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 as part of the land use permit for an authorized event 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 event for Class 3 Farm Market, not to exceed 3 consecutive days without explicit permission

   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. Alcoholic beverages may be sold if explicitly included in the land use permit for the event and subject to the rules and regulations of the Michigan Liquor Control Commission..
H. 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

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 7. 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 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.

_____
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: