



CHARTER TOWNSHIP OF HIGHLAND

205 North John Street • Highland, Michigan 48357 • (248) 887-3791

ORDINANCE NO. Z-005

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF HIGHLAND ZONING ORDINANCE (CHAPTER 25 OF THE GENERAL CODE OF ORDINANCES) BY REVISING DEFINITIONS AND REGULATIONS INCLUDED IN ARTICLES 2, RULES OF CONSTRUCTIONS AND DEFINITIONS; ARTICLE 4, DISTRICT REGULATIONS; ARTICLE 8, GENERAL PROVISIONS; ARTICLE 9, DISTRICT SPECIFIC PROVISIONS; ARTICLE 10, SUPPLEMENTAL PROVISIONS AND ARTICLE 14, SIGNS; TO CLARIFY CERTAIN DEFINITIONS AND REGULATIONS RELATED TO SIGNAGE, AND TO ADD REGULATIONS REGARDING MEDICAL MARIHUANA LAND USES, PET CARE FACILITIES AND GENERATORS.

THE CHARTER TOWNSHIP OF HIGHLAND ORDAINS:

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

Amend Sec. 2.03 Definitions beginning with the letter "B" by modifying the text as follows:

BUILDING, PRIMARY FACE(S). The face(s) of a building used for office, commercial or industrial uses which collectively contain the public entrances to businesses occupying the building. Each unit may have only one primary face. Primary face(s) of building is illustrated in Figure 2.17.

Amend Sec. 2.12 Definitions beginning with the letter "K" by modifying the text as follows:

KENNEL. Any building, structure, enclosure, or premises where three (3) or more dogs or cats, six (6) months of age or older, are kept for any purpose breeding, sales and/or sporting purposes.

Amend Sec. 2.14 Definitions beginning with the letter "M" by adding the following:

MARIHUANA or MEDICAL MARIHUANA. That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

MEDICAL MARIHUANA ACTIVITIES. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of medical marihuana by a qualifying patient or primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Laws, MCL333.26421 et seq.

MEDICAL MARIHUANA PROVISIONING CENTER. A commercial entity located in the Township that acquires, possesses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term shall include, but not be limited to, dispensaries, cooperatives, and any other operation or facility similar in nature, and any commercial property where medical marihuana is sold to registered qualifying patients and registered primary caregivers, or any property used by more than one primary caregiver. The location used by a single primary caregiver to assist a qualifying patient connected to the caregiver through the medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for the purposes of this ordinance.

SUPERVISOR: Rick A. Hamill • CLERK: Mary L. McDonell • TREASURER: Judy Cooper
Z-005 Text Amendments TRUSTEES: Mary Pat Chynoweth, Charles Dittmar, Brian Howe, Russ Tierney

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY or SAFETY COMPLIANCE FACILITY. An entity that tests marihuana produced for medical use for contaminants.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY AGENT or MEDICAL MARIHUANA PROVISIONING CENTER AGENT. A principal officer, board member, employee, operator, or agent of the safety compliance facility or provisioning center, as applicable.

Amend Sec. 2.17 Definitions beginning with the letters "P" AND "Q" by adding the following:

PET CARE FACILITY. A pet care facility is an establishment where domesticated household pets are supervised, socialized, and/or trained. Pet care facilities may offer accessory retail sales of goods and services such as pet food and other pet care supplies, grooming, and overnight boarding within the confines of the building.

Amend Sec. 2.19 Definitions beginning with the letter "S" as follows:

WINDOW SIGN. A sign painted on or affixed to ~~the interior of~~ a window or door for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Section 2. Amend ARTICLE 4, DISTRICT REGULATIONS, as follows:

Add the following to Section 4.04 District Intent and Uses:

B. Uses of land, buildings or structures for purposes that are prohibited by or are contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the Township. Notwithstanding, and in accordance with the Michigan Medical marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d), the following are exempt from this prohibition:

1. Medical marihuana activities by a registered qualifying patient as defined in the Michigan Marihuana Act, PA 2008, Initiated Law, subject to Section 18.12.160;
2. Medical marihuana activities, including the provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law, subject to 18.12.160.

Renumber Section 4.04 District intent and uses subsection B to C and add subsection C.4 as follows:

4. Expressly prohibited uses. Medical marihuana provisioning centers, safety compliance facilities, dispensaries, cooperatives, joint or shared growing facilities, and any other operation or facility similar in nature are expressly prohibited.

Renumber Section 4.04 District Intent and Uses subsection C to D.

Amend Section 4.05 Agricultural & Rural Residential Districts (ARR) B. Permitted uses, by adding subsections 11 and 12 as follows:

11. Temporary buildings, dwellings, structures and uses, subject to Section 8.04
12. Home occupations, subject to Section 8.06

Amend Section 4.06 Residential Districts (R-3, R1.5, LV) B. Permitted uses, by adding subsections 10 and 11 as follows:

10. Temporary buildings, dwellings, structures and uses, subject to Section 8.04
11. Home occupations, subject to Section 8.06

Amend Section 4.07 Multiple-Family Residential District (RM) B. Permitted uses, by adding subsection 6 as follows:

6. Home occupations, subject to Section 8.06

Amend Section 4.08 Manufactured Home Park District (MH) B. Permitted uses, by adding subsection 6 as follows:

6. Home occupations, subject to Section 8.06

Amend Section 4.10 Local Commercial District (C-1), Subsection C.3, as follows:

3. Pet Day Care Facility subject to Section 10.29.

Amend Subsection C, Section 4.11 General Commercial District (C-2) by adding the following:

12. Pet Care Facility subject to Section 10.29

Amend Subsection C, Section 4.14 Industrial Manufacturing District (I-M) by adding the following and renumbering remaining list:

1. Any special land use permitted in the OS, C-1, C-2 and TR Districts unless otherwise allowed as a permitted use in one of these districts.

Amend Subsection 2; Section 4.16 Temporary uses in any zoning district as follows:

4. Outdoor gatherings or assemblies ~~licensed by the Township Board~~ may be approved in any Zoning District subject to Planning Commission review of sketch plans and operations plans, and further subject to the provisions of **Chapter 1614, OUTDOOR GATHERINGS**, of the General Code of Ordinances ~~may be approved in any Zoning District.~~

Section 3. Amend ARTICLE 8, GENERAL PROVISIONS as follows:

Amend Section 8.06 by adding Subsection J as follows:

- J. Medical marihuana activities are permitted as home occupation, subject to the following limitations:
 1. All medical marihuana activities shall be conducted in full compliance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law as amended.
 2. All medical marihuana activities shall be conducted in full compliance with all applicable building and fire codes.
 3. Medical marihuana dispensaries, cooperatives, or other joint or shared growing facilities are expressly prohibited.

Amend Section 8.02 Area, height and use exceptions as follows:

D. Architectural projections, not including vertical projections, such as bay windows and roof overhangs which do not expand usable floor space, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard. Such projections may extend or project into a required front or rear yard not more than three (3) feet.

G. Generators. Generators may be placed in required side yard setbacks subject to the following restrictions:

1. The generator may only encroach on the side yard setback on the side of the structure where the main feed drop enters the structure and only if necessary to place the generator within 15 feet of the drop.
2. The generator may encroach on the required side yard by no more than 40 percent of the required side yard setback.
3. The generator shall not be placed nearer to the property line than 3 feet.
4. The generator shall not be placed nearer to any window or door opening than 6 feet.
5. The generator shall be muffled to deaden noise in compliance with **Chapter 12, Noise, Blight and Other Nuisances** of the Highland Township Code of Ordinances.
6. The generator shall be programmed to “exercise” only between the hours of 10:00 a.m. and 2:00 p.m.

Section 4. Amend ARTICLE 9, DISTRICT SPECIFIC PROVISIONS as follows:

Amend Sec. 9.05.H.3, Highland Station District Signs as follows:

3. Maximum Area and Maximum Number.

- a. The total sign area for a building may not exceed one (1) square foot for each linear foot of the Primary Face(s) of the building except as allowed in subsections I and ii below. ~~principal building frontage is measured along the street on which the building is addressed, and typically includes the main entrance to the building. Primary face(s) of building is illustrated in Figure 2.17.~~
 - i. For businesses fronting Highland Road, (M-59), the maximum allowable signage may not exceed two (2) square foot for each lineal foot of building frontage parallel to Highland Road.
 - ii. If there is an additional Primary Face of the building parallel to a different public road right-of-way, additional signage may be approved not to exceed one (1) square foot for each linear foot of building frontage parallel to the other public roads. In this case, signage may not be divided between the primary faces.
- b. The total signage allotment may be divided among multiple signs, provided that such signs are within the requirements of this ordinance and do not detract from the character of the building or surrounding buildings.
- c. For buildings situated on corner lots, the ~~Planning Commission~~Zoning Administrator may permit the allowable signage to be divided between ~~the two~~ (2) each frontages. The maximum allowable signage is calculated based solely on the ~~principal frontage~~ primary face.

Amend Sec. 9.05.H.6, Highland Station District Signs as follows:

6. **Sign Review.** ~~All requests for new signage shall be reviewed by the Highland Downtown Development Authority Design Committee prior to review and approval by the Planning Commission. New single and multi-tenant buildings must submit an overall sign plan for review in the same manner and approval by the Planning Commission at the time of site plan review.~~ New building design should provide logical sign areas, allowing flexibility for new users over time. Designs of building facades and wall exteriors which provide for convenient and attractive replacement of signs are encouraged.

Amend Sec. 9.05.H.7.b.iii, Highland Station District, Permitted Signs as follows:

- iii. *Specific information.* The support post and arm brackets of any such sign shall complement the sign and the building and shall not bear any language or graphic or pictorial representation, nor shall anything be affixed to, mounted upon, suspended from or otherwise attached to the sign faces or support posts, except the permitted signage as approved by the Planning Commission.

Amend Sec. 9.05.H.7.e.ii, Highland Station District, Permitted Signs as follows:

- ii. *Location.* Sandwich board/portable signs may be located in the front building setback or on sidewalks within the public right-of-way as long as a width of at least four (4) contiguous feet of sidewalk is maintained for clearance between the sign and any permanent fixture, such as the building, light pole or curb. Such signs shall not be placed within ~~thirty (30)~~ twenty (20) feet of another sandwich board/portable sign.

Amend Sec. 9.05.I.9 Highland Station District, Outdoor sales of "ready to eat" food or farm products. as follows:

- 9. Land use permits for outdoor sales may be issued on a month to month basis provided that no violations or complaints were filed regarding the temporary use that were not resolved to the satisfaction of the Zoning Administrator. Multiple or ongoing vViolations of permit conditions may subject the applicant to review and approval by the Zoning Board of AppealsPlanning Commission for any future applications.

Section 5. *Amend ARTICLE 10 SUPPLEMENTAL PROVISIONS by adding the following:*

Section 10.29. Pet care facility.

The following regulations shall apply:

- A. Outdoor exercise areas shall not be located on a property that abuts a residentially zoned property except where a 100 foot buffer zone may be developed and maintained on the property.
- B. All animals shall be kept either within completely enclosed structures or under the direct control of the owner, kennel operator or staff at all times, and shall be kept indoors between the hours of 7:00 PM and 7:00 AM.
- C. Any outdoor exercise/training area shall be enclosed with a solid wood fence at least six feet high, with provisions such as two-stage entry gates or entry only through the enclosed facility so as to deter the escape of animals.
- D. For facilities adjacent to residentially zoned properties, the hours for client pickup/dropoff of animals shall be restricted to 7:00 AM to 7:00 PM.

Section 6. *Amend ARTICLE 14 SIGNS as follows:*

Amend Sec. 14.06.C. Window Signs as follows:

- C. **Window Signs.** Window signs are restricted so as to provide for clear and unobstructed view to the interior of the building by public safety ~~personal~~ personnel.

1. Non-illuminated window signs shall be permitted in non-residential districts on the glass area of street-facing, ground floor windows. Such signs shall not exceed seventy-five percent (75%) of the total area of the street-facing, ground floor such windows, provided further that the transparent glass serves as the background of the sign (e.g. vinyl or painted letters and graphics applied directly to the glass).
2. Window signs are restricted to no more than thirty-five (35%) percent of the glass area of street-facing, ground floor windows, where an opaque background is utilized (e.g. paper or solid painted background on window glass)
3. One illuminated open/close sign shall be permitted provided that the sign shall not be greater than two (2) square feet and shall not flash or blink or include other animation. This signage counts towards the allowable maximum signage. The open/close sign shall count towards the seventy-five percent (75%) maximum allowable square feet of window signs.

Amend Sec. 14.07.H.2.c. Changeable copy signs as follows:

- c. Electronic changeable copy must remain static and only change messaging in ten (10) one (1) minute intervals or less frequently or no more than six (6) times per hour.

Amend Sec. 14.07 I. Freestanding signs. by adding the following:

9. In addition to the allowable signage provided in Table 14.2, Permitted Freestanding Signs, one gasoline price sign shall be permitted per gas station. Said sign shall not exceed twelve (12) square feet in area per side. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than 20 feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted. The price sign may be an electronic changeable copy sign, subject to the provisions of Section 14.07.H.2. Changeable copy signs.

Section 7. 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 8. 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.

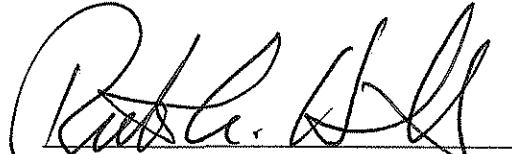
Section 9. Adoption

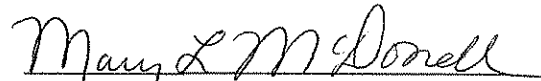
This Zoning Ordinance amendment is hereby declared to have been adopted by the Charter Township of Highland Township Board at a meeting thereof duly called and held on the 11th day of March, 2015.

Section 10. 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


Mary L. McDonell, MMC, Township Clerk

Introduction: January 14, 2015
Adoption: March 11, 2015
Published: March 19, 2015
Effective Date: March 26, 2015

CERTIFICATION OF CLERK

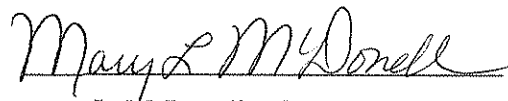
I hereby certify that the foregoing is a true and complete copy of a Zoning Ordinance amendment adopted by the Township Board of the Charter Township of Highland on March 11, 2015 which was a regular meeting. I further certify that at said meeting there were present the following Board members: Rick Hamill, Mary L. McDonell, Judith Cooper, Mary Pat Chynoweth, Charles Dittmar and Brian Howe.

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

I further certify that the following Board members: Hamill, McDonell, Cooper, Chynoweth, Dittmar, Howe voted for the adoption of said Zoning Ordinance amendment and that the no Board members voted against the adoption of said Zoning Ordinance amendment.

I further certify that no Board members abstained from voting.

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.


Mary L. McDonell, MMC
Township Clerk