



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, October 16, 2019 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers

304 East Grand River, Howell, MI 48843

Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda - October 16, 2019
5. Approval of Meeting Minutes – September 18, 2019
6. Call to the Public
7. Zoning Reviews
 - A. Z-48-19 Marion Township, Zoning Ordinance Amendment, Article VI: General Provisions, Section 6.14 Home Occupations and Article XVII: Standards for Specific Special Land Uses, Section 17.32 Home Based Business
 - B. PA-03-19 Conway Township, Farmland and Open Space Agreement, Section 17, 68 Acres, Knoch
8. Old Business
 - A. Planning Department Visits
9. New Business
 - A. Upcoming Planning Department Presentations of Master Plan
10. Reports
 - A. Staff Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

●
(517) 546-7555
Fax (517) 552-2347

●
Web Site
co.livingston.mi.us



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners and the Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: October 1, 2019

SUBJECT: Z-48-19 Amendments to Zoning Ordinance Article -

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

- Article VI: General Provisions, Section 6.14 Home Occupation
- Article XVII: Standards for Specific Special Land Uses, Section 17.32 Home-Based Business

The Marion Township Planning Commission proposes to update the following Articles/Sections with a completely new set of regulations and provisions regarding home occupations and home-based businesses:

- **Article VI: General Provisions, Section 6.14 Home Occupation**
- **Article XVII: Standards for Specific Special Land Uses, Section 17.32 Home-Based Business**

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold** font while deletions to existing text are noted in ~~striketrough~~ font (Times New Roman). Planning Staff comments are noted in **bold italic underline** fashion (Arial).

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The Marion Township Planning Commission proposes to update the township zoning ordinance with a completely new set of regulations and provisions regarding home occupations and home-based businesses in the following manner:

ARTICLE VI: GENERAL PROVISIONS

Section 6.14 Home Occupation

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance. Home occupation is permitted as an accessory use to the principal residential use of a lot; a zoning permit for such an occupation is not required. Such flexibility is not intended to allow the essential residential character of residential districts,



in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations shall satisfy the following conditions (these regulations do not apply to farms):

- A. The home occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas. Home occupations shall be conducted in such a manner that, except as otherwise allowed by the provisions of this section, there is no external evidence of the home occupation operation except for the occasional visits by customers or clients numbering no more than ten (10) visits every seven (7) days.
- B. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- C. Refuse generated by the home occupation shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.
- D. Home occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a home occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
- E. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
- F. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment, vehicles, trailers or products related to the occupation.
- G. Traffic generated by the combined home and home occupation shall be no greater in volume than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles, delivery vans and similarly-sized vehicles. Any need for parking used by such home occupation shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- H. The home occupation shall be conducted within the dwelling unit, attached garage, or accessory building.



- I. The home occupation shall not occupy more than twenty-five (25%) percent of the total gross floor area of said residential dwelling including the basement.
- J. Storage of combustible, toxic or hazardous material associated with the home occupation shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- K. The home occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- L. Home occupation approval is not transferable with the sale, rental or lease of the dwelling unit.
- M. Home occupations are not allowed occupation related signs.

STAFF COMMENTS:

The sentence structure here for item “M” is confusing. Also, if the intent is to not allow signs for home occupations, it appears this is in conflict with current regulations for signs in Residential Districts, in Sections 15.05 and 15.06, as provided below:

Section 15.05 Schedule of Sign Regulations The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under subsections 15.06 and 15.07. Wherever conflict exists between the following schedule and the standards of those subsections, those subsections shall prevail.

Sign	Number	Max. Area	Max. Height	Min. Setback
<i>Signs in Residential Districts (Sec. 15.06)</i>				
Home Occupation Wall Sign, or	1	4 s.f.	4 ft.	n/a
Home Occupation Freestanding Sign	1	6 s.f.	4 ft. ^{1,7}	½ required front setback

- 1. If sign is free-standing
- 7. If substituted for wall sign in Rural Residential District.

Section 15.06 Signs in Residential Districts The following signs shall be allowed in the RR, SR, UR, ERS#1, and ERS#2 zoning districts, subject to permit approval in accordance with Section 4.03 and the following standards. Such signs shall only pertain to permitted or special land uses



or a legally nonconforming non-residential use, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

C. Home Occupation Signs: one (1) wall sign per parcel containing a permitted home occupation, not exceeding four (4) square feet in area. Such signs may not be illuminated, and must be consistent with the residential character of the neighborhood in which they are to be located. Within the Rural Residential (RR) district, one (1) freestanding sign may be substituted for a wall sign. Such sign shall not exceed six (6) square feet in area or four (4) feet in height and shall be located no closer to the right-of-way (ROW) line than one-half (1/2) the required front yard.

- N. Art and music instruction shall be classified as a permitted home occupation subject to the standards of this ordinance.
- O. Prohibited home occupations include but not limited to: service, repair or painting of any motorized vehicle, motor vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles; small engine repair; lawn equipment repair; and equipment repair.

ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVI, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

Locational Requirements: Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.



Site Requirements:

- A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- B. The residential appearance of the dwelling shall not be altered in order to conduct the homebased business.
- C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.
- E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.
- G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.
- H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.



J. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows:

<u>Minimum Lot Size</u>	<u>Maximum Number of Non-Resident Employees</u>
<u>2 or more acres and less than 6 acres</u>	<u>1</u>
<u>6 acres and less than 10 acres</u>	<u>2</u>
<u>10 acres and less than 12 acres</u>	<u>3</u>
<u>12 or more acres</u>	<u>4</u>

The Planning Commission or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises.

In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.

K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the approval of the Planning Commission and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.

L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.

M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.



N. Home-based businesses are allowed signage. See Article XV Signage.

STAFF COMMENTS:

As currently exists, there are no township zoning ordinance regulations governing signs for “home-based businesses”, only for “home-occupations” (See below). Staff would suggest that the township develop a set of sign standards that coincidences with the intended nature and characteristics of home-based businesses in residential districts before commencing with final approval of these proposed set of amendments.

Section 15.05 Schedule of Sign Regulations The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under subsections 15.06 and 15.07. Wherever conflict exists between the following schedule and the standards of those subsections, those subsections shall prevail.

Sign	Number	Max. Area	Max. Height	Min. Setback
<i>Signs in Residential Districts (Sec. 15.06)</i>				
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- 7. If substituted for wall sign in Rural Residential District.

Section 15.06 Signs in Residential Districts The following signs shall be allowed in the RR, SR, UR, ERS#1, and ERS#2 zoning districts, subject to permit approval in accordance with Section 4.03 and the following standards. Such signs shall only pertain to permitted or special land uses or a legally nonconforming non-residential use, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

C. Home Occupation Signs: one (1) wall sign per parcel containing a permitted home occupation, not exceeding four (4) square feet in area. Such signs may not be illuminated, and must be consistent with the residential character of the neighborhood in which they are to be located. Within the Rural Residential (RR) district, one (1) freestanding sign may be substituted for a wall sign. Such sign shall not exceed six (6) square feet in area or four (4) feet in height and shall be located no closer to the right-of-way (ROW) line than one-half (1/2) the required front yard.



O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day. The Planning Commission or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the lot, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.

STAFF COMMENT: For item “O” above, how will the type of trip and number of visitors, customers and deliveries be regulated by the Township? Will the owner home-based business be required to keep a log for recording this activity, so that compliance can be determined? Also, how was the total number of twelve (12) trips to the site in a day determined (arbitrary or based on a recognized industry standard)? Lastly, what are the permissible hours for allowing these visits, and what hours or long of time defines or constitutes “...a single day”?

P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.

STAFF COMMENT: For item “P” above, how was the number of eight (8) motor vehicles to be allowed on-site determined (arbitrary or based on a recognized industry standard)? How will the township regulate this provision?

Performance Standards: Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land



uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following:

- 1) Owner's name, parcel identification (tax ID#) and address
- 2) An 11 x 17 inch color aerial photograph of the site area and surrounding areas showing overlaying property lines and the proposed site layout with dimensions. (available at Livingston County GIS)
- 3) Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business
- 4) Location of driveways, off-street parking areas & delivery and storage areas
- 5) Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties,
- 6) The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.

STAFF COMMENT: It may be helpful to also require the site plan to include subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines.

B. In addition to the information required in Section 17.32 and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features:

- 1) A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
- 2) The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business.
- 3) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.



- C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.
- D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

Township Recommendation: Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their September 24, 2019 planning commission meeting. The Marion Township Planning Commission held a public hearing regarding the amendments on August 27, 2019, where it was noted that there were several public comments and much discussion amongst planning commission members on the proposed amendments.

Staff Recommendation: Approval with Conditions. The proposed text amendments are fairly reasonable and appropriate. Staff would encourage the township to consider all of Staff comments as presented in the review and make suggested revisions prior to final approval of this set of amendments.

PA 116 APPLICATION
Farmland and Open
Space Preservation
Program

FILE NO: PA-03-19

CITATION: Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly know as PA 116.

TOTAL NUMBER OF ACRES ON THIS FARM: 68 acres

ACREAGE IN CULTIVATION/TYPE OF ENTERPRISE: 65 acres; hay, agricultural products

TOWNSHIP: Conway Township

SECTION: 17

APPLICANT NAME(S): John & Tracy Knoch

APPLICANT ADDRESS: 575 Risch Road, Webberville, MI 48892

SOIL TYPE(S): Predominantly Miami loam with 2 to 6 percent slopes.

SURROUNDING USE: Farming and agricultural; large lot residential

LOCAL MASTER PLAN: (2018) Agricultural/Residential

STAFF RECOMMENDATION: **APPROVAL**

LCPC MEETING DATE: October 16, 2019

LIVINGSTON COUNTY PLANNING COMMISSION RECOMMENDATION: APPROVAL _____
DISAPPROVAL _____
OTHER _____

LIVINGSTON COUNTY PLANNING COMMISSION REVIEW _____
Planning Commission Chairperson

PA-03-19
October 9, 2019

**EXPLANATION OF HOW THIS
APPLICATION MEETS P.A. 116
REQUIREMENTS:**

- This property complies with criteria established by PA 116 because the parcel is 40 acres or larger, and a minimum of 51% of the land is devoted to an agricultural use (www.michigan.gov/documents/MDA_PA-116_Benefits_132644_7.pdf)

