

## **AGENDA**

### **EAST GRAND RAPIDS PLANNING COMMISSION January 10, 2023 - 5:30 PM Community Center – Commission Chambers**

Citizens may also stream the meeting via the following link: <https://bit.ly/2xXILvn>  
Comments not accepted via the livestream.

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes: December 13, 2022 Meeting
4. Public Comment on Non-Agenda Items
5. 2022 Planning Commission Annual Report (No Action Required)
6. Study Session – Home Occupations
7. Report of the City Commission
8. Next Regular PC Meeting: February 14, 2023
9. Adjournment

PROCEEDINGS OF THE PLANNING COMMISSION  
CITY OF EAST GRAND RAPIDS

December 13, 2022

East Grand Rapids Community Center – Commission Chambers

Present: Chairman Mary Mapes, Commissioners Steve Achram, Matt Feyen, Karey Hamrick, Greg Metz, Peter Michell, Christopher Rosmarin and Tom Tilma.

Also Present: Deputy City Manager Doug LaFave, Zoning Administrator Jay Gianotti, City Attorney John Huff, City Planner Paul LeBlanc of PLB Planning and Recording Secretary Lynda Taylor

Absent: Commissioner Brian Miller

1. CALL TO ORDER

Chairman Mapes called the meeting to order at 5:30 PM

2. APPROVAL OF AGENDA

A motion was made by Commissioner Hamrick and supported by Commissioner Rosmarin to approve the agenda as written.

Yeas: Commissioners Achram, Feyen, Hamrick, Mapes, Metz, Michell, Rosmarin and Tilma - 8  
Nays: -0-

3. APPROVAL OF MINUTES – October 11, 2022

A motion was made by Commissioner Tilma and supported by Commissioner Rosmarin to approve the minutes as corrected.

Yeas: Commissioners Achram, Feyen, Hamrick, Mapes, Metz, Michell, Rosmarin and Tilma - 8  
Nays: -0-

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Mapes noted that there was no one in attendance and moved to the next agenda item.

5. PUBLIC HEARING – AMENDMENT TO CHAPTER 50, ARTICLES X & XI OF ZONING ORDINANCE – SITE PLAN REVIEW AND SPECIAL USES

Zoning Administrator Gianotti introduced and reviewed the amendment.

- The City is looking to update the site plan and special use review and approval process to better align with current best practices and help the City achieve Redevelopment Ready Community (RRC) status with the Michigan Economic Development Corporation (MEDC). One of the requirements is that all site plans permitted by right or that are specifically allowed in the zoning ordinance should be able to be approved either administratively or by the Planning Commission. Currently the City Commission grants approvals with the Planning Commission serving only in an advisory role.
- There are many benefits to this approach compared to the City's current process.
  - Simplifying the approval process: Currently the City Commission votes on final approval of a site plan or special use after being reviewed by the Planning Commission which unnecessarily prolongs the approval process.
  - The extra review step carries additional risk that site plans and special uses meeting all review criteria were denied by factors unrelated to the formal standards of review.
  - Allowing the Planning Commission or city staff to approve site plans makes the approval process more standardized by clearly outlining the expectations for approval and better linking site plan reviews to the standards in the zoning ordinance.
- Public input and public hearings:

- If a project or use is allowed by right, it does not require a public hearing, although the City by its own practices still holds public hearings for all site plan recommendations and approvals.
- If the Planning Commission becomes the sole reviewer, the city can still hold public hearings with the Planning Commission as it has done in the past.
- The current process is unique in that every other community that was researched and surveyed allows their Planning Commissions to review and approve site plans and special uses. East Grand Rapids is the only researched community that does not follow this process. The change would align EGR with other communities in the area.
- This subject was brought up to the City Commission in October for their input and feedback. The general consensus was that they were open to having the Planning Commission look at this and amending the procedures for both site plan review and special uses.
- The actual review procedures or review standards will not change. The only thing changing is transferring the approval powers from the City Commission to the Planning Commission.
- Special Use Approval: This is relatively rare in the City. There have only been two in the last six years that have come before the City for approval. Both were approved and, in both cases, there were subsequent amendments to the zoning ordinance that made them permitted uses.
- The City Commission will continue to approve Planned Unit Developments (PUD).

Chairman Mapes opened the public hearing. There was no public in attendance. Chairman Mapes closed the public hearing.

A motion was made by Commissioner Michell and supported by Commissioner Achram to recommend approval by the City Commission of amendments to Articles X and XI of the Zoning Ordinance as written.

Yeas: Commissioners Achram, Feyen, Hamrick, Mapes, Metz, Michell, Rosmarin and Tilma - 8  
Nays: -0-

## 6. STUDY SESSION – HOME OCCUPATIONS

Zoning Administrator Gianotti led the study session reviewing potential amendments to Home Occupation Regulations and Encroachments into Required Yards (Sections 5.70B & 5.61). Topics related to updating current regulations were discussed. Mr. Giannotti's summary of this discussion is as follows.

### Proposed Regulations that were Accepted

- Prohibition on mechanical and repair work except for items owned/leased by occupant for personal use.
- Nuisance regulations as previously written.
- No business signs allowed.
- Adding a restriction that mechanical units must be no closer than 2' to all side and rear lot lines.

### Employees

- There were questions about if a three-employee limit is too strict.
- One commissioner questioned if a contractor would count as an employee.

### Allowable Uses

- There was some discussion regarding allowing food-based uses. Some commissioners felt it was best to leave them out as there may be too many other requirements they would have to meet. Others cited the Cottage Food Law as allowing home-based food sales and production.
- It was clarified that, for “short-term rentals”, the zoning ordinance does not have a formal definition. However, the City has relied on relevant case law to determine what that means.

### Size

- Commissioners requested that the one room limitation be removed, citing it as not needed or common.

#### Traffic/Visitation

- There was a request to clarify what “bulk delivery” means.
- Some commissioners felt it was not necessary to regulate on-street parking for home occupations, citing the potential for conflict in areas with limited parking. There were also questions about how this would impact a house with no off-street parking areas.
- Some commissioners questioned the restriction on expanding parking areas, citing that similar expansions for other reasons would be allowed.
- Some commissioners questioned if the restriction of five visits per day was too limiting. For example, therapists, music teachers, and similar uses could have more visitors than that per day.

#### Other Comments

- Commissioners recommended adding a new intent statement to better define the purpose of the new regulations.
- One commissioner asked if a home occupation would also be allowed in the C-1 District.
- There were questions regarding the prohibition of commercial signage on vehicles, and if the current regulations are too restrictive. City staff noted that the current commercial sign definition includes signage on vehicles and that the current regulations would apply to all vehicles with commercial signage, not just those for a home occupation.

### 7. REPORT OF THE CITY COMMISSION

Commissioner Hamrick reported the following:

- Commissioner Pachla will be resigning from Ward 1. His last meeting will be on December 20. He won the election for County Commission in District 19 and will be starting his new role in January. Ward 1 residents can apply for the position through January 6. Applications can be submitted online or in person at the Community Center during regular business hours. Applications will be reviewed by the Personnel Committee and the formal interviews will take place before the City Commission. According to the City Charter, the City must fill the vacancy within 90 days. This is typically done sooner.
- The City Commission will be holding a Strategic Planning Session in late February.
- Playground equipment designs for the structures at the elementary schools were finalized. The final designs can be viewed on the City website. An RFP has been posted for a general contractor. The RFP will be closing tomorrow. City staff will review the proposals and make a recommendation to the City Commission.
- The revised City tax bills have been mailed out to the residents.

Deputy City Manager LaFave added that an RFP has been out for community facilities solar array projects. It is anticipated a recommendation will go to the City Commission in late January.

### 8. NEXT REGULAR PC MEETING: JANUARY 20, 2023

### 9. ADJOURNMENT

A motion was made by Commissioner Tilma and supported by Commissioner Achram to adjourn the meeting at 6:58 PM.

Yeas: Commissioners Achram, Feyen, Hamrick, Mapes, Metz, Michell, Rosmarin and Tilma - 8

Nays: -0-

Respectfully submitted,

Lynda Taylor  
Recording Secretary



# CITY OF EAST GRAND RAPIDS

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JAY GIANOTTI, AICP  
ZONING ADMINISTRATOR

## MEMORANDUM

TO: East Grand Rapids Planning Commission  
FROM: Jay Gianotti, Zoning Administrator  
DATE: January 5, 2023

RE: **2022 Planning Commission Annual Report**

### Action Requested:

N/A

### Background:

The Michigan Planning and Enabling Act of 2008 (MPEA), as amended, states that a Planning Commission must prepare an annual written report to the legislative body concerning its operations and the status of planning activities, along with recommendations regarding actions by the legislative body related to planning and development.

### Membership

Planning Commission Member	Date Appointed	Term Expiration
<b>Mary Mapes (Chairperson) - Current</b>	7/6/2010	6/30/2025
<b>Brian Miller (Vice-Chairperson) - Current</b>	12/10/2019	6/30/2024
<b>Matt Feyen (Secretary) – Current</b>	7/1/2020	6/30/2023
<b>Karey Hamrick (City Commission Liaison) - Current</b>	1/1/2022	12/31/2023
<b>Steve Achram – Current</b>	7/1/2020	6/30/2023
<b>Greg Metz - Current</b>	7/1/2020	6/30/2023
<b>Peter Michell - Current</b>	7/1/2021	6/30/2024
<b>Christopher Rosmarin - Current</b>	7/1/2022	6/30/2025
<b>Tom Tilma - Current</b>	7/1/2022	6/30/2025
<b>Tom Getz (past Chairperson)</b>	1/18/2010	6/30/2022
<b>Whitney Renner (past member)</b>	7/1/2019	6/30/2022

### Meetings

The Planning Commission met eight times in 2022. The regularly scheduled meeting time of the Planning Commission is the second Tuesday of every month at 5:30 PM. This meets the requirements of the MPEA (minimum of four meetings a year). More detailed meeting minutes for each meeting can be found on the city's website. A brief outline of the meetings is as follows:

- January 11
  - The Planning Commission welcomed Karey Hamrick as the new City Commission liaison.
  - The Planning Commission held an introduction and public hearing for amendments to Sections 5.103A, 5.103B, and 5.104 of the zoning ordinance (Zoning Board of Appeals) to clarify certain ZBA procedures and when variances may be terminated. The amendment was recommended for approval by the City Commission.
  - The Planning Commission continued their discussion on proposed revisions to the MFR Multiple-Family Residential Zoning District. This session mainly focused on design standards for the district.
- February 8
  - The Planning Commission held an introduction for amendments to the MFR Residential District and related provisions.
- March 8
  - The Planning Commission held a public hearing for amendments to the MFR Residential District and related provisions. The amendments were recommended for approval by the City Commission.
- May 10
  - The Planning Commission held an introduction for amendments to clarify that the standards in Sections 5.111 and 5.116 of the zoning ordinance apply to nonconforming lots as well as nonconforming uses and structures.
  - The Planning Commission held a study session regarding potential zoning ordinance amendments that could be considered. The following topics were discussed.
    - Encroachments/Setbacks for Certain Uses next to Accessory Buildings
    - Home Occupation Regulations
    - Clarification of Variance Standards
- June 14
  - The Planning Commission recognized Whitney Renner for her service on the Planning Commission, as it was her last meeting as a Commission member.
  - The Planning Commission held a public hearing for amendments to clarify that the standards in Sections 5.111 and 5.116 of the zoning ordinance apply to nonconforming lots as well as nonconforming uses and structures. The amendment was recommended for approval by the City Commission.
  - The Planning Commission held a public hearing for a site plan involving 1761 & 1779 Breton. This site plan, named “Elinor Lane”, was to redevelop these two parcels into a new site condominium comprising eight single-family lots. After consideration, the Planning Commission voted that the City Commission approve the proposed site plan.
- September 13
  - The Planning Commission elected Mary Mapes as Chairperson, Brian Miller as Vice-Chairperson, and Matt Feyen as Secretary. The Commission also welcomed Christopher Rosmarin and Tom Tilma to the Planning Commission. The Planning Commission also recognized Dr. Tom Getz for his many years of service.
  - The Planning Commission held an introduction and public hearing for a rezoning request at 726 Croswell. The request would rezone the property from R-2 Single-Family Residential to MFR Multiple Family Residential. The zoning map amendment was recommended for approval by the City Commission.
  - The Planning Commission held an introduction for amendments to clarify and revise that the standards of review for variances in Sections 5.103 of the zoning ordinance.
- October 11
  - The Planning Commission held a public hearing for amendments to clarify and revise that the standards of review for variances in Sections 5.103 of the zoning ordinance.

After extensive discussion, the Planning Commission voted that the City Commission approve the proposed amendments with the condition that the “substantial detriment” language in Section 5.103C(3) be retained.

- The Planning Commission held a study session regarding home occupation regulations. The session was geared toward ways the City’s current regulations could be updated along with examples of new standards to consider.
- December 13
  - The Planning Commission held an introduction and public hearing for amendments to Articles X and XI of the zoning ordinance (Site Plan Review and Special Uses) to give the Planning Commission the authority to directly approve site plans and special uses. The amendments were recommended for approval by the City Commission.
  - The Planning Commission continued their discussion about home occupation regulations. Taking the feedback received at the previous study session, this session discussed potential revisions to the City’s current regulations. Extra focus was held on allowable uses and operational/performance standards. In conjunction with this, a revision to Section 5.61 (encroachments for mechanical units) was also discussed.

### Master Plan Review

The Planning Commission and City Commission adopted a new Master Plan in June of 2018. The Michigan Planning and Enabling Act of 2008 states that a community’s planning commission must review the Master Plan every five years and determine whether to amend the plan or create a new plan. Below is a list of master plan implementation items that were addressed in the 2022 calendar year. The full list of Master Plan Goals can be found on page 41 and 42 of the Master Plan:

- Mobility/Bicycle Action Plan
  - The final implementation plan for this project was approved in July 2022. Throughout the summer, the City added pavement markings on several streets to mark bike paths. Wayfinding signage and QR code signs linking to information about the plan and bike routes were also installed at various points along the paths. At this time, all short-term projects and several mid and long-term projects have been completed.
- Redevelopment Ready Community Certification
  - The City is continuing its work to achieve Redevelopment Ready Community (RRC) certification. Following a 2021 revision of program requirements, the City has been working towards “Essentials” certification. At this time, two main items remain to be approved: allowing the Planning Commission to approve site plans and preparing a public participation plan for the City. With regards to the former, it is anticipated that the City Commission will approve such amendments in January 2023. There are other minor tasks that also need to be completed, but these are all anticipated to be approved in Spring 2023. Once the Essentials tasks are completed, the City can evaluate whether it is appropriate to work toward “Certified” status.
- Multi-Family Housing/Zoning
  - After multiple study sessions, the City Commission approved amendments to the City’s MFR District regulations in May 2022. These regulations are aimed to allow for a wider variety of multi-family development in the MFR District while preserving the existing district character as much as possible. The City also approved a rezoning of one parcel to MFR as proposed in the Master Plan, though the development involved was for a single-family residence.

Future goals for the Planning Commission to consider:

- Continue to review the recommended changes to the Zoning Ordinance and Zoning Map and determine which changes the city should initiate, rather than wait for requests by property owners. In particular, the proposed land use map approved in the 2018 Master Plan shows a

desired rezoning of all of the single family residential on Lovett Avenue to Multiple Family Residential. The map also shows the single-family zoned properties on the north side of Lake Drive in-between Lovett Avenue and Bagley Avenue to be rezoned to Multiple Family Residential as well. It should be noted that one of these parcels was rezoned to MFR this year (726 Crosswell.) This future land use map can be found on page 24 of the Master Plan.

- Consider other avenues to increase the variety and attainability of housing options in the City. One increasingly popular trend in other communities has been the development of Accessory Dwelling Units (ADUs). ADUs would allow a residential lot to add a second, accessory residential use on their property. Examples of ADUs include guest houses, units built above garages, and the conversion of an existing accessory building into a livable dwelling unit. In some cases, ADU's may also be attached to the principal residential building. While currently not allowed in East Grand Rapids, there may be an opportunity to provide for such uses in appropriate areas.
- Consider potential housing options in the Gaslight Investors PUD (formerly Jade Pig.) The City is anticipating that the next phase of development in this area will be presented this year. Based on the original PUD plan and subsequent submissions, this next phase is assumed to include a significant residential component. The Planning Commission is encouraged to consider what form of residential development would be appropriate for this area.

This year will mark five years since the previous master plan was adopted. A preliminary review of the 2018 plan by City Staff has determined that most of the action items have either been completed or on track to be completed this year. With this in mind, the City is currently looking at options for creating a new master plan in FY 2023. More information will be shared as this process moves forward.

### Zoning Ordinance Amendments

The following zoning ordinance amendments were approved in 2022.

- Sections 5.103A, 5.103B, and 5.103D – Zoning Board of Appeals
  - This amendment made minor corrections and clarifications on ZBA procedures and when variances may be terminated. (Approved 1/18/2022)
- Sections 5.26B, 5.27, 5.28A, 5.30, 5.37, 5.59, and 5.77A– MFR Residential District and Related Provisions
  - This amendment updated various development standards in the MFR Residential District and created a new section for design standards within the district. Other sections of the zoning ordinance (C-1 District building height, height exceptions, and parking requirements) were also amended to complement these changes. (Approved 5/2/2022)
- Sections 5.111 and 5.116 – Nonconforming Lots, Uses, and Structures
  - This amendment clarifies that the standards in these sections apply to nonconforming lots as well as nonconforming uses and structures. (Approved 7/18/2022)
- Sections 5.103B, 5.103C and 5.103D – Decisions of the Zoning Board of Appeals
  - This amendment revises and clarifies the standards used to review variance requests that are heard by the ZBA. After extensive discussion, the City Commission elected to approve this amendment with the substantial detriment language previously in Section 5.103C(3) removed. (Approved 11/21/2022)

### Development Reviews

The following is a list of land divisions, special land use, and site plan review requests in 2022:

- Land Divisions/Combinations/Property line adjustments – None
- Special Land Use Requests – None
- Site Plan Review



- T-Mobile Equipment Upgrades (Water Tower) – Administratively Approved, 3/9/2022
- 1840 Wealthy Street – Blodgett Hospital
  - Site Plan Revision #3 (South Parking Garage) – Administratively Approved, 4/29/2022
  - Site Plan Revision #4 (South Canopy and Building Modifications, south courtyard improvements) – Administratively Approved, 5/23/2022
- T-Mobile Equipment Upgrades (EGR High School) – Administratively Approved, 5/2/2022
- Verizon Equipment Upgrades (EGR High School) – Administratively Approved, 7/13/2022
- 1761/1779 Breton – Elinor Lane Site Condominium Site Plan (8 single-family lots) – Approved 8/1/2022
- AT&T Equipment Upgrades (Water Tower) – Administratively Approved, 8/25/2022
- AT&T Equipment Upgrades (EGR High School) – Administratively Approved, 9/20/2022
- 660 Croswell – “The Dental House” (Interior renovations and new exterior ADA ramp) – Administratively Approved 12/13/2022

Rezoning Requests

There was one rezoning request/zoning map change in 2022. The property at 726 Croswell was rezoned from R-2 Single Family Residential to MFR Multiple Family Residential. (Approved 10/17/2022)

Zoning Variances

Zoning variances are not heard by the Planning Commission, but a list is being provided so that both the Planning Commission and the City Commission have a general idea of what kind of zoning variances were heard in 2022. Beginning in 2022, the newly created Zoning Board of Appeals (ZBA) heard all variance and appeals requests.

Location	Zoning District	Description	Status	Date of Action
1750 Robinson	R-1	Lot Coverage Variance	Tabled	5/3/2021
			Tabled	9/7/2021
			Denied	3/23/2022
2754 Elmwood	R-2	Side Yard Encroachment Variances: Min. side yard and total side yard	Denied	5/25/2022
1015 Orchard	R-2	Appeal of Front Lot Line/Yard determination by City	Denied	5/25/2022
1031 Cambridge	R-1	Front Yard Encroachment Variance for Covered Front Porch	Approved	7/27/2022
944 Breton	R-2	Accessory Building Setback Variance	Denied	9/28/2022

Actions by Legislative Body

Below is a list of legislation passed by the City Commission that may impact Residential and Commercial Development:

- April 18, 2022 – The City Commission approved an amendment to Chapter 28 of the City Code to update the City’s stormwater regulations to be aligned with other communities in the Grand Rapids area.

- May 2, 2022 – In conjunction with the amendments to the MFR Residential District, the City Commission also approved amendments to the sign regulations (Chapters 81) to modify the allowable identification signs for multiple-family developments.
- July 18, 2022 – The City Commission approved an amendment to Section 8.51 of the City Code (Chapter 82) to update language pertaining to fences/barriers around swimming pools. The amendment removes references to the State Building Code regarding automatic pool covers while retaining the requirement that all in-ground swimming pools must be located in an area enclosed by fences, walls, or similar barriers.
- November 21, 2022 – The City Commission approved an amendment to Section 8.19 of the City Code (Chapter 81) to update sign standards for awning, canopy, marquee, and projecting signs in the C-1 Commercial District.

### Trainings

Below are training sessions that were offered during the 2022 calendar year:

- MSU Extension Citizen Planner – This training is offered throughout the year online, and was also offered in-class and video conference on multiple dates throughout the year. More information on the MSU-Extension Citizen Planner program can be found here: [https://www.canr.msu.edu/michigan\\_citizen\\_planner/](https://www.canr.msu.edu/michigan_citizen_planner/)
- APA Michigan – The Michigan chapter of the American Planning Association (MAP) offered a variety of training workshops for different areas of planning and zoning. These sessions were held throughout the year, many with in-person and virtual options. For the first time since the COVID-19 pandemic began, MAP’s annual planning conference was held in-person on Mackinac Island. More information on MAP’s offerings can be found here: <https://miapa.memberclicks.net/workshops>
- Michigan Townships Association (MTA) – MTA offered a variety of on-demand planning and zoning courses. More information can be found here: <https://learn.michigantownships.org/planningandzoning>



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EAST GRAND RAPIDS

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JAY GIANOTTI, AICP  
ZONING ADMINISTRATOR

Hearing Required?	No
Notices Mailed	N/A
Notice Published	N/A

**MEMORANDUM**

TO: East Grand Rapids Planning Commission  
FROM: Jay Gianotti, Zoning Administrator  
DATE: January 5, 2023

RE: **Study Session – Potential Amendments to Home Occupations Regulations and Related Regulations (Sections 5.16, 5.27, 5.61, & 5.70B)**

**Action Requested:**

That the Planning Commission hold a study session to consider potential amendments to the City’s home occupation standards. No formal action or recommendation is requested on any of these items.

**Background:**

Section 5.70B of the zoning ordinance provides standards for home occupations in East Grand Rapids. In short, home occupations allow for small businesses, incidental to the primary (residential) use of a property, to operate in a residential home. Even before the COVID-19 pandemic, working from home has been a popular choice for many. According to the US Census Bureau, “approximately half of all businesses in the U.S. were home-based and nearly eight million people worked primarily from home.”<sup>1</sup> The benefits of having a home-occupation or home-based business are many. These include: greater flexibility with work hours and conditions, less capital and overhead to run the business, and lower barriers to entry for new business owners. However, some of the current regulations may be vague in terms of what is or may not be allowed for such uses. In addition, some regulations may not meet current trends. Taking all of this into consideration, the City is looking to update these regulations to better meet current trends.

This topic first was introduced at the Planning Commission’s May meeting and brought up again in October 2022 and December 2022 for further discussion. Based on these discussions, the general feeling from the Planning Commission was that as long as a home occupation does not negatively impact the surrounding neighborhood, it should generally be permissible. With this in mind, City Staff has worked to prepare amendments with this general concept in mind while still maintaining and protecting overall residential character and use.

In addition to the proposed changes to Section 5.70B, the City is also proposing the following related revisions.

- In the current revisions, “telecommuting” has been added as an exempt home occupation use. To complement that, a new definition for “Telecommuting” is proposed for Section 5.16.
- In conjunction with the Planning Commission’s view of eliminating the special use requirement for home occupations with outside employees, that entry in Table 5.27 (Schedule of Uses) is proposed to be deleted.

<sup>1</sup> Source: [Home Occupations \(planning.org\)](https://www.planning.org/)

- A revision to Section 5.61 regarding allowable encroachments into required yards is also proposed. Specifically, this amendment involves encroachments for “Air conditioning units, generators and other mechanical equipment.” This amendment would add a provision that mechanical units must be located at least 2’ away from all side and rear property lines, in addition to the other provisions in this section. This was first discussed at the May 2022 Planning Commission meeting to close a loophole where such units installed next to accessory buildings could be placed right up to the property line. With the possibility of home occupations in accessory buildings being created, the City believes this amendment should be put in place now to prevent issues in the future.

In previous study sessions, there was much discussion about the efficacy and need for performance standards related to traffic, visitors, and operation. City staff and consultants have stressed the need for having some reasonable limits on home occupation related traffic and operation, while the Planning Commission has generally favored no restrictions so long as there is no nuisance being created. To help bridge this gap, some additional discussion on why these regulations are being proposed and may be warranted may be useful.

To start with definitions, the zoning ordinance currently defines a home occupation as: “An occupation or profession that is customarily incidental and secondary to the use of a dwelling. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home and is not evident from the outside.”<sup>2</sup> This definition clearly keeps the underlying residential use the primary use, but allows for a small home-based business as a secondary use. The current schedule of use tables in the zoning ordinance only specifically allow a home occupation in the four residential districts. While some residential uses are allowed in the C-1 Commercial District, there is no specific provision or entry in the schedule of uses table to allow a home occupation in these areas. The Planning Commission can discuss if this should be changed or not, though it should be noted that allowing a home occupation in a business district is extremely uncommon and may be seen as detrimental to the business district as a whole.

The inclusion of various operational and performance standards, such as hours of operation, parking, and visitation, is an important tool in helping to regulate and reinforce the underlying residential character. There has been much debate on how to structure these standards, or if they are even necessary at all. The vast majority of home occupation ordinances researched have some level of performance or operational standards as a best practice. Such regulations are generally seen as important in emphasizing the residential use as the primary character in the neighborhoods, particularly to protect the health, safety, and welfare of the neighborhood. These are particularly important where the overall regulations are more permissive, where the allowable uses are broader, or where registration requirements do not exist. Additionally, having such standards in place helps to define the general level of activity that is permissible, both for the home occupation itself and for neighboring residents. These standards also provide a basis for enforcement actions by the City or Circuit Court should the need ever arise. With all of that said, there are different ways to tailor these requirements. To start with traffic concerns, the following table has some options that are commonly used along with some pros and cons of each. The Planning Commission is asked to provide feedback on these options to help determine what sort of regulations would be best.

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<sup>2</sup> See Section 5.10 of the zoning ordinance.

	Pros	Cons
<b>Option #1 - Maximum # total client visits per day</b>	<ul style="list-style-type: none"> <li>• Most specific standard; sets clear limit on outside activity</li> </ul>	<ul style="list-style-type: none"> <li>• Difficult to enforce; may require constant monitoring to determine violation</li> </ul>
<b>Option #2 - Maximum # vehicles on site at one time</b>	<ul style="list-style-type: none"> <li>• Easier to enforce; also provides clear standard for what level of activity is allowed</li> </ul>	<ul style="list-style-type: none"> <li>• May be difficult to differentiate between residential vehicles vs. vehicles specific to the home occupation</li> </ul>
<b>Option #3 - No traffic beyond what is normal for a residential neighborhood</b>	<ul style="list-style-type: none"> <li>• Flexible standard that can be adaptable for a variety of home occupation uses</li> </ul>	<ul style="list-style-type: none"> <li>• Can be seen as vague and subjective; may be difficult to enforce</li> </ul>

In regards to questions about not being able to expand an off-street parking area solely for the purpose of a home occupation, the City offers the following thoughts to consider. All of these thoughts relate to the home occupation remaining subordinate to the residential use.

- While it is true that expansions of a driveway or similar parking area is allowed for other uses, the function of each expansion should be considered. For example, a driveway expansion to accommodate a growing family likely would not materially alter the character of the neighborhood. Conversely, a parking expansion primarily for a home occupation has the potential to drive more traffic than normal for the property or overall neighborhood, creating additional pressures on parking, traffic, and infrastructure.
- Even if a home occupation could reasonably claim that existing driveways are insufficient for home occupation parking, allowing on-street parking is usually preferable compared to expanding off-street parking areas. For example, the extra paved area may be seen as excessive and unnecessary when there is no home occupation activity on the property.
- The limits proposed for parking and client visits are often cited as causing a minimal amount of disturbance in the residential neighborhood. If there is a need for more client visits or employees, one should consider if the scale of the business is truly appropriate for a residential neighborhood or would be better served to be located in the business district.
- It is understood that the City currently does not have the capacity to continually monitor home occupation activity. For matters such as this, the City generally relies on resident feedback or complaints to help determine if an activity is compliant with the zoning ordinance or City code. Having performance standards such as these in place, then, is still necessary to allow to the City to regulate activity that does not meet the intent of the ordinance.

In dealing with other operational and performance standards, it should be noted that the proposed regulations for EGR appear to be in line if not more permissive than nearby communities. City staff researched home occupation regulations for Ada Township, Cascade Township, Grand Haven, Grand Rapids Township, Grandville, Hudsonville, Plainfield Township, Kentwood, Muskegon, Walker, and Wyoming to compare how EGR's proposed regulations compared to these local and similar communities. This full comparison is attached to the end of this memo. Below is a summary of this comparison.

- **Size of use** – The currently proposed regulations would retain the City's limit of 25% of floor area on the lot; the only change would be to extend that figure to include accessory buildings. No other researched community allowed a larger area than this. Some communities only allow 20% of the total floor area and/or put a hard cap of 300 or 500 s.f. on the home occupation size.
- **Accessory Building** – The proposed regulations would allow a home occupation to occur in an accessory building. Only two other communities – Ada Township and Grand Haven – specifically allow any home occupation activity in an accessory building. In the case of Ada Township, this only applies to Type II uses and only for storage purposes.
- **Employees** – The proposed regulations would allow one employee outside the immediate family. In exchange for removing the special use requirement for this, the total number of

employees (family + outside persons) is capped at three. While the total employee limit may be unique, most other researched communities do not allow any outside employees for a home occupation, and only Type II uses in Ada Township allow 2 outside employees.

- Parking – The proposed regulations allow for up to two on-street parking spaces, limited to the lot frontage. While some communities do not have specific regulations about this, only two communities appear to specifically allow on-street parking for a home occupation. At least four communities specifically prohibit on-street parking for this use.

One other item that is worth addressing relates to commercial signage on vehicles, as some commission members expressed concerns that the current regulations were too strong. First and foremost, sign restrictions for commercial vehicles are not limited to home occupations, but apply equally across all residential districts. Among the definitions for Commercial Vehicles in the zoning ordinance, it includes “All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity” as a commercial vehicle<sup>3</sup>. Section 5.82 in the parking regulations states: “Commercial vehicles shall not be located on any property within a residential zone, unless parked or stored within a completely enclosed garage or building. This shall not prevent the temporary location of any such vehicle on property while engaged in a delivery, pickup or service run to the property where located.” Thus, any vehicle displaying commercial signage is subject to this restriction, not just those involved with a home occupation. The current and proposed regulations for home occupations would essentially mimic this and would not treat such vehicles any differently from other commercial vehicles.

Attached to these materials is a spreadsheet that details each of the currently proposed revisions and additions, along with comments explaining the rationale for the revisions. The table is organized to directly compare the proposed text with the current text so that the Planning Commission has a better understanding of what would potentially be changing or added. It is anticipated that the final amendment will be reorganized for better clarity from the current text. The Planning Commission is encouraged to provide feedback on this proposed language and any other concerns and thoughts that may not have been addressed here. City Staff will use the feedback received tonight to determine the next steps in preparing proposed revisions to this section.

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<sup>3</sup> See Section 5.8 of the zoning ordinance.

## APPENDIX - Comparison of Selected Home Occupation Performance Standards

	Allowable Size	Allowed in Accessory Building	# Employees	Visitors Allowed	Allowable Parking
<b>East Grand Rapids - current</b>	25% of dwelling unit floor area	No	Immediate family only; 1 addition person w/ Special Use Permit	No	n/a
<b>East Grand Rapids - proposed</b>	25% of floor area of all enclosed permanent buildings	Yes	Max. 3, w/ at least 2 being family members residing on premises	Yes; max. 5 visits/day between 8:00-6:00	Max. 2 on-street parking allowed within street frontage of residence in addition to off-street
<b>Kentwood</b>	20% of dwelling unit floor area	No	Immediate family only	n/a	Off-street only
<b>Wyoming</b>	n/a	n/a	Immediate family only	n/a	n/a
<b>Grandville</b>	50% of one story of dwelling unit floor area	No	Inhabitants plus 1 other person	n/a	Max 2, only 1 can be on-street
<b>Walker</b>	25% of dwelling unit floor area	No	Immediate family only	n/a	Off-street only
<b>Ada Township</b>	Lesser of 25% of dwelling unit floor area or 300 s.f.,	Type I: No Type II: Storage only	Type I: Immediate family only Type II: Max. 2 people outside family	Type I: 4 visits/week Type II: max 2 parking spaces provided	Off-street only
<b>Cascade Township</b>	Lesser of 20% of dwelling unit floor area or 300 s.f.,	No	Immediate family only	Max. 4 vehicles on-premises	
<b>Grand Rapids Township</b>	Lesser of 20% of dwelling unit floor area or 500 s.f.,	No	Inhabitants plus 1 other person	Max. 2 vehicles on-premises	Off-street only
<b>Plainfield Township</b>	25% of dwelling unit floor area	No	Inhabitants plus 1 other person	Max. 3 vehicles on-premises	
<b>Grand Haven</b>	25% of dwelling unit floor area	Yes	Inhabitants plus 1 other person	Max. 10 vehicle trips/day	Max. 2, either driveway or adjacent to street frontage of residence
<b>Hudsonville</b>	n/a	n/a	Immediate family only	Max. 8 vehicle trips/day between 7:00 AM-9:00 PM	n/a
<b>Muskegon</b>	25% of dwelling unit floor area	No	Immediate family only	n/a	n/a

n/a - no specific regulation found

**LIST OF PROPOSED REVISIONS TO EAST GRAND RAPIDS ZONING ORDINANCE - Home Occupation Regulations**

ITEM	Section	Existing Text	Proposed Text	Staff Comments	Date Proposed/Revised	PC Comments
1	5.70B	It is the intent of this section to establish a general threshold of acceptable, nonresidential business activity, beyond which the activity shall not be permitted. A home occupation is permitted if the activity meets all of the following criteria.	<i>The City recognizes that working from home is a growing trend and that some residents may wish to operate a small part-time or low-impact business from their home in order to provide more flexible sources of income and allow residents to operate businesses with lower barriers to entry. At the same time, the City wishes to keep principal residential uses as the primary character of these districts and protect this character from adverse impacts generated by home occupation activities. The intent of these regulations is to provide guidelines for how home occupations may be operated while also ensuring the compatibility of home occupations with the existing residential districts. A home occupation is permitted if the activity meets all of the following criteria.</i>	New intent statement that clarifies the purpose of these regulations and better defines the intended character of home occupations.	1/5/2023	
2	5.70B	(1) No person other than members of the immediate family residing on the premises shall be engaged in the home occupation. One additional person who is not a member of the immediate family residing on the premises may also engage in the home occupation if approved as a special land use pursuant to Article XI of this chapter.	<i>(1) The principal residence of the owner/operator of every home occupation shall be the dwelling unit on the premises in which the business operates. No more than three persons shall be engaged in the home occupation, with at least two of those persons being members of the owner/occupant's family residing on the premises.</i>	Revision to modestly expand allowable employees at a home occupation. Language in second sentence attempts to address the debate over employee vs. contractor. Special Use requirement for employees outside immediate family deleted as it was deemed too strict. After PC discussion of the word "residence" vs. occupant, it was determined residence generally means "a person's home"; therefore, that term appears to be correct and would apply to a renter as well.	1/4/2023	
3	5.70B	(2) Except as otherwise provided in this section, any occupation that includes or requires customers or patrons to visit the home to engage in the business is prohibited. This prohibition shall not include instruction by an occupant of a residence in a craft or fine art, when conducted within the residence; provided, all other requirements of this section are met.	<ul style="list-style-type: none"> <li>• <i>The following uses shall be permitted as home occupations, subject to the regulations of this section.</i> <ul style="list-style-type: none"> <li>- <i>Professional office services as defined in Section 5.36</i></li> <li>- <i>Studios for artists, sculptors, musicians, photographers, and authors.</i></li> <li>- <i>Craft making services such as dressmakers and seamstresses, cabinetry, woodworkers, jewelry making, and tailors.</i></li> <li>- <i>Instruction of a craft, fine art, or service.</i></li> <li>- <i>Therapists and counselors.</i></li> <li>- <i>Fitness training.</i></li> <li>- <i>Computer based-uses such as computer programming, data processing, website design, and IT services.</i></li> <li>- <i>Food-based businesses that comply with the Michigan Cottage Food Law (PA 113 of 2010)</i></li> </ul> </li> <li>• <i>The following uses shall be exempt from the regulations in this Section but may be subject to other relevant parts of the zoning ordinance and City code.</i> <ul style="list-style-type: none"> <li>- <i>Garage sales and estate sales.</i></li> <li>- <i>Telecommuting involving only members of the owner/occupant's family residing on the premises.</i> <ul style="list-style-type: none"> <li>- <i>Lemonade stands and similar food-based sales operated by a minor, as determined by the Director of Public Works or their designee.</i></li> <li>- <i>Sales of goods or services related to a school or non-profit group fundraising activity as determined by the Director of Public Works or their designee.</i></li> </ul> </li> </ul> </li> <li>• <i>The following uses shall not be permitted as home occupations.</i> <ul style="list-style-type: none"> <li>- <i>Bed and breakfasts.</i></li> <li>- <i>Short-term rentals.</i></li> <li>- <i>Retail sales, except for goods solely produced on premises or for products incidental to the business operation. Such products shall not be displayed or visible from public view or adjacent properties.</i> <ul style="list-style-type: none"> <li>- <i>Medical, dental, or wellness clinics requiring a medical license.</i></li> <li>- <i>Mechanical, maintenance, and repair work on motor vehicles and mechanical devices.</i></li> <li>- <i>Storage of items not owned or rented by the property owner.</i></li> <li>- <i>Any use or activity that involves hazardous materials or hazardous waste.</i></li> <li>- <i>Any use involving the sale, use, or production of marijuana.</i></li> <li>- <i>Any use that would not be permitted in the C-1 Commercial District.</i></li> </ul> </li> </ul> </li> <li>• <i>Since every potential home occupation use cannot be accounted for, the Director of Public Works or their designee shall have the authority to approve a home occupation for a use not specifically provided for in this section. A person seeking such approval shall submit a description of the proposed use, including its location, its compliance with the performance standards in this Section, its overall compatibility within the general neighborhood, and other relevant information as may be requested. If it is determined that the proposed home occupation meets the spirit and intent of this Section, then the Director of Public Works or their designee shall issue written approval of the proposed use. Reasonable conditions regarding the operation of the proposed home occupation may be attached with such approval. If the approval is denied, the applicant may appeal the decision to the Zoning Board of Appeals.</i></li> </ul>	Rewrite to more clearly define what is and what is not acceptable as a home occupation. Based on PC feedback, a "catch-all" statement regarding uses not listed in this section is added at the end of the section. Most recent revision adds "food based businesses..." as a permitted use and "telecommuting" involving only members of the resident family as an exempt use (see also Item #11)	1/4/2023	



**LIST OF PROPOSED REVISIONS TO EAST GRAND RAPIDS ZONING ORDINANCE - Home Occupation Regulations**

ITEM	Section	Existing Text	Proposed Text	Staff Comments	Date Proposed/Revised	PC Comments
4	5.70B	(3) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.	(3) <i>A home occupation may be located in a dwelling unit or an enclosed, permanent accessory building. However, in no case shall more than 25% of the gross floor area of all enclosed, permanent buildings on the lot be used for the home occupation.</i> The use of the dwelling unit and associated accessory buildings for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.	Revision to allow accessory buildings to be used for home occupations, subject to overall size limits. "One room" restriction removed at PC request.	1/4/2023	
5	5.70B	(4) The home occupation shall be conducted entirely within the dwelling unit involved, and there shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of such home occupation on the property. Outside operations or storage associated with the home occupation, including outside storage of vehicles related to the business, is prohibited.	(4) The home occupation shall be conducted entirely within the dwelling unit <i>or accessory building</i> involved <i>except for a passenger vehicle or light truck used for the business that is stored within an enclosed garage when not in use.</i> <del>and</del> There shall be no change in the outside appearance of the <del>dwelling buildings involved</del> or other visible evidence of the conduct of such home occupation on the property. Outside operations or storage associated with the home occupation, including outside storage of vehicles related to the business, is prohibited.	Added references to allow a home occupation in an accessory building. Moved language regarding a personal vehicle or light truck to this section.	12/6/2022	
6	5.70B	(5) Mechanical, maintenance and repair work on motor vehicles and repair of small engines and mechanical devices is prohibited except for such work on items owned or leased by the occupant for his or her personal use.	(same)	No changes proposed.	12/6/2022	Accepted
7	5.70B	(6) There shall be no traffic generated by a home occupation in greater volume or intensity than would normally be expected in a residential neighborhood.	<ul style="list-style-type: none"> <li><i>No more than five client visits per business day may be hosted by a home occupation. Visits lasting less than five minutes shall not count against this maximum. All visits shall be restricted to the hours between 8:00 AM and 6:00 PM from Monday-Friday, except that no visits shall be allowed on Thanksgiving, Christmas, and New Years Day. Home occupations involving instruction of a craft, fine art, or service shall be exempt from this requirement.</i></li> <li><i>The home occupation shall not require more than two on-street parking spaces in addition to the off-street parking spaces available to the residence. The two on-street spaces shall be limited to the area within the street frontage of the residence.</i></li> <li><i>No off-street parking area, including a residential driveway, may be created or expanded solely for the purpose of a home occupation.</i></li> <li><i>All deliveries of bulk material or supplies to any home occupation shall be limited to one per business day between the hours of 8:00 AM and 6:00 PM from Monday-Friday. No vehicle with three or more axles shall be allowed for such deliveries.</i></li> </ul>	Revision to allow patrons to visit a home occupation subject to time & frequency limits. (Five minute exemption intended for incidental deliveries & pickups.) Regulations limiting deliveries also added. While PC expressed concerns regarding limiting visitations and on-street parking to street frontage of the residence, City Staff still recommends some sort of provisions be added to help prevent issues elsewhere in the neighborhood. See attached memo for ophther options to consider on this topic.	12/6/2022	
8	5.70B	(7) There shall be no equipment or process used in a home occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses, or which creates visual or audible interference that disturbs radio, television or other telecommunications receivers off the premises. In addition, the home occupation must also comply with the provisions of Chapters 91 and 97 of the city code dealing with noise.	(same)	No changes proposed.	12/6/2022	Accepted
9	5.70B	(8) There shall be no business sign displayed.	(same)	No changes proposed.	12/6/2022	Accepted
10	5.70B	(9) The home occupation shall be conducted entirely within the principal dwelling; however, a passenger vehicle or light truck used for the business may be stored within an accessory garage.	<del>(DELETE)</del>	Language consolidated with Item #5 above.	12/6/2022	Accepted
<b>OTHER CHANGES</b>						
11	5.16	(none)	<del>TELECOMMUTING - The use of internet, email, telephone, fax, and similar technologies to work in a secondary business office where the business has its principal office, staff, and equipment located elsewhere.</del>	New zoning definition for "telecommuting", to go with a home occupation exemption for such activities (see Item #3)	1/4/2023	
12	Table 5.27	Home occupation, with no more than one employee who is not a member of the family: special use required	<del>(DELETE)</del>	Delete this row to conform to changes in Item #2 above	1/4/2023	
13	Table 5.61	Allowed Encroachment Into a Setback, Air conditioning units, generators and other mechanical equipment: - Front Yard: none - Side Yard: 3'; no more than 5' from the building - Rear Yard: 3'; no more than 5' from the building	Allowed Encroachment Into a Setback, Air conditioning units, generators and other mechanical equipment: - Front Yard: none - Side Yard: 3'; no more than 5' from the building, <i>no closer than 2' to all property lines</i> - Rear Yard: 3'; no more than 5' from the building, <i>no closer than 2' to all property lines</i>	Remove loophole that could have allowed a mechanical unit to be placed up to the property line next to an accessory building. Language is deemed to also apply to wall-mounted units.	12/6/2022	Accepted