

AGENDA

EAST GRAND RAPIDS PLANNING COMMISSION February 14, 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: January 10, 2023 Meeting
4. Public Comment on Non-Agenda Items
5. Public Hearing - Amendment to Chapter 50, Sections 5.16, 5.27, 5.36, 5.61, 5.68, & 5.70 of Zoning Ordinance – Home Occupations and Related Provisions Uses (action requested)
6. Report of the City Commission
7. Next Regular PC Meeting: March 14, 2023
8. Adjournment

PROCEEDINGS OF THE PLANNING COMMISSION
CITY OF EAST GRAND RAPIDS

January 10, 2023
East Grand Rapids Community Center – Commission Chambers

Present: Chairman Mary Mapes, Commissioners Matt Feyen, Karey Hamrick, Greg Metz, Brian Miller, Steve Rosmarin and Tom Tilma.

Also Present: City Manager Shea Charles, Deputy City Manager Doug LaFave, Zoning Administrator Jay Gianotti, City Attorney John Huff, and Recording Secretary Lynda Taylor

Absent: Commissioners Steve Achram and Pete Michell

1. CALL TO ORDER

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

Ms. Mapes congratulated Commissioner Miller on earning his PhD.

2. APPROVAL OF AGENDA

A motion was made by Commissioner Feyen and supported by Commissioner Metz to approve the agenda as presented.

Yeas: Commissioners Feyen, Hamrick, Mapes, Metz, Miller, Rosmarin and Tilma. – 7

Nays: -0-

3. APPROVAL OF MINUTES – December 13, 2022

A motion was made by Commissioner Tilma and supported by Commissioner Hamrick to approve the minutes with a meeting date correction.

Yeas: Commissioners Feyen, Hamrick, Mapes, Metz, Miller, Rosmarin and Tilma. – 7

Nays: -0-

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

No public in attendance.

5. 2022 PLANNING COMMISSION ANNUAL REPORT

Zoning Administrator Jay Gianotti presented the 2022 Annual report summarizing the Commission's activities including the following: Membership, Meetings, Master Plan Review, Zoning Ordinance Amendments, Development Reviews, Rezoning Requests, Zoning Variances, Actions by Legislative Body and Trainings.

6. STUDY SESSION – HOME OCCUPATIONS

Zoning Administrator Gianotti led the study session reviewing potential amendments to Home Occupation Regulations and Related Regulations (Sections 5.16, 5.27, 5.61, & 5.70B). Topics related to updating current regulations were discussed. Mr. Giannotti's summary of this discussion is below:

- Number of Employees – Commissioners were generally uncomfortable with setting limits on the number of family members that can be engaged in a home occupation. Otherwise, they felt the concept of "immediate family plus one other person" was a simple and easy to understand limit.
- Allowable Uses
 - City Staff noted that "instruction of a fine art or craft" is specifically required to be allowed in the Michigan Zoning Enabling Act, though the City can still place some regulations or conditions on their operation if desired. After discussion, Commissioners stated they still wanted to have some regulation on the operation of such uses.
 - Commissioners wished to add "tutoring" as an allowable use.
 - A new definition for "Telecommuting" was proposed for the Definition section of the zoning ordinance. Commissioners did not have any concerns with the definition as proposed.
 - There was discussion on disallowing marijuana-based uses in the home occupations, questioning on if it would violate State Law. City Staff would look into this in more detail.
- Residential Vehicles – Commissioners wished to clarify that parking a residential vehicle outside is still permissible.
- Performance Standards
 - For traffic/parking concerns, Commissioners generally preferred having limits on the total number people visiting per day with a limit on the maximum number of vehicles at one time.
 - Commissioners were not in favor of limiting on-street parking to the spaces in front of the house. This was seen as too arbitrary and too restrictive in neighborhoods where on-street parking is limited.
- There was additional discussion on whether home occupations should be allowed in the C-1 Commercial District (it would not be allowed currently.) Staff noted it was generally uncommon; however, Commissioners felt this was an arbitrary restriction. This could be a more relevant issue if more housing is built in Gaslight Village in the future. It was also noted that landlords in the district may also restrict such uses on their own independent of the City's ordinances.

7. REPORT OF THE CITY COMMISSION

Commissioner Hamrick reported the following:

1. The City Commission is in the process of replacing Commissioner Pachla (Ward 1) who is now a Kent County Commissioner. The six applications received will be reviewed by the personnel committee on Friday.
2. Ms. Hamrick reiterated her concern regarding children riding bikes to school during dark winter months and the importance of bike lights and reflective clothing.
3. The EGGreen event held on Saturday, January 7 at the Public Works Operations parking lot was successful with 200 households participating.

7. NEXT REGULAR SCHEDULED MEETING: February 14, 2023

8. ADJOURNMENT

A motion was made by Commissioner Miller and supported by Commissioner Hamrick to adjourn the meeting at 6:51 PM.

Yeas: Commissioners Feyen, Hamrick, Mapes, Metz, Miller, Rosmarin and Tilma. – 7

Nays: -0-

Respectfully submitted,

Lynda Taylor
Recording Secretary



CITY OF
EAST GRAND RAPIDS

5

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JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

| | |
|-------------------|-----------|
| Hearing Required? | Yes |
| Notices Mailed | N/A |
| Notice Published | 1/24/2023 |

MEMORANDUM

TO: East Grand Rapids Planning Commission
FROM: Jay Gianotti, Zoning Administrator
DATE: February 8, 2023

RE: **Introduction and Public Hearing for Zoning Ordinance Amendment
Home Occupations Regulations and Related Regulations (Sections 5.16, 5.27,
5.36, 5.61, 5.68, & 5.70)**

Action Requested:

That the Planning Commission hold an introduction and public hearing regarding proposed amendments to Sections 5.16, 5.27, 5.36, 5.61, 5.68, & 5.70 of the Zoning Ordinance to amend standards for home occupations and related provisions, and consider making a recommendation to the City Commission.

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.”¹ 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. Many home occupations may currently exist in the City that may be technically noncompliant but are not causing a harm or nuisance. Taking all of this into consideration, the City embarked on a process 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 three different study session spanning from October 2022-January 2023 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. In order to find a good balance between this theme while still maintaining and protecting overall residential character and use, several topics were extensively discussed. These include the following.

- Overall Intent for Home Occupations – To better define the intended character of the home occupations in the City, the intent statement at the beginning of Section 5.70B was rewritten

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

to reflect that the City recognizes the increase in home occupation use while still intending to protect residential neighborhoods from any negative impacts.

- Acceptable Uses – The current ordinance does not provide a specific list of acceptable uses, only prohibiting those that depend on client visiting the home. In order to better clarify what home occupation uses are deemed appropriate, a list of acceptable and prohibited uses was developed. This also includes a “catch-all” statement where the City can approve home occupations for non-listed uses.
- Accessory Buildings – The current ordinance does not allow home occupations to be conducted in an accessory building. In recent years, however, some residents have inquired about whether this would be allowed or not. After determining that allowing a home occupation in these areas would not alter the overall character of the residential districts, the allowable area for home occupations was expanded to include permanent accessory buildings, subject to the maximum allowable size limit provided in the ordinance.
- Performance Standards – These include areas such as traffic, visitors, and overall operation. These regulations were extensively discussed to find an appropriate balance that the City and the Planning Commission could agree upon. 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. While there may be some differences of opinion, all parties generally agree that the vast majority of existing home occupations do not create a nuisance, whether they technically conform to the current regulations or not. With that being said, the City still wishes to keep some performance standards in place in the event that a nuisance is created or found. 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. The performance standards in this amendment aim to strike a balance between these viewpoints.

The amendments being proposed and presented here aim to address all of these concerns while still maintaining flexibility in acceptable home occupation use and operation. The bulk of these amendments are in Section 5.70B of the zoning ordinance, which describe the basic regulations for home occupations. To complement these amendments or to amend related provisions, other amendments are proposed for the following sections.

- Section 5.16 (Definitions) – A new definition for “Telecommuting” is proposed here as this term was introduced in the home occupation use section.
- Section 5.27 – The residential use table is proposed to be amended to remove the special use requirement for home occupations with an outside employee.
- Section 5.36 – The commercial use table is amended to add language that would allow a home occupation in a residential dwelling unit in the C-1 Commercial District.
- Sections 5.61 and 5.68 – These amendments deal with allowable encroachments into required yards is also proposed, specifically for “Air conditioning units, generators and other mechanical equipment.” These amendments would add provisions that mechanical units must be located at least 2’ away from all side and rear property lines, in addition to the other provisions in the zoning ordinance. 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.

The final ordinance presented here reflects the entirety of these changes. Due to the amount of overall changes, it is being provided in final form instead of a red-lined version. To help compare what has changed from the previous language, 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.

Requested Action:

This agenda item is being treated as both an introduction to the Planning Commission and a public hearing. Therefore, the Planning Commission is being asked to provide a recommendation to the City Commission tonight. The Planning Commission can vote to recommend approval, approval with conditions, or denial of these proposed amendments. Once a recommendation is made, it would then go to the City Commission for final consideration and approval. While the Planning Commission's recommendation will be considered in their review, it is not obligated to accept it. If a recommendation is made tonight, it could go to the City Commission for consideration and approval as early as March 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 |
|------|---------|--|--|--|-----------------------|--|
| 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 within the existing residential districts.</i> A home occupation is permitted if the activity meets all of the following criteria. | New intent statement that clarifies the purpose of these regulations and better defines the intended character of home occupations. | 1/13/2023 | Generally accepted; minor grammar revision made since January PC meeting |
| 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. Employees of a home occupation shall be limited to the immediate family members living on premises plus one additional employee.</i> | Revision to modestly expand allowable employees at a home occupation. Second sentence revised to allow all immediate family members to work at a home occupation plus one outside employee. 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. | 1/11/2023 | |
| 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"> • <i>The following uses shall be permitted as home occupations, subject to the regulations of this section.</i> <ul style="list-style-type: none"> - <i>Professional office services as defined in Section 5.36</i> - <i>Studios for artists, sculptors, musicians, photographers, and authors.</i> - <i>Craft making services such as dressmakers and seamstresses, cabinetry, woodworkers, jewelry making, and tailors.</i> - <i>Instruction of a craft or fine art.</i> - <i>Tutoring and similar instructional services.</i> - <i>Therapists and counselors.</i> - <i>Personal fitness training.</i> - <i>Computer based-uses such as computer programming, data processing, website design, and IT services.</i> - <i>Food-based businesses that comply with the Michigan Cottage Food Law (PA 113 of 2010)</i> • <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"> - <i>Garage sales and estate sales.</i> - <i>Telecommuting involving only members of the owner/occupant's family residing on the premises.</i> <ul style="list-style-type: none"> - <i>Lemonade stands and similar food-based sales operated by a minor, as determined by the Director of Public Works or their designee.</i> - <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> • <i>The following uses shall not be permitted as home occupations.</i> <ul style="list-style-type: none"> - <i>Bed and breakfasts.</i> - <i>Short-term rentals.</i> - <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"> - <i>Medical, dental, or wellness clinics requiring a medical license.</i> - <i>Mechanical, maintenance, and repair work on motor vehicles and mechanical devices.</i> - <i>Storage of items not owned or rented by the property owner.</i> - <i>Any use or activity that involves hazardous materials or hazardous waste.</i> - <i>Any use that would not be permitted in the C-1 Commercial District.</i> • <i>Since not every potential home occupation use can 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> | 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). Reference to "service" in "Instruction of a craft or fine art" removed for clarity purposes. References to marijuana businesses/sales removed as it was determined that existing city codes are sufficient to handle such matters. | 1/24/2023 | |

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 the dwelling unit and associated accessory buildings on the lot be used for the home occupation.</i> The use of the dwelling unit <i>and associated accessory buildings</i> 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. Language for total allowable areas slightly revised to eliminate potential loopholes for multi-family buildings (original language took into account the area of the entire building, not the dwelling unit itself.) | 1/12/2023 | Previous version accepted |
| 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.</i> and <i>Such vehicles may be parked outside provided they are owned by the property owner and are otherwise in compliance with all applicable parts of the city code.</i> There shall be no change in the outside appearance of the dwelling <i>buildings involved</i> 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 <i>except as provided for in this Section.</i> | Added references to allow a home occupation in an accessory building. Moved language regarding a personal vehicle or light truck to this section. Final ordinance text divides this into two different subsections for clarity. | 1/12/2022 | |
| 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"> There shall be no traffic generated by a home occupation in greater volume or intensity than would normally be expected in a residential neighborhood. <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 or fine art shall be exempt from this requirement.</i> <i>On-street parking may be used for the operation of the home occupation. However, no more than two non-resident vehicles attributable to a home occupation may be parked on-site or on-street at the same time</i> <i>No off-street parking area, including a residential driveway, may be created or expanded solely for the purpose of a home occupation.</i> <i>All deliveries of bulk material or supplies to any home occupation shall be limited to 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> | Original statement retained to establish general baseline for parking/traffic, with new standards being added to better define the acceptable level of activity. 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. Reference to "service" in second bullet point removed for clarity purposes. Restriction limiting on-street parking to property frontage deleted after January study session. Restriction of one delivery per day also removed. | 1/19/2023 | |
| 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. | (8) There shall be no business sign <i>or other outdoor displays related to the home occupation</i> . | Reference to no outdoor displays added. | 1/19/2022 | Accepted as written 12/6 |
| 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. | (DELETE) | Language consolidated with Item #5 above. | 12/6/2022 | Accepted |
| OTHER CHANGES | | | | | | |
| 11 | 5.16 | (none) | 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. | New zoning definition for "telecommuting", to go with a home occupation exemption for such activities (see Item #3) | 1/4/2023 | Accepted |
| 12 | Table 5.27 | Home occupation, with no more than one employee who is not a member of the family: special use required | (DELETE) | Delete this row to conform to changes in Item #2 above | 1/4/2023 | Accepted |
| 13 | Table 5.36 | (none) | Accessory Uses, Home Occupation - Permitted Use | Addition to C-1 Use Table to allow a home occupation in a residential dwelling unit in the C-1 District | 1/11/2023 | |
| 14 | 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 |

**AN ORDINANCE TO AMEND SECTIONS 5.16, 5.27, 5.36,
5.61, 5.68, AND 5.70 OF CHAPTER 50 OF TITLE V OF THE
CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.16 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended by adding a new definition, "Telecommuting," after the definition of "Structure" and before the definition of "Temporary Storage Unit" in Section 5.16 to read as follows:

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.

Section 2. The "Accessory" Section found in Table 5.27 of Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

| Table 5.27 Schedule of Uses: Residential Districts | | | | | |
|---|------------|------------|------------|------------|--------------------------------|
| P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements) | R-1 | R-2 | R-3 | MFR | Additional Requirements |
| Accessory | | | | | |
| Accessory buildings, structures and uses | P | P | P | P | <i>Section 5.70(A)</i> |
| Home occupation | P | P | P | P | <i>Section 5.70(B)</i> |
| Adult foster care family home | P | P | P | | |
| Adult foster care group home | | S | S | | |
| Day care home, family | P | P | P | | |
| Day care home, group | | S | S | | |
| Foster family home | P | P | P | P | |
| Foster family group home | | S | S | | |

Section 3. The "Accessory" Section found in Table 5.36 of Section 5.36 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

| Table 5.36 Schedule of Uses: Commercial District (Excerpt) | | |
|---|------------|--------------------------------|
| P = Permitted use by right S = Special Land Use | C-1 | Additional Requirements |
| Accessory | | |
| Accessory outdoor customer service activities such as delivery of products to customers' vehicles, grocery cart use, escorting of customers and home delivery | P | § 5.70(C) |
| Accessory outdoor dining | P | § 5.70(C) |
| Accessory outdoor sales and display (including temporary sales) | P | § 5.70(C) |
| Accessory outdoor storage | S | § 5.70(C) |

Table 5.36 Schedule of Uses: Commercial District (Excerpt)

| | | |
|--|------------|--------------------------------|
| P = Permitted use by right S = Special Land Use | C-1 | Additional Requirements |
| Accessory uses clearly ancillary to the principal use, including home occupations (accessory structures are not permitted) | P | § 5.70(B) |

Section 4. Table 5.61 in Section 5.61 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

Table 5.61 Encroachments into Required Yard Setbacks

| Type | Allowed Encroachment into a Setback | | |
|---|--|---|----------------------------------|
| | Front Yard | Side Yard | Rear Yard |
| Accessory structures, residential, detached | See Section 5.70 | | |
| Accessible ramps, wheelchair lifts and similar structures | Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback | | |
| Air conditioning units, generators and other mechanical equipment ¹ | None | 3 ft. | 3 ft. |
| | | No more than 5 ft. from the building; no closer than 2' to all property lines | |
| Arbors, trellises and pergolas (attached to principal building) | 5 ft. | 3 ft. | 10 ft. |
| Awnings and canopies | | | |
| Balconies | 5 ft. | None | 10 ft. |
| Bay windows | 3 ft. | 3 ft. | 3 ft. |
| Chimneys | 3 ft. | 3 ft. | 3 ft. |
| Eaves and gutters | 1 foot | 1 foot | 1 foot |
| Fences and walls | See Section 8.61 of the City Code of Ordinances | | |
| Flagpoles | Permitted up to 6 ft. from all lot lines | | |
| Light poles (not including ground-mounted lights) | Permitted up to 6 ft. from all lot lines | | |
| Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ² | 10 ft. | Up to 3 ft. from a side lot line | Up to 3 ft. from a rear lot line |
| Porches, decks and stoops, uncovered and unenclosed ² | 5 ft. | 3 ft. | 10 ft. |
| Porches, decks and stoops, covered but unenclosed ³ | 6 ft., or 20% of required setback, (whichever is less) | None | None |
| Signs | See City Code Chapter 83 | | |
| Stairways (not including steps to main floor entry) and below-grade stairwells | None | 3 ft. | 10 ft. |
| Swing sets and similar play structures (attached) | None | Up to 3 ft. from a side lot line | Up to 3 ft. from a rear lot line |

Table 5.61 Encroachments into Required Yard Setbacks

| Type | Allowed Encroachment into a Setback | | |
|--|-------------------------------------|-----------|-----------|
| | Front Yard | Side Yard | Rear Yard |
| Window wells and egress windows, below grade | 3 ft. | 3 ft. | 3 ft. |

¹ See *Section 5.68* for screening requirements.

² Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks for the principal building.

Section 5. Subsection A of Section 5.68 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

A. Mechanical units located on the ground shall be located in the rear or side yard not closer than two feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as to not be visible from neighboring property. Fences shall comply with the requirements of *Section 8.61* of the City’s Code of Ordinances.

Section 6. Subsection B of Section 5.70 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

B. **Home Occupations.** 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 within the existing residential districts. A home occupation is permitted if the activity meets all of the following criteria:

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. Employees of a home occupation shall be limited to the immediate family members living on premises plus one additional employee.
2. Home Occupation Uses.
 - a. The following uses shall be permitted as home occupations, subject to the regulations of this section.
 - i. Professional office services as defined in Section 5.36.

- ii. Studios for artists, sculptors, musicians, photographers, and authors.
 - iii. Craft making services such as dressmakers and seamstresses, cabinetry, woodworkers, jewelry making, and tailors.
 - iv. Instruction of a craft or fine art.
 - v. Tutoring and similar instructional services.
 - vi. Therapists and counselors.
 - vii. Personal fitness training.
 - viii. Computer based-uses such as computer programming, data processing, website design, and IT services.
 - ix. Food-based businesses that comply with the Michigan Cottage Food Law (PA 113 of 2010).
- b. 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. Garage sales and estate sales.
 - ii. Telecommuting involving only members of the owner/occupant's family residing on the premises.
 - iii. Lemonade stands and similar food-based sales operated by a minor, as determined by the Director of Public Works or their designee.
 - iv. 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.
- c. The following uses shall not be permitted as home occupations.
- i. Bed and breakfasts.
 - ii. Short-term rentals.

- iii. 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.
 - iv. Medical, dental, or wellness clinics requiring a medical license.
 - v. Mechanical, maintenance, and repair work on motor vehicles and mechanical devices.
 - vi. Storage of items not owned or rented by the property owner.
 - vii. Any use or activity that involves hazardous materials or hazardous waste.
 - viii. Any use that would not be permitted in the C-1 Commercial District.
- d. Since not every potential home occupation use can 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.
3. 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 the dwelling unit and associated accessory buildings on the lot be used for the home occupation. 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.
4. The home occupation shall be conducted entirely within the dwelling unit or accessory building involved except for a passenger vehicle or light truck used for the business. Such vehicles may be parked outside provided they are owned by the property owner and are otherwise in compliance with all applicable parts of the city code.

5. There shall be no change in the outside appearance of the buildings involved 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 except as provided for in this Section.
6. 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/her personal use.
7. Parking and Traffic.
 - a. There shall be no traffic generated by a home occupation in greater volume or intensity than would normally be expected in a residential neighborhood.
 - b. 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 or fine art shall be exempt from this requirement.
 - c. On-street parking may be used for the operation of the home occupation. However, no more than two non-resident vehicles attributable to a home occupation may be parked on-site or on-street at the same time.
 - d. No off-street parking area, including a residential driveway, may be created or expanded solely for the purpose of a home occupation.
 - e. All deliveries of bulk material or supplies to any home occupation shall be limited to 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.
8. 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.
9. There shall be no business sign or other outdoor displays related to the home occupation.

Section 7. This Ordinance shall be effective on April __, 2023.

Section 8. Notice of adoption of this Ordinance shall be published within ten days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

On April ____, 2023, the East Grand Rapids City Commission adopted Amendments to Sections 5.16, 5.27, 5.36, 5.61, 5.68, and 5.70 of Chapter 50 of the City Code. The purpose of these Amendments was to modify the home occupation provisions of the Code to better define what is permitted as a home occupation in the City. The full text of the Amended Sections is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: Lori Parmenter
City Clerk

20598977.1

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider amendments to the zoning ordinance regarding Home Occupations and related amendments (Sections 5.16, 5.27, 5.36, 5.61, 5.68, and 5.70B). The Planning Commission will discuss these amendments to update the City's home occupation regulations and performance standards. Other related amendments, including those involving encroachments for outdoor mechanical equipment, will also be considered.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616)940-4817, or jgianotti@eastgr.org.

Date: Tuesday, February 14, 2023
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator



State of Michigan,) ss

County of Kent and County of Ottawa)

Nancy Block being duly sworn, deposes that he/she is principal clerk of MLive Media Group; that Grand Rapids Press is a public newspaper published in the city of Grand Rapids, with general circulation in Kent and Ottawa county, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Grand Rapids Press 01/24/2023

Nancy Block

Principal Clerk of the Publisher

Sworn to and subscribed before me this 24th day of January 2023

Teasha R Payne

Notary Public

TEASHA R. PAYNE
NOTARY PUBLIC, STATE OF MI
COUNTY OF MECOSTA
COMMISSION EXP FEB 24 2026
ACTING IN COUNTY OF Kent

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

The City of East Grand Rapids Planning Commission will hold a public hearing on Tuesday, February 14, 2023, at 5:30 PM in the Commission Chambers, 750 Lakeside Drive SE, East Grand Rapids, 49506, to consider amendments to the zoning ordinance regarding Home Occupations and related amendments (Sections 5.16, 5.27, 5.36, 5.61, 5.68, and 5.70B). Complete information, descriptions, and information on how to give input on this matter can be found at www.eastgr.org/notices. 10556670-01