Metropolitan area.

I hope you will take my thoughts into consideration and I thank you for your time.

-Douglas Diedrich

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: Food Trucks
Date: Monday, September 10, 2018 8:56:13 AM

Another

From: eric demiene <eric.demiene1@gmail.com>
Sent: Friday, September 07, 2018 4:31 PM
To: Thwing, Tim <TimT@romi.gov>
Subject: Food Trucks

Hello, my name is Eric Demiene and I am a employee and citizen in the city of Royal Oak. I truly believe that allowing food trucks to serve in the cbd would benefit not only the existing business's but all other business's and citizens in the city.

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: Proposed Food Truck Ordinance
Date: Monday, September 10, 2018 8:56:35 AM

Another

From: Atelier Art Studio <atelierartstudio@gmail.com>
Sent: Sunday, September 09, 2018 8:12 PM
To: Thwing, Tim <TimT@romi.gov>
Subject: Proposed Food Truck Ordinance

The Royal Oak Planning Commission,

As the owner of a small business on 4th Street in Royal Oak I am writing in support of an ordinance to allow food trucks to be hosted in our city.

The presence of food trucks will bring culinary diversity, economic opportunity and much needed support for an underserved customer base in the East 4th Street section of downtown. I am concerned that if an ordinance is not passed to permit food trucks in this part of downtown, then the vitality of businesses in this neighborhood will be inhibited.

There are very good dining options in this part of downtown, Inn Season Café and the Royal Oak Brewery. These restaurants provide a different experience and serve a different customer base than is likely to dine at food trucks hosted by local businesses. I see the inclusion of hosted food trucks as desirable to all businesses in our neighborhood by adding to the vitality and cultural footprint along East 4th Street.

Sincerely,
Todd Burroughs, Owner of Atelier Art Studio
09/09/2018

Sent from [Mail](#) for Windows 10

Attachment 2

From: [Thwing, Tim](#)
To: [Hedges, Doug](#)
Subject: FW: New Food Truck Ordinance
Date: Tuesday, September 11, 2018 8:38:48 AM

And another.

From: Candace Matzenauer <candace.matzenauer@gmail.com>
Sent: Tuesday, September 11, 2018 7:24 AM
To: Thwing, Tim <TimT@romi.gov>; Fournier, Mayor <ccfournier@romi.gov>
Cc: MotorCityGas@gmail.com
Subject: New Food Truck Ordinance

Good morning Royal Oak representatives,

I am writing in to add my voice to the Food Truck Ordinance being discussed at tonight's meeting.

My husband and I are professionals who live in Troy and - pretty much - spend every weekend in Royal Oak patronizing many different establishments including Motor City Gas. It has come to our attention that currently one of very favorite stops on our '3-hour tours' - Motor City Gas - is prohibited from partnering with food trucks due to a city ordinance.

While many of our stops are at establishments that do serve food - MCG does not have that ability - and the idea of them not being 'allowed' to partner with another small business to provide full-service to the patrons of MCG and Royal Oak seems a bit preposterous.

I'm sure when this ordinance was made there was rationale for excluding such a beneficial service for loyal Royal Oak devotees. However - those days are past and this is today and food trucks are here to stay and to enhance the experience of the Royal Oak visitor and add complexities and interest to the culture of Royal Oak.

Of course Royal Oak is aware of their very hip and happening Ferndale neighbors who blow us away with food truck choices - and fun. In fact, Detroit Fleat is one of other stops when we are looking for the excitement food trucks can bring. There is movement and delight when it comes to dining at a food truck - that just isn't there at a brick and mortar establishment.

Motor City Gas is an outstanding business in Royal Oak and - hands down - one of the top 3 fundamental stops for all visitors we bring with us. They have soul and represent Royal Oak in an emerging market - the hip and the sophisticated folks with discerning taste. MCG has 'it' and we want to support them in every way possible so #1 - they stay successful and continue to bring in loyal and new clients to Royal Oak and #2 - so we don't lose folks to Ferndale for a simple pleasure such as a 'food truck'.

Please consider this email as full support to remove / update / change the current Food Truck Ordinance in Royal Oak to allow critical businesses like Motor City Gas to provide even greater value and enjoyment for the champions and supporters of Royal Oak, Michigan.

Attachment 2

Please contact me for further comments as needed.

Thank you.

Candace & Gernot Matzenauer

Motor City Gas & River Rouge Brewing Need You!



Did you know food trucks are illegal in downtown Royal Oak?

Together we are sponsoring a new city ordinance that would finally allow businesses like ours to legally host food trucks, but we face stiff opposition and need your help.

How it Works:

Downtown businesses that have a liquor license, but do not have a kitchen would be able to pay for a city permit to host food trucks on their own private property on a limited basis.

How to Help:

Join us to voice your support at 7pm on **September 11th** at the Royal Oak Planning Commission meeting at city hall or email letters of support to TimT@romi.gov or MotorCityGas@gmail.com by **September 9th** and reference the *New Food Truck Ordinance*.