



Memorandum

To: Planning Commission Members
From: Elizabeth J Corwin, PE, AICP; Planning Director
Date: December 19, 2024
Re: Ordinance Amendments

This memo presents some new concepts for discussion regarding food trucks, some revisions to the event venue ordinance discussed at a previous meeting and a resubmittal of the commercial vehicle ordinance we have not found time to discuss yet:

FOOD TRUCKS

As we have discussed over the past year, some stakeholders within the community are concerned with the current regulatory scheme for permitting food trucks. As you are aware, Highland Township has the most liberal policy about food trucks among all our neighboring communities. Other similarly sized communities allow food trucks only in conjunction with festivals or other events.

Based on our previous conversations, here is a proposed scheme to start the conversation:

Add new definition to Article 2:

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.

Revise Section 4.16 Temporary uses in any district as follows:

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.

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.

Food Trucks Text Amendment
December 19, 2024

Move the entire text of Section 9.05 I, Outdoor sales of “ready to eat” food or farm products to the new Section 10.35

Food Trucks and Outdoor sales of "ready to eat" food or farm products. The Zoning Administrator is authorized to review and approve land use permits for food trucks and sales of ready to eat food or agricultural products on any parcel, ~~including vacant parcels, in the Highland Station District~~ subject to the following:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Any outdoor sound system must be operated so that no sound is conveyed beyond the property line.
7. Outdoor sales are limited to times between 10 a.m. and 9 p.m., seven (7) days per week.
8. No alcoholic beverages may be sold.
9. 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.

We should also have a brief discussion of how events are permitted, and determine whether the Planning Commission should require a greater role or no role in their approval.

FARM MARKETS AS EVENT VENUES

Sec. 10.13. Farm Markets.

The following regulations shall apply:

- 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 Farm Market, imposing limitations to safeguard the quiet use and enjoyment of property by neighbors (such as 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.

Food Trucks Text Amendment
December 19, 2024

- ~~B.~~ Parcels eligible for Special Approval for a Class C Farm Market (with events) must have frontage on a major thoroughfare and have a minimum lot size of 10 acres. In considering whether a parcel is appropriate for consideration as a Class C Farm Market, the Planning Commission should 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 noise, light and other activity; the density of development surrounding the farm; the intensity of the propose activities at the Farm Market in relationship to the proximity to neighbors. No activities or events shall be conducted within 200 feet of an adjacent residence.
- C. Outdoor display and sales of farm products may occupy required front and side yards, 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 within required front yard setbacks subject to the following:
1. Maximum size of structure is 100 square feet.
 2. Structure shall not be placed within 20 feet of right-of-way or in any clear vision area.
 3. 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 indoor space 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.
 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 (such 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
- 5.8. The premises shall be kept clean, orderly and well-maintained.
- E. Off-street parking shall be provided as follows:
1. Number of spaces:
 - a. 3 spaces minimum; and
 - b. 1 space per 200 square feet of interior retail space and "open air" retail space under cover such as canopy or tent; and
 - c. 1 space per 1000 square feet of exterior sales and display space.

Food Trucks Text Amendment
December 19, 2024

2. Parking areas may be provided on lawn provided a defined and improved drive entrance is provided and all necessary permits are obtained. Appropriate barriers such as landscaping or decorative fences shall be provided to discourage patrons from entering or exiting the site in areas other than the approved drive location. The Planning Commission may require that a portion or all of a parking area be improved with gravel or paved surface where the anticipated use is greater than 90 days per year.
 3. No parking area shall be located within ten feet of any right-of-way or property line.
- F. Every effort shall be made to locate off street parking and outdoor activities where natural topography and/or existing plant materials provide a buffer or screen for adjacent residential properties. The Planning Commission may require supplemental plantings or screen fences and/or larger setbacks where it is anticipated that the intensity of the activity may create a nuisance.

COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND STORAGE

Sec. 8.07. Commercial and recreational vehicle parking in residential districts.

- A. *Purpose and Intent:* These regulations are intended to allow reasonable accommodations for parking and storage of vehicles other than the typical passenger car, van or pickup truck that is customarily associated with residential uses. The regulations are intended to balance the needs for public health, safety and welfare as well as the interests in preserving attractive neighborhoods with the desire of residents to keep their own boats, trailers and similar vehicles near them for convenience and to protect them. It is intended to prohibit the storage of vehicles and equipment that are licensed to persons other than the occupants of the dwelling. It is further intended to recognize that many residents choose to use their commercial vehicles for travel to and from work, and therefore reasonable accommodations should be allowed.

Note that home occupation regulations in Section 8.06 govern the traffic movements to and from a residential parcel. A vehicle may be deemed to be parked or stored in conformance with the regulations of this section, but yet constitute a land use that violates the Zoning Ordinance.

- B. *Commercial and recreational vehicle parking and storage in HS, Highland Station and LV, Lakes and Villages districts.* The parking or storage of any commercial or recreational vehicle is restricted to two (2) such vehicles per dwelling unit which may be parked outside, plus whatever vehicles may be contained within a building subject to the following:
1. Exception. This requirement shall not apply when the vehicle and/or trailer is present for the purpose of providing a required service to the residence and limited to the period of time in which the service is rendered.
 2. Vehicles or units shall not be parked or stored any closer than three (3) feet to any side or rear lot line.
 3. A vacant parcel may be designated for storage of the two allowable vehicles provided said parcel is separated from the dwelling unit only by a street.
- C. *Commercial and recreational vehicle parking and storage in ARR, Agriculture and Rural Residential, R-3 and R1.5 Zoning districts.* The parking or storage of any commercial or recreational vehicle is subject to the following:
1. Only two commercial or recreational vehicles may be parked overnight in required front yards. Such vehicles shall not be stored in the front yard. Such vehicles shall be parked on a driveway.
 2. Vehicles stored onsite are subject to the outdoor storage requirements of Section 8.08.
- D. *Additional regulations for Commercial and recreational vehicle parking and storage for all residential districts.*
1. No vehicle shall be placed so as to block sight distances from adjacent driveways or otherwise cause a safety concern or nuisance.
 2. No vehicle may be stored in the right-of-way of a public or private street.
 3. No vehicle or unit shall be placed so as to block sight lines to lakes from neighboring parcels
 4. Vehicles parked or stored in required front yards shall be placed on a driveway or parking pad with a hard surface such as pavement or gravel.
 5. Any commercial or recreational vehicle or unit may be parked or stored in an accessory structure.
 6. Only commercial and recreational vehicles or units owned by and titled to a permanent resident of the residential parcel may be parked or stored on said parcel.

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7. Recreational vehicles or units parked or stored shall not have permanent connections to water, gas, a septic system or a sanitary sewer system.
 8. Recreational vehicles or units may not be used for living, sleeping or household purposes for more than fifteen (15) days in a calendar year. Sec. 8.08. Outdoor storage.
- A. *Outdoor storage in residential districts.*
1. Outdoor storage on parcels zoned or used for residential purposes shall be permitted in side or rear yards when completely screened from view by a fence or landscaping.
 2. Outdoor storage shall not be permitted in front yards.
 3. Outdoor storage shall not be permitted on individual lots in manufactured housing parks or in multiple-family residential developments.
 4. Storage that is not related to the principal use is not permitted.