



AGENDA

Park Township Planning Commission Regular Meeting

September 23, 2021
6:30 p.m.

Please turn off or set to silent mode all cellphones and other electronic devices.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes: Regular Meeting August 26, 2021
4. New Business
 - a. Public Hearings
 - i. Section 38-6 – Definitions (Home Occupation)
 - ii. Section 38-506 – Home Occupations

Anticipated Action: Provide a recommendation of adoption to the Park Township Board of Trustees

- b. Food Truck Ordinance – Sample

Anticipated Action: Direct staff to draft an ordinance suited to Park Township

5. Old Business
 - a. Text Amendments
 - i. Section 38-491(b)(2)h – Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations
 - ii. Section 38-491(b)(2)i – Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations

Anticipated Action: Provide a recommendation of adoption to the Park Township Board of Trustees

6. Public Comments
7. Announcements
 - a. Next Planning Commission meeting date October 28, 2021
 - b. Master Plan update
8. Adjourn

**MINUTES
PARK TOWNSHIP
PLANNING COMMISSION**
Holland, MI 49424

Regular Meeting

August 26, 2021
6:30 P.M.

DRAFT COPY

CALL TO ORDER:

Chair Ervine called the regular meeting of the Park Township Planning Commission at 6:30 P.M., held in the Park Township Hall conference room.

ATTENDANCE:

Present: Terri DeHaan, Dennis Eade, Rosemary Ervine, Diana Garlinghouse, David Kleinjans, Jeff Pfof

Absent: David Koppenaal

Staff: Greg Ransford, Planner, Dan Martin, Attorney

APPROVAL OF AGENDA:

Kleinjans moved, supported by Eade, to approve the agenda as submitted.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

APPROVAL OF MINUTES:

Kleinjans pointed two corrections and Garlinghouse noted one.

Pfof moved, supported by Kleinjans, to approve the minutes of July 21, 2021 Regular Meeting as amended.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

A. NEW BUSINESS

1. Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations - Section 38-491(b)(2)h

Ransford noted he drafted the language to reduce the number of variance requests the Zoning Board of Appeals experiences with regard to maximum accessory building area, size and height. The intent is to grant relief to the Zoning Board of Appeals.

PUBLIC HEARING

Ervine opened the Public Hearing at 6:37 P.M.

Kleinjans asked if there was any change in the appeal process to the Zoning Administrator.

Ransford said there were none. The language amendment was to make it less cumbersome for the applicant in appealing to the Zoning Board of Appeals which costs money for the applicant.

Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations – Section 38-491(b)(2)i

Kleinjans asked if the Zoning Administrator or the Zoning Board of Appeals will allow larger buildings.

Pfost said the Zoning Board of Appeals and Zoning Administrator have to follow the standards if a larger building is to be allowed.

Ransford said there is a process requiring the standards must be reviewed, whether by the ZBA or the Zoning Administrator.

Pfost asked about the appeal process.

Ransford said the Zoning Administrator deals with the zoning area. He explained the five standards have to be met, although there can be exceptions.

Garlinghouse asked about the appeal process for the neighbor of the applicant. Can we protect the neighbor's appeal if there should be an objection?

Martin said the applicant or the neighbor could challenge the Zoning Administrator's decision by appealing that administrative decision to the Zoning Board of Appeals, pursuant to Section 38-66 of the Code of Ordinances. He went on to explain the property owner could potentially sue the Township or take the matter to the court, and the court might say an individual neighbor has standing and has the right to appeal. Or the court may say that the neighbor doesn't have standing or failed to exhaust their administrative remedies if they fail to appeal the decision of the Zoning Administrator to the ZBA before seeking to file a lawsuit in court.

Garlinghouse asked if the neighbor could be noticed by the Township if there is a challenge.

Ransford said if there is no objection to the ZBA's ruling, it would be an unnecessary step to notify the neighbor in event of a challenge. He asked Eade whether the Zoning Board of Appeals would consider this an issue with neighbors.

Eade explained so long as the building doesn't interfere with light, view, etc., that is the concern of the Zoning Board of Appeals.

Kleinjans said we should add the right to appeal to the ZBA if the Zoning Administrator turns down an application.

Garlinghouse said there should be a safety process for the neighbor. Is it possible to add a condition?

DeHaan asked if there have been any challenges to a ruling at the ZBA.

Eade said he wasn't aware of any as far as the Zoning Board of Appeals was concerned.

Pfost suggested with regard to condition 5 in the standards could we add "adversely affect the adjoining property" and leave it to the Zoning Administrator to determine the nature of the complaint. It would be up to either the owner or adjoining property owner as the next administrative effort. He asked if there could be written in a protective element.

Martin said it depends on the situation. Given a challenge it might be judicious to hold off on allowing a building permit until the appeal is decided. If they appeal to the Zoning Board of Appeals it would stay in the Township's control and jurisdiction. To ensure that neighbors received notice of an application, you could require a public hearing in front of the Zoning Administrator and then a notice would be sent out 10-15 days before approval of the request.

Pfost suggested staff could rewrite this, and the Planning Commission will postpone a public hearing and action on this agenda item.

Martin confirmed there would not have to have a second public hearing on this.

Kleinjans asked if there are requests coming to the Zoning Board of Appeals regarding larger accessory buildings, if they get approved, are the sizes they are limited to not large enough. He said there may be more requests if the Zoning Administrator is the decision-maker because it would be cheaper than the cost to appeal before the Zoning Board of Appeals.

Ransford said the challenge is there never is a perfect system – you can always change the language later.

DeHaan suggested the Planning Commission look at this in six months to see what comes to the Zoning Board of Appeals and the Zoning Administrator regarding this.

Ransford asked for a summary of the suggestions: change condition #5, and consider the option for public notice for requests. He asked for confirmation of the Condition 5 wording: “The building will not adversely affect or have negative impact on the adjoining property” - is this what the Planning Commission wants to add to the language?

Kleinjans suggested one more addition to the language: “It is an option for the Zoning Administrator to send the applicant to the Zoning Board of Appeals.”

All concurred.

Pfost moved, supported by Garlinghouse, to postpone the a recommendation and action until September.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

2. Requirements for Parking Areas – Section 38-605(6)

Ransford pointed out the language is drafted to allow alternatives to wheel stops in parking lots. There are a couple of different options such as concrete curbs proposed which will improve parking lots.

Ervine closed the Public Hearing at 7:17 P.M.

Given that the accessory building language requires revision, Ransford suggested postponement of all three ordinance changes (accessory buildings and parking areas) and he will bring the language changes to the Planning Commission in September.

Pfost moved, supported by Garlinghouse, to postpone action on the three ordinance amendments until the next meeting.

Voice Vote:

Ayes 6, Nays 0. Motion carried.

B. OLD BUSINESS

1. Home Occupations – Definitions (Section 38-6), Section 38-506

Ransford reminded the Planning Commission of its direction last month which included:

- Allow customers to be present on site and set time limits
- Permit employees of the home occupation outside of the home
- Eliminate conflict between “increase” language and delivery traffic language in Subset 2(b)

- Streamline language regarding the words “traditionally” and “historically” in Subset 3(a)

Martin reminded the Planning Commission this is in the review stage so no public hearing is required at this meeting tonight.

Pfost thanked Staff for preparation of the language. He suggested that the Planning Commission consider a different approach given the recent changes that COVID has presented with regard to the growth in popularity of home occupation businesses. Due to COVID and the increase in people working from home, we should be concerned about this kind of activity in residential areas that makes an adverse impact on the residential neighborhood. What will we regulate in the residential areas? Some traditional activities such as salon, auto repair, bakery, can create nuisances. However, there are some commercial activities that are acceptable and some not. Should we take a different approach? The Supreme Court is determining what can be operational in residential areas. In trying to regulate or define what home occupation is, we should ask ourselves what is suitable rather than just coming up with a no list? Should we take a different approach to this?

DeHaan asked how we define “traditional.”

Martin said “traditional” is generally defined as historically used home occupations, like music lessons, where the piano teacher has students come to a home for lessons. While not traditional, it is often typical to have newer occupations operating out of the home given technology, because the use of computers has affected home occupations and made many occupations easier to accomplish from home, rather than requiring an office, but they have not traditionally taken place in the home. What is not traditional? Things like an E-bay business. What we have done in the past is generate a list and add the other similar uses language, but they are not specific.

Pfost said the intent is to restrict activity so it is not impactful like a commercial activity.

Ervine asked if we want to postpone the discussion and look at it again and look at the term “adverse effect.”

DeHaan said looking at residential vs. commercial – should we look at the Master Plan and the commercial side of it. Does it make sense to carve out home occupation as separate? Let’s postpone this – what do we want to have in the future that is called “commercial?”

Pfost said if we write an ordinance saying no to short term rentals in a residential area, do we eliminate the problem re allowing commercial activity in a residential area. Should we take a different approach? Where will we be in the next five years? Can we have some language that takes us from too narrow an approach?

Kleinjans asked how a home occupation is different from a short-term rental?

Martin noted that the home occupation is an accessory to the residential use, so to speak. The primary use of the property is the residential use of the single family dwelling, but you

may incidentally also operate a home occupation as an accessory, if permitted and as regulated by the ordinance. A short-term rental is not a permitted use in the ordinance, not by right or by special use. It is more like the primary use of the residential dwelling, as a whole, becomes like a commercial hotel/motel use.

DeHaan said one definition is in regard to customers coming to the home. DeHaan said we should define it, not list home occupations. What should the public do and not do in a home with regard to a home occupation vs. a commercial business? What is customary and not customary?

Kleinjans asked where do we draw the line.

Ervine asked Planning Commission members for comment on where they are on some revision of the language to clarify terms.

Garlinghouse and Eade supported what the Planning Commission wanted to do.

Kleinjans was in support but believed some of the language could be changed.

Pfost said the language is not quite right at this moment in time.

DeHaan concurred a couple of areas need to be changed for clarification.

Kleinjans suggested deleting the word “customarily” and use “primarily” instead. If a home occupation is working with several people state “one at a time” in 2a. How did we come up with 3? In 3 the suggestion was to remove everything except the nature of home occupation.

DeHaan asked about the reference to “no outdoor storage of equipment.” Should the items be stored in an outside building?

Martin said this refers to storage in an accessory building so items are not stored outside, exposed for the neighbors to view.

DeHaan also asked about 3b regarding in-home daycare and the guidelines.

Ransford said it’s always been that way regarding daycare providers. This is dictated by the State of Michigan. It is either a use-by-right or a special use depending on the number of children.

DeHaan asked about 8:00 PM as a recommended stop time for home occupation activity. He said this is too late – could we move it to 7:00 or 6:00 PM? He also asked about the meaning of “display of merchandise.”

Martin said this may be in regard to outdoor advertising, but the Planning Commission and the Board can ultimately determine what they want to regulate. The idea is whether you want to allow a residential structure to look like a commercial business advertising the merchandise in display windows, and things like that. He said this should address aesthetics and what the look should be on the outside of the dwelling.

Ransford will redraft the language and bring it back to the Planning Commission for review. A Public Hearing will be held at that time.

PUBLIC COMMENT

Ervine opened Public Comment at 8:00 P.M.

Mary Nusbaum asked when there will be an update on short term rentals.

Ervine closed Public Comment at 8:02 P.M.

ANNOUNCEMENTS

The next Planning Commission meeting will be September 23, 2021.

Ervine said she hopes short-term rentals will be on the agenda at the September meeting. The consultant will join the meeting via ZOOM and report on the findings and data. She asked Ransford for his update.

Ransford said Staff has prepared the report on neighborhoods that have rentals. They are working on getting the Township neighborhoods identified more specifically. They are looking at commonalities among the rentals and the police reports by intersection, property address and street. They are mapping the rentals for a visual report.

Ervine said hopefully we can deduce what is happening in neighborhoods based on the findings. We owe the community a response on this topic. She asked DeHaan to give his Board Liaison report.

DeHaan provided an update on the consultant's findings based on the report to the Township Board. Web research on rental units brings up specific data, the data from the assessor on the number of single-family homes, and how many are exempt and non-exempt. He asked Martin to comment on the legal situation after his report.

The database is what they can pull from websites. In Park Township there are 318 short and long term rentals, 231 of which are short-term rentals. 28% are 5 bedrooms or more, 47% have 3 bedrooms. There were 183 short-term rentals in 2020, and that number has increased to 229 in the past 18 months – a 46% increase. There are 50 rentals on the South side of the Township.

Additional data: There are 7,555 single-family units in Park Township, 6,364 of those are permanent residents. That is 84% of single-family homes in the Township. The balance are non- homestead properties which are vacation rentals, etc. 27% of homestead properties are short-term rentals which poses a tax problem for the Township.

There are two million short-term rentals in the United States.

DeHaan described the best practices for enforcement of short-term rentals include identifying who owns them and their registration. A full-time compliance officer he would monitor 100 units. If the Township hired four officers they would be full time. You have LLCs buying properties too. Grandfathering is not recommended. The zoning ordinance has never granted permission for short term rentals. With regard to resident calls reporting problems, the sheriff said he is in business of stopping crime – short-term rentals are at the bottom of the list for response. A recommendation is setting up a hot line to owners when there are problems. The prognosis is this business will continue to grow in the future

Ervine said we need to ask: Do we regulate? and Who does the enforcing?

Martin said state law in the Zoning and Enabling Act looks at land use, the noise ordinance is not necessarily land use, like residential compared to commercial compared to industrial. The Township has a general, police power noise ordinance which is enforceable. The noise ordinance can be used regardless of the zoning classification and use of the property. While the Township is studying this, we aren't enforcing the prohibition on short-term rentals, but it is important to note that in the past we haven't ever permitted them – so legally, they are not permitted and would not be considered nonconforming uses, unless they predated the Zoning Ordinance's adoption in 1974, which is unlikely. They are currently considered zoning infractions, but we aren't enforcing municipal civil infraction citations on short term rentals as ordinance violations right now. it's like there is a moratorium currently on enforcement of short-term rentals while we study this, and while the state considers it as well. The Legislature has a couple of bills in process. The Michigan Supreme Court recently declined to hear a case regarding lawfulness of short-term rentals. Regarding grandfathering, it will not apply to the Township short-term rentals.

Dennis Eade said there has been no movement in the Legislature since Memorial Day.

Ervine noted the September packets will be available two weeks ahead.

DeHaan asked about plans for a Strategic Plan. Ervine said she hopes to have a decision regarding this soon.

ADJOURNMENT

Pfost moved, supported by Kleinjans, to adjourn the meeting at 8:45 P.M.

Respectfully submitted,

Judith Hemwall
Recording Secretary
August 28, 2021

Approved:



Park Township Planning & Land Use Activity Report

August 2021

Executive Summary

Pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Park Township Planning Commission (PTPC) was formed to review land use proposals and provide approval, denial, or recommendation to the Park Township Board of Trustees regarding the same; draft and maintain the Park Township Master Plan; conduct revisions to the Park Township Zoning Ordinance and provide recommendation and; conduct review and analysis of other related land use matters as requested by the Park Township Board of Trustees (PTBT).

As a result of the responsibility of the PTPC, the Department of Community Development provides this monthly activity report as a synopsis of the land use planning efforts of the PTPC.

Current Land Use Proposals

Camp Geneva

A site plan was received to construct a pedestrian bridge over Lakeshore Drive connecting the west and east campuses of Camp Geneva. In addition, the application seeks to dissolve the current Planned Unit Development and authorize the bridge and future expansions through the existing use-by-right provisions of the zoning district. The bridge application is anticipated to be placed on the October agenda of the PTPC.

Current Ordinance Reviews

Accessory Buildings

The PTPC held a public hearing at their August 26, 2021 meeting to consider removing the authority of the Park Township Zoning Board of Appeals to approve accessory buildings in excess of the square footage limitations and providing that authority to Zoning Administrator. Staff was provided with direction to modify the language further and return the text to the PTPC at their September meeting for consideration.

Wheel Stops

The PTPC held a public hearing at their August 26, 2021 meeting to consider language allowing alternatives to wheel stops in parking lots. A recommendation regarding the language was paused to allow for its transmission to the PTBT at the same time as the accessory building provisions. It is anticipated that the language will be recommended at the September meeting of the PTPC.

Home Occupations

The PTPC will hold a public hearing to consider an amendment to the home occupation language within the Park Township Zoning Ordinance to allow customers on site, among other revisions, at their September meeting.

Other Matters

Food Trucks

As a result of a recent application to the Park Township Zoning Board of Appeals to allow food trucks, sample language will be presented at the September meeting of PTPC to consider permitting food trucks by ordinance.

Master Plan

Staff recently completed stakeholder interviews with Upland area property owners and will schedule public workshops in the Fall. Subsequently, staff will continue to work through the Master Plan Framework.

Construction Observation Update – Approved Land Use Projects

The Reserve on Lake Macatawa

Four permits were issued.

Beachwalk Condominiums – Ottawa Beach Road

Two permits were issued.

Benjamin's Hope Planned Unit Development Amendment

Rough-in inspections were approved.

Outdoor Discovery Center

Permits pending. Grading has begun.

Upcoming Matters

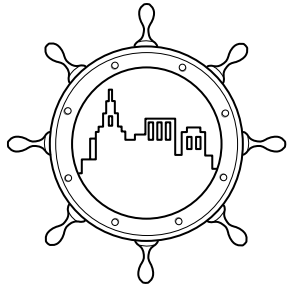
Short Term Rentals

The Township hired Granicus to guide the Short Term Rental process, who compiled initial data sets for review by the PTPC. Staff met Granicus in July to review the data and formulate next steps. Existing data will be separated by neighborhoods and provided to Granicus for further analysis.

Annual Project Rolodex

- Brewers Map Amendment (Conditional Rezoning) Request
 - Planning Commission recommendation of adoption: June 24, 2021

- Board of Trustees approval: July 8, 2021
- Zoning Text Amendments
 - Division 4A – Lake Court Overlay District
 - Division 4B – Edgewood Beach Overlay District
 - Section 38-6 – Definitions
 - Section 38-155 – Zone Districts
 - Planning Commission recommendation of adoption: June 24, 2021
 - Board of Trustees adoption: July 8, 2021
- Outdoor Discovery Center, Preschool
 - Planning Commission approval: May 27, 2021
- Timberline Woods Pond
 - Planning Commission approval: May 27, 2021
- Brewers Map Amendment (Rezoning) Request
 - Planning Commission recommendation of denial: April 22, 2021
 - Board of Trustees: Withdrawn by applicant
- Macatawa Legends Planned Unit Development Amendment
 - Planning Commission recommendation of approval: January 13, 2021
 - Board of Trustees approval: March 11, 2021
- Waukazoo Woods Farmers Market
 - Planning Commission approval: January 13, 2021
- Anchorage Marine Planned Unit Development Amendment
 - Planning Commission recommendation of approval: December 9, 2020
 - Board of Trustees approval: April 8, 2021
- Division 11 – Public Lands and Open Spaces District
 - Planning Commission recommendation of approval: November 11, 2020
 - Board of Trustees adoption: April 8, 2021
- Public/Open Space Master Plan Amendment
 - Planning Commission recommendation of approval: November 11, 2020
 - Board of Trustees adoption: April 8, 2021
- Harrington Woods Conditional Map Amendment (Rezoning) Request
 - Planning Commission recommendation of denial: October 14, 2020
 - Board of Trustees: Withdrawn by applicant
- Benjamin’s Hope Planned Unit Development Amendment
 - Planning Commission recommendation of approval: October 14, 2020
 - Board of Trustees approval: January 14, 2021
- Tree Preservation (Section 38-518) Zoning Text Amendment
 - Planning Commission recommendation of adoption: September 9, 2020
 - Board of Trustees adoption:
- Zoning Text Amendments
 - Division 6B – Ottawa Beach Overlay District
 - Section 38-6 – Definitions
 - Section 38-155 – Zone Districts
 - Section 38-509(1) – Home Occupations
 - Section 38-601 – General Parking Requirements
 - Planning Commission recommendation of adoption: July 8, 2020
 - Board of Trustees adoption: August 13, 2020



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: September 14, 2021
Re: Draft Changes to Section 38-6 – Definitions and Section 38-506 – Home Occupations

Pursuant to your direction at your August 26, 2021 meeting, attached and scheduled for a public hearing is a Zoning Text Amendment Ordinance to amend Section 38-6 – Definitions and Section 38-506 – Home Occupations of the Park Township Zoning Ordinance. As you will recall, at your August 26, 2021 meeting you directed us to perform the following revisions to the previous draft language:

- Definition of Home Occupation – strike “customarily” and add “primarily by the residents of the dwelling”
- Section 38-506
 - 2a – add language allowing not more than one other person to be employed at the home occupation at the same time
 - 2b – clean-up customer limitation related to daycares and art instruction
 - 3a – strike all of the language following the comma
 - 3c – allow indoor display
 - Revise the operating time from 7:00am to 6:00pm

Additionally attached is a copy of the changes since the previous document. As always, additions are shown in underlined text and proposed deletions are shown in strikethrough text. We believe the revisions satisfy your direction.

Anticipated Action

We anticipate the Planning Commission providing a recommendation of adoption to the Park Township Board of Trustees.

Planning Commission Draft Motion

Given our Anticipated Action and in an effort to assist with your formulation of a motion in that regard, we offer the following motion for your consideration.

Motion to recommend adoption of Section 38-6 – Definitions and Section 38-506 – Home Occupations of the Park Township Zoning Ordinance as presented within the draft Zoning Text Amendment Ordinance.

The Home Occupation language has been scheduled for public hearing as a New Business item at your September 23, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Howard Fink, Manager

HOME OCCUPATION — An occupation that is ~~traditionally or customarily~~ conducted within a dwelling primarily by the residents of the dwelling, which use is incidental and secondary to the use of the dwelling as a home, and which does not alter the residential character of the property.

Section 38-506 – Home Occupations

The Township is committed to creating a community environment that sustains and promotes the health, safety and welfare of its residents. The Township recognizes the growth of the community and the need to have regulations that reflect the current needs and realities of the residents' lives, including economic lives. This section is designed to permit home occupations as an accessory use to a residential dwelling while helping to regulate and control traffic, parking, noise, advertising, diminished community aesthetics, and noxious odors that could otherwise negatively affect our residential neighborhoods.

- (1) All home occupations, whether permitted by right pursuant to Subsection (2) of this section or permitted as a special use pursuant to Subsection (3) of this section, shall be subject to the following requirements.
 - a. A home occupation shall be permitted only as an accessory use to a residential dwelling in the AG, R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
 - b. A home occupation shall not alter the residential character of the dwelling in which it is operated, the character of the property on which the dwelling is erected, nor the character of the neighborhood in which the property is located.
 - c. No signage for the home occupation, or other structures of any kind related to the conduct of the home occupation shall be permitted on the property except as otherwise may be specifically authorized by this chapter.
 - d. A home occupation shall not include any type of motor vehicle or automobile repair, including, but not limited to, any type of bodywork or engine repair.
- (2) Unless otherwise authorized as a special use permit elsewhere in this zoning chapter, home occupations that meet all of the following requirements, restrictions and regulations shall be permitted by right.
 - a. The home occupation shall be conducted entirely within the dwelling by occupants of the residence and not more than one other person at any given time. ~~No outside employees, consultants, or independent contractors shall be permitted to be directly employed and work at the dwelling as part of the home occupation.~~ No outdoor storage of any equipment, merchandise, articles for sale, or any other materials related to the home occupation shall be permitted for the home occupation.
 - b. ~~With the exception of h~~ Home occupations ~~that have been authorized by state law shall include those involving~~ the instruction in a craft or fine art, or in-home adult foster care or family or group day care providers, as provided by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, ~~the home occupation shall not result in an increase in vehicular traffic to the property and shall not allow commercial parking on the property. Excluding in-home adult foster care or family or group day care occupations provided by the Michigan Zoning Enabling Act, N~~ no more than three (3) customers shall be permitted at the same time on the premises to conduct business as part of a home occupation between the hours of 7:00a.m to 6:00p.m, with the exception of home occupations engaged in the instruction in a craft or fine art, or in-home day care providers. Further, excluding in-home adult foster care or family or group day care occupations provided by the Michigan Zoning Enabling Act, no customers shall be permitted between the hours of 6:00p.m and 7:00a.m. The home occupation shall not allow commercial parking on the property and shall not result in having regular deliveries by trucks

larger than step side vans come to the property for the purpose of making a pick up or delivery to the property.

- c. No merchandise or articles for sale shall be displayed ~~on the property used~~outside of the dwelling for the home occupation.
- (3) For a proposed home occupation that is not authorized as a special use permit elsewhere in this zoning chapter or does not meet the requirements, regulations and restrictions contained in Subsection (2) of this section, the home occupation will be permitted only if approved as a special use by the Planning Commission. When deciding an application for a home occupation as a special use, the Planning Commission shall consider the following standards:
- a. The nature of the home occupation, ~~including whether it is of a type that has traditionally and historically been carried on as a home occupation;~~
 - b. The nature of the surrounding neighborhood;
 - c. The effect of the home occupation on the surrounding neighborhood;
 - d. The environmental effects of the home occupation;
 - e. Whether customers conduct business on the premises;
 - f. Potential traffic congestion as a result of the home occupation; and
 - g. Provision for parking for traffic or clientele that may result from the operation of the home occupation (for those home occupations where customers or clientele are permitted on the premises).

ORDINANCE NO. 2021 - _____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND SECTION 38-6 - DEFINITIONS; AND AMEND SECTION 38-506 – HOME OCCUPATIONS OF THE PARK TOWNSHIP ZONING ORDINANCE, AND TO PROVIDE FOR SEVERABILITY AND THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF PARK, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Definitions. Section 38-6 of the Zoning Ordinance, being certain definitions, shall be amended by revising “Home Occupation” to read as follows.

Home Occupation

An occupation that is conducted within a dwelling primarily by the residents of the dwelling, which use is incidental and secondary to the use of the dwelling as a home, and which does not alter the residential character of the property.

Section 2. Home Occupations. Section 38-506 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Section 38-506 – Home Occupations

The Township is committed to creating a community environment that sustains and promotes the health, safety and welfare of its residents. The Township recognizes the growth of the community and the need to have regulations that reflect the current needs and realities of the residents' lives, including economic lives. This section is designed to permit home occupations as an accessory use to a residential dwelling while helping to regulate and control traffic, parking, noise, advertising, diminished community aesthetics, and noxious odors that could otherwise negatively affect our residential neighborhoods.

- (1) All home occupations, whether permitted by right pursuant to Subsection (2) of this section or permitted as a special use pursuant to Subsection (3) of this section, shall be subject to the following requirements.
 - a. A home occupation shall be permitted only as an accessory use to a residential dwelling in the AG, R-1, R-2, R-3, R-4 and R-5 Zoning Districts.
 - b. A home occupation shall not alter the residential character of the dwelling in which it is operated, the character of the property on which the dwelling is erected, nor the character of the neighborhood in which the property is located.
 - c. No signage for the home occupation, or other structures of any kind related to the conduct of the home occupation shall be permitted on

the property except as otherwise may be specifically authorized by this chapter.

- d. A home occupation shall not include any type of motor vehicle or automobile repair, including, but not limited to, any type of bodywork or engine repair.
- (2) Unless otherwise authorized as a special use permit elsewhere in this zoning chapter, home occupations that meet all of the following requirements, restrictions and regulations shall be permitted by right.
- a. The home occupation shall be conducted entirely within the dwelling by occupants of the residence and not more than one other person at any given time. No outdoor storage of any equipment, merchandise, articles for sale, or any other materials related to the home occupation shall be permitted for the home occupation.
 - b. Home occupations shall include the instruction in a craft or fine art, or in-home adult foster care or family or group day care providers, as provided by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. Excluding in-home adult foster care or family or group day care occupations provided by the Michigan Zoning Enabling Act, no more than three (3) customers shall be permitted at the same time on the premises to conduct business as part of a home occupation between the hours of 7:00a.m to 6:00p.m. Further, excluding in-home adult foster care or family or group day care occupations provided by the Michigan Zoning Enabling Act, no customers shall be permitted between the hours of 6:00p.m and 7:00a.m. The home occupation shall not allow commercial parking on the property and shall not result in having regular deliveries by trucks larger than step side vans come to the property for the purpose of making a pick up or delivery to the property.
 - c. No merchandise or articles for sale shall be displayed outside of the dwelling for the home occupation.
- (3) For a proposed home occupation that is not authorized as a special use permit elsewhere in this zoning chapter or does not meet the requirements, regulations and restrictions contained in Subsection (2) of this section, the home occupation will be permitted only if approved as a special use by the Planning Commission. When deciding an application for a home occupation as a special use, the Planning Commission shall consider the following standards:
- a. The nature of the home occupation;
 - b. The nature of the surrounding neighborhood;
 - c. The effect of the home occupation on the surrounding neighborhood;
 - d. The environmental effects of the home occupation;
 - e. Whether customers conduct business on the premises;
 - f. Potential traffic congestion as a result of the home occupation; and
 - g. Provision for parking for traffic or clientele that may result from the operation of the home occupation (for those home occupations where customers or clientele are permitted on the premises).

Section 3. Severability. This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. This amendment to the Park Township Zoning Ordinance was approved and adopted by the Township Board of Park Township, Ottawa County, Michigan on _____, 2021, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2021, which date is the eighth day after publication of the Zoning Text Amendment Ordinance in the _____ as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Jim Gerard
Township Supervisor

Skip Keeter
Township Clerk

CERTIFICATE

I, Skip Keeter, the Clerk for the Township of Park, Ottawa County, Michigan, certify that the foregoing Park Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2021. The following members of the Township Board were present at that meeting:

_____. The following members of the Township Board were absent:

_____.

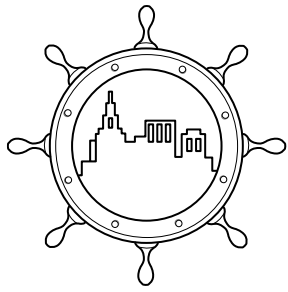
The Ordinance was adopted by the Township Board with members of the Board _____

voting in favor and members of the Board _____

_____ voting in opposition. Notice of Adoption of the

Ordinance was published in the _____ on _____, 2021.

Skip Keeter, Township Clerk



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: September 14, 2021
Re: Food Trucks – Sample Ordinance Language

Pursuant to your Task List and a recent request for relief before the Park Township Zoning Board of Appeals (PTZBA), attached is a sample ordinance regulating Food Trucks within the City of Monroe, Michigan. At the direction of Chairperson Ervine, this language is provided as a starting point to discuss allowing food trucks in Park Township. As you know, the Township does not formally permit their use. Given this, the only means to seek a food truck is through the PTZBA. In that regard, the Yacht Basin recently sought and was granted the use of food trucks. While the PTZBA authorized that request, it is more appropriate to pursue approval through an ordinance permitting the same.

City of Monroe Ordinance

While we preferred to provide you with a copy of an ordinance that we could verify is tried and tested, we were unable to acquire such from various colleagues. The City of Monroe Ordinance was simply produced through a Google search. That said, we believe its content is generally appropriate. The only language we would recommend adding includes application details for the accommodation of customer parking, particularly when utilizing an existing parking lot that is dedicated to other uses.

Anticipated Action

We anticipate the Planning Commission providing direction to staff to draft an ordinance suited for Park Township that permits food trucks.

The sample language has been scheduled as a New Business item at your September 23, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachment

cc: Howard Fink, Manager

Chapter 360

FOOD TRUCKS/MOBILE FOOD VENDING UNITS

§ 360-1. Intent.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Monroe, while providing a framework under which such businesses operate, this chapter is established.

§ 360-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD TRUCK — A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

MOBILE FOOD VENDING — Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT — Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

VENDOR — Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

OPERATE — All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

§ 360-3. Permit required.

- A. No vendor shall engage in mobile food vending without a permit issued by City of Monroe Clerk/Treasurer's office authorizing such vending. The Monroe City Council shall prescribe the form of such permits and the application for such permits.
- B. All permits shall be prominently displayed on the mobile food vending unit. A permit for vending shall not be issued by the Clerk/Treasurer's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.
- C. A vendor who has applied for and received a permit to operate a food truck or mobile food vending unit under this chapter does not have to also apply for and receive a permit to operate under the City of Monroe's Hawkers, Peddlers and Transient Merchants Ordinance (Chapter 374 of the Monroe Code).

§ 360-4. Duration of permit; nontransferability.

Permits issued by the City of Monroe Clerk/Treasurer's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

§ 360-5. Application for permit.

- A. Any vendor desiring to operate a food truck or engage in mobile food vending in the City of Monroe shall submit a completed application to the City of Monroe Clerk/Treasurer's office and receive a permit issued by that office.
- B. The applicant shall truthfully state, in full, all information requested on the application for permit issued by the City of Monroe Clerk/Treasurer's office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this chapter or the City of Monroe. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-6. Single-event permits.

A single-event application is also available from the City of Monroe Clerk/Treasurer's office for vendors wishing to operate a food truck or mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 360-7. Fees.

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Monroe City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Clerk/Treasurer's Office.

§ 360-8. Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Food trucks/mobile food vending units shall only operate in districts zoned C-O, CBD, C-1, C-2, I-1, I-2, PROS, Waterfront Commercial, or Planned Unit Development Districts, or other districts approved by the Monroe City Council.
- B. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Clerk/Treasurer's office. No food service shall be allowed on the driving lane side of the mobile food vending unit. If operating on a private street, the customer service area for mobile food vending units shall be on the curb lawn or sidewalk when parked.
- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.

- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- F. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of Monroe
- G. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.
- H. Mobile food vending units shall not be parked and operating from 7:00 a.m. to 5:00 p.m. in the following areas: Front Street from Cass Street (on the west) to South Macomb Street (on the east); and Washington Street from Loranger Square (on the south) to East Front Street (on the north).
- I. Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to dining furniture, fixtures, and equipment.
- J. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Monroe Building Department is required.
- K. Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

§ 360-9. Other permits.

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

§ 360-10. Complaints; appeals; revocation of permit.

- A. If a written complaint is filed with the City of Monroe Clerk/Treasurer's office alleging a food vendor has violated the provisions of this chapter, the Clerk/Treasurer's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Clerk/Treasurer's office, with the assistance of other City departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Clerk/Treasurer's office, after reviewing all relevant material, finds the complaint to be

supported by a preponderance of the evidence, the complaint shall be certified.

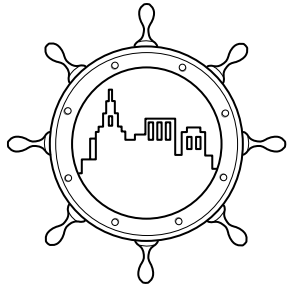
- B. The City of Monroe Clerk/Treasurer's office shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local law, ordinance or regulation; makes a false statement on his/her application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- C. If a permit is denied or revoked by the Clerk/Treasurer's office or if a written complaint is certified pursuant to this chapter, the applicant or holder of the permit may appeal to Monroe City Council. Such appeal shall be in writing. The City Council (or designee) shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation, or complaint is valid. If the City Council (or designee) determines that the denial, revocation, or complaint is valid as supported by a preponderance of the evidence, the action of the Clerk/Treasurer's office shall be sustained. The applicant may appeal the decision of the Monroe City Council (or designee) to a court of competent jurisdiction.
- D. Immediately upon such revocation, the Clerk/Treasurer's office shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

§ 360-11. Appearance tickets.

The Monroe Police Department or such other officials as designated by the Monroe City Council are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law.

§ 360-12. Civil infraction.

A violation of this chapter is designated as a civil infraction subject to fines as set out in § 1-27E of the Monroe Code.



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MEMORANDUM

To: Park Township Planning Commission
From: Gregory L. Ransford, MPA
Date: September 14, 2021
Re: Revisions to Section 38-491 – Accessory Buildings, Detached Accessory Buildings,
Location and Height Limitations

Pursuant to your direction at your August 26, 2021 meeting, attached are proposed revisions to Section 38-491(b)(2)h – Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations of the Park Township Zoning Ordinance (PTZO) as well as to the newly proposed Section 38-491(b)(2)i – Accessory Buildings, Detached Accessory Buildings, Location and Height Limitations within the PTZO. As you will recall, your direction included the following:

- Provide the option of a public hearing requested by a neighbor
- Provide for the option of deferment of a request to the Zoning Board of Appeals
- Revise the standard provided within subsection five (5) of each section to consider the adverse effect on and from the view of the adjoining property

Attached is a copy of the changes since the previous document. Additions are shown in bold text and proposed deletions are shown in strikethrough text. We believe the revisions satisfy your direction.

Anticipated Action

We anticipate the Planning Commission providing a recommendation of adoption to the Park Township Board of Trustees.

Planning Commission Draft Motion

Given our Anticipated Action and in an effort to assist with your formulation of a motion in that regard, we offer the following motion for your consideration. As you may recall, the previous review of this language included the revision to Section 38-605(6) of the PTZO regarding wheel stops. While that language was found to be satisfactory, a motion was paused to allow for revisions regarding accessory buildings. As a result, we have combined all three sections in one motion below given that they share the same Zoning Text Amendment Ordinance.

Motion to recommend adoption of Section 38-491(b)(2)h, Section 38-491(b)(2)i, and Section 38-605(6) of the Park Township Zoning Ordinance as presented within the draft Zoning Text Amendment Ordinance.

The proposed revisions have been scheduled for as an Old Business item at your September 23, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Howard Fink, Manager

Section 38-491(b)(2)h – Accessory Buildings, Detached Accessory Buildings

The Zoning Board of Appeals may authorize ~~one or more~~ **an** accessory buildings in excess of ~~the square footage limitations or in excess~~ of the height limitations as an administrative approval. In considering such a request, the Zoning Board of Appeals shall consider the following standards:

1. The ~~area and/or~~ height of the accessory building in relation to the size of the lot on which it is to be placed;
2. The ~~area and/or~~ height of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;
3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the **adjoining property or the view of any from the** adjoining property.

New Subsection i

Section ~~38-491(b)(2)~~**(2)i** – Accessory Buildings, Detached Accessory Buildings

The Zoning ~~Board of Appeals~~ **Administrator** may authorize one or more accessory buildings in excess of the square footage limitations ~~or in excess of the height limitations~~ as an administrative approval. In considering such a request, the Zoning ~~Board of Appeals~~ **Administrator** shall consider the following standards:

1. The ~~area and/or height~~ of the accessory building in relation to the size of the lot on which it is to be placed;
2. The ~~area and/or height~~ of the accessory building in relation to the principal building on the lot on which the accessory building is to be placed;
3. The location of the accessory building in relation to other buildings on adjoining lots and in relation to the principal building on the lot;
4. Whether or not the accessory building will affect light and air circulation of any adjoining property; and
5. Whether the accessory building will adversely affect the **adjoining property or the view of any from the** adjoining property.

Prior to reviewing the request, the Zoning Administrator shall mail a notice of the request to all real properties within 300 feet of the subject lot informing them of their option to request a public hearing within 15 days of the date of the letter. The notice shall indicate that if a request is not provided, the Zoning Administrator shall proceed without public comment.

The Zoning Administrator may defer any request to the Zoning Board of Appeals.