

Ordinance No. 2024
City of Madison Heights
Oakland County, Michigan
Zoning Text Amendment 24-03

An ordinance to amend Ordinance 2198, being an ordinance codifying and adopting a new Zoning Ordinance for the City of Madison Heights, by amending Appendix A, Section 7.03.43– Temporary Uses – to modify standards relating to seasonal sales lots and recurring special events.

The City of Madison Heights ordains:

Section 1. SECTION 7.03. USE SPECIFIC STANDARDS is hereby amended as follows:

Section 7.03.43 – Temporary Uses

- A. Except as otherwise provided in this Zoning Ordinance, the temporary uses listed in this Section shall require the issuance of a Temporary Use Permit in accordance with this Section and the process/requirements of Section 10.08. Temporary/Seasonal Business Licenses shall also be required in accordance with Chapter 7 of the Madison Heights Code of Ordinances.
- B. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter, or for a temporary use not specifically permitted in this chapter (or not deemed similar by the Planning and Zoning Administrator), shall submit for approval through the Planning Commission; provided, that it complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.
- C. Exempt Temporary Uses: The following temporary uses are exempt from the procedural and licensing requirements of this section but remain subject to other Sections of this Zoning Ordinance and the Madison Heights Code of Ordinances.
 - (1) Emergency Facilities: Temporary facilities to accommodate emergency health and safety needs and activities.
 - (2) Temporary Construction Yards – on-site: Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
 - (3) Temporary Construction Office or Temporary Real Estate Office. A temporary construction or real estate office used during the construction of a principal building, buildings, or uses on the same site, subject to building permits and trade permits.

- (4) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by the Zoning Ordinance or Municipal Code.
- (5) Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.
- (6) Mobile Food Sites, in accordance with Section 7.03(28)
- (7) Temporary portable on-site storage units in accordance with Section 8.03(2).

D. Standards Applicable to all Temporary Uses. All temporary uses, including but not limited to those listed in this Section, shall comply with the following standards:

- (1) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience, and general welfare, either on or off the premises.
- (2) Temporary uses shall be set back a minimum of twenty-five (25) feet from abutting residentially-zoned parcels or residential uses, with the exception of existing mixed-use buildings.
- (3) Temporary use applicants shall either be the property owner or, if not the property owner, present a signed letter of authorization from the property owner agreeing to such temporary use.
- (4) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, clear vision triangle, ADA spaces or aisles, or egress from buildings on the lot or on adjoining property.
- (5) Temporary uses shall provide adequate parking area and improvements adequate to accommodate anticipated vehicular traffic. Safe pedestrian accessibility shall be provided between parking areas and the temporary use, with a separation between vehicular and pedestrian traffic areas.
- (6) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City authorizes the use of City-owned property or right-of-way.
- (7) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area.

- (8) Signs for temporary uses shall be permitted only in accordance with Article 12, Signs.
 - (9) Temporary uses shall comply with all requirements of the Fire Prevention Code and other applicable codes and regulations.
- E. Allowed Temporary Uses and Use-Specific Standards. The following temporary uses may be permitted via approval from the Planning and Zoning Administrator, subject to satisfying use-specific standards. Such uses shall also require the issuance of a valid Temporary/Seasonal Business License:
- (1) **Temporary Outdoor Displays/Sales.** The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, sidewalk sales, and parking lot sales, may be conducted accessory to an otherwise lawfully permitted or allowed principal use on the same site, subject to the following:
 - (a) Temporary outdoor displays and sales shall only be permitted in a non-residential or mixed-use zoning district, accessory to an existing business located on the same property.
 - (b) Products displayed and sold outdoors shall relate to the on-site use and business, and all activities shall be conducted within the lot.
 - (c) Temporary outdoor displays and sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.
 - (d) Sales and display areas may not occupy more than fifteen percent (15%) of the parking area and shall not substantially alter the existing circulation or fire access on site.
 - (2) **Seasonal Sales Lots.** Temporary seasonal sales activity (e.g., Christmas trees, pumpkin sales, plant sales, fireworks sales) may be permitted, subject to the following:
 - (a) Seasonal sales lots may be permitted in any non-residential or mixed-use zoning district, or on any public, quasi-public, or institutional site that abuts an arterial or collector road.
 - (b) Temporary seasonal sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.
 - (c) Sales and display areas may not occupy more than fifteen percent (15%) of a parking area and shall not substantially alter the existing circulation or fire access on site.

(3) **Special Events.** Special events such as auctions, craft fairs, farmers markets, outdoor entertainment, and carnivals, may be permitted, subject to the following:

- (a) Special events may be permitted in any non-residential or mixed-use zoning district, or on any property approved for public, quasi-public, or institutional uses that abuts an arterial or collector road, as defined in the Madison Heights Master Plan.
- (b) The temporary special event is limited to a maximum of seven (7) consecutive days. A total of three (3) temporary special events are permitted per business per calendar year, separated by a stretch of fourteen (14) consecutive days.

A recurring event that typically does not take place over consecutive days but may take place on no more than two consecutive days, may be submitted as a single temporary special event permit. A recurring event is not subject to the 14-day separation standard listed in subsection (E)(3)(b), above. A recurring event is limited to a total of ten (10) days per calendar year and shall count toward the total number of special events

- (c) Permitted hours of operation shall be limited to between 12:00 (noon) to 10:00 p.m.

- F. When a temporary use is not specifically mentioned in this section, the Planning and Zoning Administrator may determine that such use is similar in nature to listed use(s) above and shall establish the term and make necessary findings and conditions for the particular use. The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Planning Commission for action, in accordance with Section 15.08.
- G. In issuing a temporary use permit, the approving authority may impose conditions which it finds necessary for the protection and preservation of property rights and values of adjacent properties.

Section 2. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. Enactment

A copy of this ordinance may be inspected or purchased at the City Clerk’s office between the hours of 8:00 a.m. and 11:30 a.m. and between 12:30 p.m. and 4:30 p.m. on regular business days.

Roslyn Grafstein, Mayor

Cheryl Rottmann, City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on _____, 2024.

Cheryl Rottmann, City Clerk

ZOTXT 24-03 (Ordinance 2024)
Planning Commission Public Hearing: September 17th, 2024
City Council First Reading: October 14th, 2024
City Council Second Reading: October 28th, 2024
Adopted: TBD
Published: TBD
Effective: TBD