



OFFICE OF CITY CLERK

## NATIONALLY RECOGNIZED HOLIDAYS

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Washington's Birthday (President's Day)	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Halloween*	October 31*
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

**\*Not a national holiday, but included per city ordinance**



OFFICE OF CITY CLERK

**SEASONAL OUTDOOR SALE**  
**APPLICANT CHECKLIST**

- Signed and completed application**
- Application fee**
- Clean-up Deposit**
- Detailed site plan**
- Plans/details for security of site submitted**
- Property owner consent (if applicable)**
- Electrical permit obtained from Building Dept. (if applicable)**
- Copy of State License (if applicable)**



OFFICE OF CITY CLERK

\$75 License Fee  
\$300 clean-up deposit

**CITY OF FARMINGTON HILLS**  
**APPLICATION FOR SEASONAL OUTDOOR SALES**

Limited to two sales events per year per lot

I hereby make application for the purpose of selling seasonal items as defined in the ordinance at the following location:

**ADDRESS /LOCATION:** \_\_\_\_\_

**APPLICANT NAME** \_\_\_\_\_

**APPLICANT ADDRESS:** \_\_\_\_\_

**DAYTIME PHONE NUMBER:** \_\_\_\_\_ **CELL PHONE:** \_\_\_\_\_

*ATTACH A LIST OF ALL PARTNERS AND THEIR RESIDENTIAL ADDRESSES IF PARTNERSHIP OR ALL OFFICERS/DIRECTORS AND THEIR RESIDENTIAL ADDRESSES IF CORPORATION.*

**IS THE APPLICANT ALSO THE OWNER OF THE PROPERTY TO BE USED FOR THE SALES?** YES \_\_\_\_\_ NO \_\_\_\_\_ If No, please submit written consent from the legal owner of property for such use of the land

**PROPERTY OWNER'S NAME AND ADDRESS (If other than applicant)** \_\_\_\_\_

\_\_\_\_\_ **PHONE:** \_\_\_\_\_

**NATURE AND QUANTITY OF ITEMS TO BE SOLD (For fireworks include types and quantities of each to be sold):** \_\_\_\_\_

\_\_\_\_\_

**DATE(S) OF SALES** (sales shall not exceed 30 days): \_\_\_\_\_

**NATIONAL HOLIDAY WITH WHICH THE SALES IS ASSOCIATED:** \_\_\_\_\_

**HOURS OF SALES ACTIVITY EACH DAY:** \_\_\_\_\_

Hours are limited to between 9am and 10pm by Ordinance.

**WILL ELECTRICAL LIGHTS OR OTHER ELECTRICAL EQUIPMENT BE USED DURING THE SALES EVENT:** YES \_\_\_\_\_ NO \_\_\_\_\_ If Yes, an electrical permit is required from the Building Department

**DETAILED SITE PLAN REQUIRED.** Please attach a site plan showing the layout of the proposed site, including but not limited to identifying all existing structures on the property, where the sales activity will occur, and all temporary structures (tents, stands, signs, parking areas, lighting, electrical or mechanical equipment, portable toilets, etc)

Be sure to include plans for security of the sales site during operating and non-operating hours as required by Ordinance.

I understand that this license is subject to the following conditions:

1. Seasonal Outdoor sales may only occur upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
2. The licensee must own the property or obtain written permission from the property owner to conduct seasonal sales on the property.
3. The licensee must provide space for off-street parking of not less than 5 automobiles at any one time.
4. If electrical lights are used, a minimum electrical permit shall be obtained and the lighting system must be approved by a City Electrical Inspector.
5. The licensee shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise and placement of temporary signs.
6. The licensee shall clean up the licensed premises and remove unsold items and debris on or before the fifth (5<sup>th</sup>) day following the recognized holiday for which the sales were proposed. If the licensee fails to do so, the City shall have permission to enter onto the premises for the purposes of cleaning and clearing the premises, which cost will be charged to the clean-up deposit.
7. The licensee shall submit a copy of their State License (if applicable)

**SEASONAL OUTDOOR SALES SHALL ALSO COMPLY WITH SECTION 34-4.56 OF THE CITY'S ZONING ORDINANCE.** (Copy attached).

Signature of Applicant: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

**FOR OFFICE USE ONLY:**

- \_\_\_\_\_ Signed and completed application
- \_\_\_\_\_ Application fee
- \_\_\_\_\_ Clean-Up Deposit
- \_\_\_\_\_ Detailed site plan
- \_\_\_\_\_ Plans/details for security of site submitted
- \_\_\_\_\_ Property owner consent (if applicable)
- \_\_\_\_\_ Electrical Permit obtained from Building Dept (if applicable)
- \_\_\_\_\_ Copy of State License (if applicable)

DATE ROUTED TO REQUIRED DEPARTMENTS: \_\_\_\_\_

**ORDINANCE NO. C-3-2014**

**CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES FOR PURPOSES OF CLARIFYING AND REVISING THE CITY'S ZONING REGULATIONS APPLICABLE TO SEASONAL OUTDOOR SALES BY AMENDING CHAPTER 34, "ZONING," SECTIONS 34-2.2, "DEFINITIONS," 34-4.20.4 "SPECIAL LAND USES NOT OTHERWISE PERMITTED," AND 34-7.14.6.E, "TEMPORARY USES," AND BY ADDING THE FOLLOWING NEW SECTION 34-4.56, "SEASONAL OUTDOOR SALES," TO CHAPTER 34, "ZONING."

THE CITY OF FARMINGTON HILLS ORDAINS:

**Section 1 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Section 34-2.2, "Definitions," is hereby amended to add the following definition of "seasonal outdoor sales," to read as follows:

**Seasonal outdoor sales** is the temporary sale of agricultural products and other goods associated with a national holiday and Halloween, as regulated by the City of Farmington Hills City Code.

**Section 2 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," is hereby amended to add the following new Section 34-4.56, "Seasonal Outdoor Sales," to read as follows:

**34-4.56 Seasonal outdoor sales.**

There are certain uses that are both temporary and seasonal in nature. They are uses which are not permitted within the zoning district where proposed, but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. These uses shall be regulated as follows:

- (1) Seasonal outdoor sales may take place not more than 2 times per calendar year on a lot or parcel (i.e., two sales events per year per lot). The total duration of a sales event shall not exceed 30 days. There shall be at least fifteen (15) days between any two seasonal sales events on a lot or parcel.
- (2) Seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare.
- (3) If seasonal outdoor sales is proposed to be conducted in the parking lot of an active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site.

- (4) The seasonal outdoor sales use shall have up to 5 days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs.
- (5) Seasonal outdoor sales may include up to 1 primary temporary tent plus 1 additional temporary tent or temporary storage container or trailer. Sales and storage shall be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area nor shall it be greater than 20 feet in height.
- (6) If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales or a combination of storage and sales, the exterior design, appearance and color scheme of the container / trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container / trailer located in a shopping center with a brick façade shall not be permitted. When both a container / trailer and tent are proposed, the container / trailer shall not be placed closer to public street than the tent.
- (7) Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed 75 square feet. For corner lots, one additional sign of up to 75 square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances and exits shall be permitted. Also, directional signs up to 4 square feet in area and not greater than 3 feet in height may be permitted at driveways serving the site and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and/or traffic safety. No balloons, festoons, inflatables or other similar devices designed to attract attention to the site or use shall be permitted.
- (9) Seasonal outdoor sales shall comply with all applicable laws and ordinance regulations of the City including obtaining a license under Chapter 22, Article III of the City Code.

**Section 3 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Section 34-4.20.4 "Special land uses not otherwise permitted," is hereby amended to read as follows:

**34-4.20.4. Special land uses not otherwise permitted:**

- A. Intent. There are certain land uses which are temporary and which do not require permanent improvements of a structural nature. Such uses may exist for short or long periods of time. They are uses which are not permitted within the zoning district where proposed, but may be considered acceptable because nearby areas are vacant or because the characteristics of the use are not incompatible with existing uses in the area. The intent of this section is also to permit temporary construction uses which are necessary for improvements being constructed on other properties in the city. Such uses may be permitted after review and approval by the planning commission.
- B. Special land uses not otherwise permitted. Special land uses not otherwise permitted may be permitted by the planning commission subject to the following:

- i. The planning commission shall find that the character of existing uses or lack of existing uses in an area is such that permitting the special land use would not, as of the time the permission is granted, be injurious to the district and environs of the area. Such permission shall be given for a specific time period set by the planning commission.
  - ii. In classifying uses as not requiring capital improvements, the planning commission shall determine that they are either demountable structures related to the permitted use of the land like recreation development such as, but not limited to, golf driving ranges or outdoor archery courts, or are structures which do not require foundations, heating systems or sanitary sewer connections.
  - iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
  - iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
  - v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of development permitted and arrangements for removing the use at the termination of the period of time granted.
  - vi. The planning commission may grant extensions of the time period for the use after reviewing the area for any changes that may have occurred which would be negatively impacted by continuation of the temporary use and after determining that there have been no negative impacts from the use.
  - vii. This section shall not be used to permit seasonal outdoor sales uses regulated in Chapter 22, Article III of the City Code and Section 34-4.56 of this Ordinance.
- C. Temporary construction uses not accessory to existing uses. Temporary construction uses and structures not directly accessory to any existing use of the zoning lot, but necessary for the use or improvement of some other property or properties within the City for a permitted purpose.
- i. The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.
  - ii. The planning commission shall examine the location of structures on the site and determine that they are the most appropriate, may require reasonable temporary screening of the activity proposed, may suggest the location of vehicular access to the site and make other recommendations which will assist in the protection of nearby uses during the time the construction use is in operation.

- iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
  - iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
  - v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of developed permitted and arrangements for removing the use at the termination of the period of time granted.
- D. Public notice; notice. The planning commission shall hold a public hearing and shall give notice thereof in accordance with Section 34-6.2.

**Section 4 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 34, "Zoning," Section 34-7.14.6.E, "Temporary uses," is hereby amended to read as follows:

**E. Temporary uses:**

- i. The board of appeals may permit the following temporary uses not otherwise specified in a zoning district, provided such uses do not require the erection of any capital improvements of a permanent structural nature and meet the requirements of subsection (F) below:
  - a. Carnivals, amusement rides and special events, as specified in Section 5-101 et seq. of this Code, but subject to Section 34-3.26.14 of this chapter.
  - b. Temporary commercial uses when accessory to existing uses conducted by the applicant, such as, but not limited to, outdoor storage of goods or merchandise. Outdoor sales is not considered a "temporary commercial use" for the purpose of this subsection and is regulated elsewhere in this code.
  - c. Temporary buildings, structures or uses related to the principal use of the lot may be permitted during construction, reconstruction or repair of a building or structure while a valid permit for such construction, reconstruction or repair exists; provided, however, that any buildings, structures or uses directly accessory to such construction, reconstruction or repair, such as tool trailers and contractor's offices, shall not be subject to this section; and provided further that temporary trailers and uses permitted under Section 34-3.26.16 of this chapter shall not be subject to this section.
  - d. Temporary buildings, structures or uses where the duration of the activity of the use will not exceed five (5) days (does not apply to seasonal outdoor sales as regulated in Chapter 22, Article III of the City Code and Section 34-4.56 of the Zoning Ordinance).



- ii. The board of appeals, in granting permits for such temporary uses, shall do so under the following conditions:
  - a. The granting of the temporary use shall be made in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
  - b. 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 shall be made at the discretion of the board of appeals.
  - c. The use shall be in harmony with the existing general character of the district.
  - d. The board shall set an appropriate limit for the maximum period of time during which the use will be permitted, but not to exceed twelve (12) months.

**Section 5 of Ordinance. Repealer.**

All other ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6 of Ordinance. Savings.**

The amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance.

**Section 7 of Ordinance. Severability.**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 8 of Ordinance. Effective Date.**

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

**Section 9 of Ordinance. Date and Publication.**

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 28<sup>th</sup> day of April, 2014, and ordered to be given publication in the manner prescribed by law.

Ayes: BRICKNER, BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND STECKLOFF  
Nays: NONE  
Abstentions: NONE  
Absent: NONE

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held of the 28<sup>th</sup> day of April, 2014, the original of which is on file in my office.



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PAMELA B. SMITH, City Clerk  
City of Farmington Hills

Introduced: April 21, 2014  
Adopted: April 28, 2014  
Effective: May 19, 2014  
Published: May 4, 2014

**ORDINANCE NO. C-4-2014**

**CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES FOR PURPOSES OF CLARIFYING AND REVISING THE CITY'S LICENSING REGULATIONS APPLICABLE TO SEASONAL OUTDOOR SALES BY AMENDING CHAPTER 22, "SALES," ARTICLE III, "CHRISTMAS TREE AND HALLOWEEN PUMPKIN SALES."

THE CITY OF FARMINGTON HILLS ORDAINS:

**Section 1 of Ordinance. Ordinance Amendment.**

The Farmington Hills City Code, Chapter 22, "Sales," Article III, "Christmas Tree and Halloween Pumpkin Sales," is hereby amended to read as follows:

**ARTICLE III. - SEASONAL OUTDOOR SALES**

**DIVISION 1. - GENERALLY**

**Section 22.76. – Definitions**

**Seasonal outdoor sales** is the temporary sale of agricultural products and other goods associated with a national holiday and Halloween, as regulated by the City of Farmington Hills City Code.

**DIVISION 2. – LICENSE**

**Sec. 22-91. – Required license.**

It shall be unlawful for any person to engage in the business of seasonal outdoor sales on any open lot in the city without first obtaining a license from the city clerk.

**Sec. 22-92. – Application.**

Applications for seasonal outdoor sales licenses shall be made to the city clerk, and shall include all of the following:

- (1) The name and address of the applicant;
- (2) All of the partners, if the applicant is a partnership;
- (3) All of the officers and directors, if the applicant is a corporation;
- (4) The present resident addresses of all such persons;
- (5) The address or parcel identification number(s) at which the sales activity is to be conducted;

- (6) The exact nature of the sales, types and quantity of products to be sold and stored on site, and plans for display and storage of merchandise and products;
- (7) The date(s) of the sales activity and the hours during which the activity will take place on each day;
- (8) Information as to whether the applicant owns or occupies the property at which the sales activity will occur, and, if the applicant does not own the property, the applicant shall also furnish written consent from the owner of the property;
- (9) Plans showing the layout of the sales activity area, which plans shall identify all existing structures and improvements on the property where the sales activity is to occur, and shall identify the location and describe all sales activity-related temporary structures, tents, stands, ingress and egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the sales activity that may be requested by the city in order to make an informed decision regarding the issuance of a license for the sales activity;
- (10) Plans for security at the sales activity site during operating and non-operating hours;
- (11) Copies of required state licenses; and
- (12) Such other information to determine compliance with Section 22-93 and as may be required by applications on forms as designated by the city, which shall be completed prior to such application being considered.
- (13) Clean-up deposit and non-refundable review fee based on fee schedule approved by City Council.

The completed application shall be submitted at least thirty (30) days in advance of the sales activity. The city may, but is in no way obligated to, consider an application submitted late, if the city manager determines in his or her discretion that exceptional circumstances exist and there is sufficient time for reviews, inspection and decisions to be made under this Code.

**Sec. 22-93. - Conditions for issuance.**

The business of seasonal outdoor sales may be carried on only upon a lot or parcel of property having frontage upon a major or secondary thoroughfare in accordance with the following conditions:

- (1) The licensee must be the owner of the property or obtain written permission of the owner to use the property for seasonal outdoor sales.
- (2) The licensee must provide space for off-street parking of not less than five (5) automobiles at any one (1) time.

- (3) If electrical lights are used, a minimum electrical permit fee shall be obtained and the lighting system must be approved by the city electrical inspector.
- (4) Upon receipt of an application, the city clerk shall distribute the application for review and comment by the Planning & Community Development Department, Engineering Division, Police and Fire Department.
- (5) Hours of operation shall be limited to anytime between 9:00 a.m. and 10:00 p.m.
- (6) Seasonal outdoor sales shall also be comply with Section 34-4.56 of the Zoning Ordinance.

**Sec. 22-94. - Timely setup and cleanup of premises; refund of deposit.**

Each licensee under this division shall have up to five (5) days to establish the temporary use including erection of tents, placement of merchandise, and placement of temporary signs. In addition, each licensee shall clean up the licensed premises and remove unsold items and debris. This shall occur on or before the fifth day following recognized holiday for which sales are proposed. It shall be unlawful for a licensee to abandon licensed premises without such cleaning and removal. If any licensee fails to do such cleaning and removing, the director of planning and community development or persons designated by the director shall enter upon the premises, do such cleaning and removing, and charge the cost thereof to the deposit. The remainder of the deposit, if any, shall be refunded. Any licensee who performs his or her obligations as required by this section shall be refunded the deposit following cleanup after the designated holiday, as described above.

**Sec. 22-95. - Exemptions.**

Local charitable, benevolent or educational nonprofit organizations shall not be required to pay the review fee established for seasonal outdoor sales nor required to post clean-up deposits established by this division.

**Section 2 of Ordinance. Repealer.**

All other ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 3 of Ordinance. Savings.**

The amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance.

**Section 4 of Ordinance. Severability.**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 6 of Ordinance. Date and Publication.

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 28<sup>th</sup> day of April, 2014, and ordered to be given publication in the manner prescribed by law.

Ayes: BRICKNER, BRIDGES, BRUCE, KNOL, LERNER, MASSEY AND STECKLOFF  
Nays: NONE  
Abstentions: NONE  
Absent: NONE

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held of the 28<sup>th</sup> day of April, 2014, the original of which is on file in my office.



\_\_\_\_\_  
PAMELA B. SMITH, City Clerk  
City of Farmington Hills

Introduced: April 21, 2014  
Adopted: April 28, 2014  
Effective: May 19, 2014  
Published: May 4, 2014

## **NATIONALLY RECOGNIZED HOLIDAYS:**

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Washington's Birthday (President's Day)	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Halloween*	October 31*
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

\*Not a national holiday, but included per city ordinance