CHARTER TOWNSHIP OF HIGHLAND
ORDINANCE NO. Z-034

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF HIGHLAND ZONING ORDINANCE (CHAPTER 25 OF THE GENERAL CODE OF ORDINANCES) BY REVISING ARTICLE 10, SUPPLEMENTAL USE REGULATIONS TO CLARIFY ALLOWABLE ACTIVITIES FOR CLASS C FARM MARKETS WITH SPECIAL USE APPROVAL AND TO ESTABLISH REGULATIONS FOR PUBLIC AND PRIVATE GATHERINGS AT CLASS C FARM MARKETS

THE CHARTER TOWNSHIP OF HIGHLAND ORDAINS:

Section 1. *Amend* **Article 10. DISTRICT SPECIFIC REGULATIONS** *as follows:*

Amend **Section 10.13 Farm Markets.** *as follows:*

*Revise Point*s A *through* E *as follows:*

A. All Farm Markets shall comply with the Generally Accepted Agricultural Management Practices for Farm Markets as promulgated by the Michigan Commission of Agriculture and all applicable regulations of this Zoning Ordinance. Activities such as festivals, corn mazes, haunted houses, weddings and similar events do not enjoy protection from nuisance complaints under the Michigan Right to Farm Act. The township board may approve such activities in conjunction with a Special Use Permit for a Class C Farm Market, imposing limitations to safeguard the quiet use and enjoyment of property by neighbors (such as, but not limited to hours of operation or number of events per month). Such activities must be incidental to residential and farm operations and may not be the principal use of the property.

B. In considering whether a parcel is appropriate for consideration as a Class C Farm Market, the Planning Commission shall consider potential impacts to neighboring property owners. Factors to consider include, but are not limited to, appropriate access from and condition of a public road, the topography and natural vegetative buffers that shield neighbors from noise, light and other consequences of activity on the site; the density of development surrounding the farm; the intensity of proposed activities at the Farm Market in relationship to the proximity of neighbors. No activity shall be conducted within 200 feet of an adjacent residence.

~~B~~C Outdoor display and sales of farm products may occupy required front and side yards of a Class A or B Farm Market, provided a 20 foot buffer is provided between the right-of-way and all display areas.

~~C~~D. Structures of a temporary nature, such as tents, canopies and sheds not attached to permanent foundations or vehicles such as wagons ~~used for display~~ may be permitted for a Class A or B Farm Market within required front yard setbacks subject to the following:

1. Temporary structure is used only for display and sale of goods

~~1~~2. Maximum size of structure is 100 square feet.

~~2~~3. Structure shall not be placed within 20 feet of right-of-way or in any clear vision area.

~~3~~4. Structure shall be removed from required yards during "off-season" periods when no daily sales activity is underway.

~~D~~E. Activities and events shall comply with the following:

1. Activities and events shall meet all required setbacks from property lines abutting residentially zoned or used properties.
2. Adequate off-street parking must be provided to ensure customer safety.
3. Temporary signs associated with the event, such as banners and sandwich boards shall comply with Section 14.07A, Agricultural Retail Signs.
4. Any outdoor sound system must be operated so that no sound is conveyed beyond the property line.
5. No space within a structure may be opened for use of the public until the area is first inspected and authorized for occupancy by the Fire Marshal and Building Official, who may place load limits or other conditions upon use of the indoor space. Periodic reinspections shall be required.
6. All events shall be supervised by the property owner or other authorized permittee who shall be onsite at all times when an event is in progress. Contact information for the responsible party must be filed with the Township.
7. Only single service, non-potentially hazardous food or beverages (as defined by the Michigan Department of Agriculture)including such items as soft drinks, cider, donuts, popcorn or ice cream) shall be offered for onsite consumption as part of farm market operations except as follows:

   a). Mobile food trucks licensed by the State of Michigan may operate as vendors onsite during a permitted event.

   b). Caterers may provide services at permitted events provided the food is prepared remotely in licensed facilities.

   c). Alcohol may be served by caterers or mobile bartending services subject to the rules of the Michigan Liquor Control Commission.
8. The premises shall be kept clean, orderly and well-maintained.

Section 3. Savings Clause

That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Adoption

This Zoning Ordinance amendment is hereby declared to have been adopted by the Charter Township of Highland Township Board at a meeting thereof duly called and held on_____

Section 6. Effective Date

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

_____
Rick A. Hamill, Township Supervisor

_____
Tami Flowers MiPMC, Township Clerk

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of a Zoning Ordinance amendment adopted by the Township Board of the Charter Township of Highland on _____, 2025 which was a regular meeting. I further certify that at said meeting there were present the following Board members:

I further certify that the adoption of said Zoning Ordinance amendment was moved by Board member _____ and supported by Board member _____

I further certify that the following Board members _____voted for adoption of the Zoning Ordinance amendment and Board members _____voted against the adoption of said Zoning Ordinance amendment.

I hereby certify that said Zoning Ordinance amendment has been recorded in the Ordinance Book in said Charter Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.

_____
Tami Flowers MiPMC, Township Clerk

Planning Commission Recommendation:
Introduction:
Adoption:
Published:
Effective Date:

CHARTER TOWNSHIP OF HIGHLAND
ORDINANCE NO. Z-035

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF HIGHLAND ZONING ORDINANCE (CHAPTER 25 OF THE GENERAL CODE OF ORDINANCES) BY REVISING ARTICLE 2 RULES OF CONSTRUCTION AND DEFINITIONS, ARTICLE 4 DISTRICT REGULATIONS, ARTICLE 9, DISTRICT SPECIFIC REGULATIONS AND ARTICLE 10, SUPPEMENTAL USE REGULATIONS TO MODIFY REGULATIONS CONCERNING MOBILE FOOD TRUCKS

THE CHARTER TOWNSHIP OF HIGHLAND ORDAINS:

Section 1. *Amend* **Article 2 RULES OF CONSTRUCTION AND DEFINITIONS** *as follows:*

Add following definition to Section 2.07 Definitions beginning with the letter "F"

Food Truck. A facility contained within a licensed and operable motor vehicle, trailer or cart which is equipped for the preparation and/or sale of ready to consume food and/or beverages whose method of operation is temporary and may be transient or in a static location.

Section 2. *Amend* **Article 4 DISTRICT REGULATIONS** *as follows:*

Revise **Section 4.16. Temporary uses in any zoning district** *to read as follows*:

1. The Planning Commission may approve uses that do not involve the erection of permanent structures or necessitate significant site improvements on a temporary basis. ~~Uses that are intended to operate at one site more than 180 days per year in a mobile facility are not considered temporary land uses and must seek approval under the appropriate site plan approval process.~~ Such temporary uses shall be subject to the application requirements and review process for sketch plan as provided in Article 5, Site Plan Review: Procedures and Standards.

Add new subsection 2 and renumber subsequent subsections

2. Food trucks may be permitted under the following circumstances:
   a) In conjunction with a festival or special event sponsored by a civic, benevolent, religious, cultural or charitable organization when sanctioned by the organizer and specified in permits issued for the event
   b) In conjunction with a temporary outdoor promotional event permitted under Section 8.03.B.
   c) In conjunction with an approved Class 3 Farm Market

   Food trucks are further subject to regulations in Section 10.35. Additionally, the operator and staff must be licensed with the Township Clerk as a transient merchant under Chapter 17 of the General Code of Ordinances.

Section 3. *Amend* ***Article 9 DISTRICT SPECIFIC REGULATIONS*** *as follows:*

Delete **Subsection 9.05.I. Outdoor sales of "ready to eat" food or farm goods** *in its entirety*.

Section 4. *Amend* **Article 10. SUPPLEMENTAL USE REGULATIONS** *as follows:*

Add new **Subsection 10.35** *to read as follows:*

Sec. 10.35 - Food Trucks and Outdoor sales of "ready to eat" food or farm products.

The following regulations shall apply:

A. Outdoor sales may be conducted from a food truck, cart, trailer, tables under a canopy or other portable shelter. Such facilities must be kept clean, orderly and well maintained.
B. Outdoor sales facilities shall be located a minimum of ten (10) feet from adjacent parcels used for residential purposes. On such parcels, the facilities shall be located to minimize negative impacts to the neighbors, of efforts made to screen the activity.
C. Any application for outdoor sales activity proposed within the right-of-way must be accompanied by a valid permit from the Road Commission for Oakland County. Such activity shall not interfere with sight lines at intersections nor impede pedestrian or vehicle traffic flow.
D. The applicant must demonstrate a suitable plan for parking. This plan could include on-street parking where permitted by the Road Commission for Oakland County or letters of agreement from property owners for use of spaces in existing parking lots.
E. Each outdoor sales permittee must provide waste receptacles sized appropriately based on the products offered for sale and must provide for the proper disposal of refuse collected in the receptacles.
F. Any outdoor sound system must be operated so that no sound is conveyed beyond the property line.
G. Outdoor sales are limited to times between 10 a.m. and 9 p.m., seven (7) days per week.
H. No alcoholic beverages may be sold.
I. Land use permits for outdoor sales may be issued ~~on a month to month basis~~ provided that no violations or complaints were previously filed regarding the temporary use that were not resolved to the satisfaction of the Zoning Administrator. Multiple or ongoing violations of permit conditions may subject the applicant to review and approval by the Planning Commission for any future applications.

Section 5. Savings Clause

That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. Severability

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Section 7. Adoption

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Section 8. Effective Date

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

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Tami Flowers MiPMC, Township Clerk

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