

**CITY OF NORTHVILLE
ZONING ORDINANCE
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORTHVILLE TO ALLOW ADMINISTRATIVE APPROVAL OF SOME TYPES OF TEMPORARY USES.

Section 1. The City of Northville Ordains

Chapter 58-1 “Zoning” in the Code of Ordinances of the City of Northville is hereby amended by adding the following described text revisions:

Section 2. Modify the following articles (**additions are underlined, deletions are ~~struck-thru~~**).

[Modify Article 26 CONSTRUCTION OF LANGUAGE AND DEFINITIONS]

SECTION 26.02 DEFINITIONS

xx. Mobile food stand, mobile food trailer, or mobile food vehicle means a stand, vehicle or motorized vehicle that temporarily parks and engages in the service, sale, or distribution (vending) of ready-to-eat food for individual portion service to the general public directly from the stand, trailer or vehicle.

xx. Mobile food vendor means the registered owner of a mobile food stand, trailer, or vehicle or the owner’s agent or employee.

172. Temporary Residence: A residence, which may be a manufactured home, that is located on the same lot as a residence made uninhabitable by fire, flood or other ~~natural~~-disaster and occupied by the persons displaced by such disaster, or a residence located on the same lot as a residence that is undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when work is completed. (*Rev. 4/105/18*)

(No other changes are proposed for this section.)

[Modify Article 18 GENERAL PROVISIONS]

SECTION 18.22 TEMPORARY STRUCTURES AND USES

This section covers the following temporary structures and uses:

1. Membrane storage structures
2. Mobile food vending stands, trailers and vehicles
3. Portable on-demand storage structures
4. Dumpster roll-off containers
5. Temporary construction buildings or offices
6. Emergency temporary residences
7. Seasonal sales of perishable items conducted by a non-profit entity
8. Temporary outdoor special events held on private property that invite the general public

Other temporary structures and uses that are not listed in Section 18.22 shall be reviewed by the Board of Zoning Appeals in accordance with Section 25.04, or by City Council through a Special Events Permit, or by the Chief Enforcement Office, or his/her designee, through a Peddler's License.

Section 18.22.1 Membrane Storage Structures

Membrane storage structures are prohibited in all residential zoning districts.

Section 18.22.2 Mobile Food Vending

Registered mobile food stands, trailers or vehicles are permitted to operate in any zoning district subject to the following:

1. The mobile food vendor and the property owner hosting the mobile food vendor must register with the City annually.
2. Each year, a registration application must be submitted to the Building Department, with any administrative fee to process the application, as determined by City Council. The registrations of both the food vendor and property owner must be approved by the Building Official for the current year before food vending can commence at the subject site.

Section 18.22.3 Temporary Structures/Uses Permitted by Building Official without a “Temporary Structure/Use Permit”

Portable on-demand storage structures and temporary dumpster roll-off containers may be permitted by the Building Official or his/her designee, as described, without the need to apply for a “Temporary Structure/Use Permit.”

1. Portable on-demand storage structures may be ~~permitted~~ allowed by the Building Official on any lot, subject to the following regulations:
 - a. A maximum of one (1) structure which does not exceed eight (8) feet high, eight (8) feet wide, and sixteen (16) feet long may be permitted on one lot at a time.
 - b. The portable on-demand storage structure may be placed on a lot for a period not to exceed ninety (90) days in a calendar year.
 - c. Up to two (2) portable on-demand storage pods may be located on-site if the Building Official has issued a building permit. The time period for the storage pod shall coincide with the effective dates of the building permit, but may also be extended for the storage pod by the Building Official if there is substantial progress or construction activity toward completion.
 - d. In the event of flood damage, fire damage, asbestos removal or similar catastrophes or emergency repairs, the Building Official may allow up to two (2) portable on-demand storage structures during the period of emergency repair. Time extensions may also be granted by the ~~Board of Zoning Appeals~~ Building Official.
 - ee. The portable on-demand storage structure must be placed at least five (5) feet from the side or rear lot line and fifteen (15) feet from the front lot line.

~~2. Membrane storage structures are prohibited in all residential zoning districts.~~

- ~~4.2.~~ Dumpster Roll-Off Container may be ~~permitted~~ allowed by the Building Official, subject to the following regulations:
 - a. In a residential zoning district, a dumpster roll-off container may be permitted by the Building Official for a maximum of five (5) days. This may be extended by the Building Official if the site has been issued a building permit, and if there is substantial progress or construction activity.
 - b. The dumpster roll-off container shall be placed on a driveway, at least five (5) feet from a side yard and shall be situated in order to maintain adequate sight distance from the public right-of-way.
 - c. In non-residential zoning districts, a dumpster roll-off container may be permitted by the Building Official for a maximum of ten (10) days. This shall exclude industrial

operations where the use of dumpster roll-off containers are related to manufacturing or processing. (Rev. ~~4/10~~5/18)

Section 18.22.4 Temporary Structures/Uses that Require a “Temporary Structure/Use Permit”

1. The temporary uses described below require a “Temporary Structure/Use Permit.” Applications for such permit shall be filed with the Building Department, and shall require information determined by the City to be necessary for the protection of the public health, safety and well-being.
2. The application shall be accompanied by a fee at the time the application is filed to cover administrative costs of processing the permit. The amount of such permit fee shall be established by City Council by resolution of Council from time to time. The application shall also be accompanied by proof that the property owner of the subject site is not delinquent on any property taxes or fees owed to the City.
3. The following temporary structures or uses shall not be erected or conducted until a “Temporary Structure/Use Permit” is issued:
 - a. Temporary Construction Building or Office ~~may be permitted by the Building Official,~~ subject to the following regulations:
 - 1) A temporary construction building, trailer, office or sales office may be permitted for a period of up to twelve (12) months. This may be extended by the Building Official if there is substantial progress or construction activity toward completion of the construction site.
 - 2) Setback requirements for the zoning district must be met.
 - 3) The site must provide adequate parking and a paved or gravel surface.
 - b. An emergency temporary residence in a residential district, subject to the following regulations:
 - 1) The Building Official has determined that the principal residential structure has been destroyed by fire, flood or other disaster, in whole or in part, and is not habitable as repairs are being made. A temporary residence requested because of planned home renovations rather than an emergency requires Board of Zoning Appeals approval, per Section 25.04.
 - 2) The application for a permit for the emergency temporary residence is accompanied by a plot plan showing the location of the proposed temporary residence.

- 3) Approval for an emergency temporary residence may be granted by the Building Official for up to one (1) year from the date of permit approval upon a finding that all of the following conditions are met:
 - a) The property owner must not be delinquent on any property taxes or fees owed to the City.
 - b) The emergency temporary residence shall be connected to public sewer and water.
 - c) The emergency temporary residence shall comply with all applicable zoning district requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
- 4) To guarantee compliance with the provisions of this ordinance and removal of the emergency temporary residence upon expiration of the permit, the Building Official may require a cash bond to be posted prior to the issuance of a permit.
- c. Seasonal sales of perishable, seasonal items such as Christmas trees, flowers, or pumpkins, including temporary structures, conducted by and for the benefit of a non-profit entity, subject to the following regulations:
 - 1) The non-profit entity has obtained tax exempt status from the Federal Internal Revenue Service, or has applied for such tax exemption.
 - 2) The sale is conducted on private property by the non-profit entity conducting the sale, and located in the Local Commercial District (LCD), Central Business District (CBD) or General Commercial District (GCD). Permission must be granted, in writing, by the private property owner. Seasonal sales conducted on City-owned property, for both for-profit and non-profit entities, are not covered under this section and require a Special Events Permit or a Peddler's License.
 - 3) Sales may be conducted by the permitted entity for up to thirty (30) consecutive days, not more than four (4) times in a calendar year, and not to exceed 75 days in a calendar year without obtaining the consent of the Board of Zoning Appeals.
 - 4) Sales area shall not occupy or obstruct the use of any fire lane, or create a traffic or safety hazard. Adequate on-site parking together with proper ingress and egress to the site shall be provided.

5) Sales shall be conducted in a manner so as not to create a public nuisance to neighboring properties. If the sales area abuts property used for residential purposes, the Building Official may require buffering, screening, setbacks, or other techniques to minimize impacts to residences.

d. Temporary outdoor special events, as defined below:

1) Amusement enterprises, as defined in the City of Northville Special Events Policy, and

2) That are open to the general public, and

3) That are held solely on private property, and

4) Are accessory to and on the same lot as a principal permitted use.

Events that satisfy the definition above may be permitted in any zoning district, subject to the following regulations:

1) One special event may be conducted on the subject site for up to three (3) consecutive days, not more than four (4) times in a calendar year.

2) Special events shall not occupy or obstruct the use of any fire lane, or create a traffic or safety hazard. Adequate on-site parking together with proper ingress and egress to the site shall be provided.

3) Adequate sanitation and other required health facilities shall be made available in or adjacent to any public assembly areas.

4) The permittee shall establish to the satisfaction of the Chief of Police that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.

5) The special event shall not be detrimental to adjacent property, not disturbing to the public peace, and shall not create undue traffic congestion or hazards. If the special event area abuts property used for residential purposes, the Building Official may require buffering, screening, setbacks, or other techniques to minimize impacts to residences.

These regulations do not apply to private events held on private property that are not open to the general public. Also, any special event that is conducted on the public right-of-way or City owned property shall require City Council approval through a Special Events Permit.

(No other changes are proposed for this section.)

[Modify Article 25 BOARD OF ZONING APPEALS]**SECTION 25.04 POWERS AND DUTIES**

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification on any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception and to authorize a variance as defined in this Section and laws of the State of Michigan; said powers include:

(The following changes are proposed to this section)

- e. Temporary Buildings and Uses. The Board of Zoning Appeals shall have authority to:
1. Permit temporary residences, as defined, for a specified or time limited period. An emergency temporary residence may be approved by the Building Official, as described in Section 18.22. (Rev. 4/105/18)
 2. Permit temporary uses and structures used during construction, such as temporary asphalt or concrete plants. This provision does not apply to a temporary construction building, trailer, office, or sales office, as described in Section 18.22, which may be approved by the Building Official. (Rev. 4/105/18)
 3. Permit temporary outdoor sales, outdoor display, seasonal sales (such as Christmas trees) on private property owned or leased by the entity conducting the sale located in the Local Commercial District (LCD), Central Business District (CBD) or the General Commercial District (GCD). This shall exclude outdoor sales permitted by the Planning Commission as a special use in accordance with Section 11.03 (GCD) and seasonal sales conducted by non-profit entities in accordance with Section 18.22. (Rev. 4/105/18)
 4. Permit, ~~after review and comment by the Planning Commission,~~ other uses or buildings not mentioned above or listed in Section 18.22 for a period not to exceed twelve (12) months with the granting of an additional twelve (12) months for uses which do not require the erection of any capital improvement of a structured nature. (Rev. 4/105/18)
 - (a) The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted. (Rev. 4/10)

- (b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Northville shall be made at the discretion of the Board of Zoning Appeals and as herein provided ~~_relative to Planning Commission review and comment.~~
- (d) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreational developments such as, but not limited to, golf-driving ranges and outdoor archery courts; or structures which do not require foundations, systems or sanitary heating connections.
- (e) The use shall be in harmony with the general character of the district and shall not alter the natural character of the environment by destroying its ecological systems.
- (f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. ~~Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.~~

(No other changes are proposed for this section.)

Section 3. Rights and Duties

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Section 4. Validity

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore, other than the part declared invalid.

Section 5. Ordinances Repealed

All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed

Section 6. Effective Date

This Ordinance shall become effective on the 8th day following publication.

The foregoing ordinance amendment was adopted at the regular meeting of the City Council of the City of Northville, Oakland and Wayne Counties, Michigan, held on _____ at 7:00 p.m. at the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167.

Ken Roth, Mayor
City of Northville

Dianne Massa, City Clerk
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced: _____
Enacted: _____
Published: _____
Effective: _____

By a vote of _____

Dianne Massa, City Clerk