

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 Points 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.
- ~~BC~~ 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.
- ~~CD~~ 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
 - ~~12.~~ Maximum size of structure is 100 square feet.

~~23.~~ Structure shall not be placed within 20 feet of right-of-way or in any clear vision area.

~~34.~~ Structure shall be removed from required yards during "off-season" periods when no daily sales activity is underway.

~~DE.~~ 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: