

4. **Proposed Ordinance Amendment - Roadside Stands**
(Public Hearing was held 2/15/00)

To consider an amendment to Section 21.07 of Zoning Ordinance No. 200 of the City of Rochester Hills to apply in one-family residential detached condominium developments the same restrictions on roadside stands and markets and Christmas tree sales that apply in residential subdivisions, to clarify what products may be sold in connection with Christmas tree sales, to repeal the requirement that all produce sold at roadside stands or markets not located within a residential subdivision or condominium shall be grown on the immediate property or other property in the city owned or leased by the permit applicant, to repeal conflicting ordinances, and to prescribe a civil fine for violations.

(Reference: Memo prepared by Deborah Millhouse dated February 10, 2000 has been placed on file and by reference becomes part of the record hereof.)

The Chair invited comments from those in attendance at the meeting even though this was not a Public Hearing (the Public Hearing was held 2/15/00).

Mr. Marvin Williams, 820 N. Adams, came forward and commented he is the last operating roadside stand in the City. He indicated he supports the proposed amendment because it has outlived its usefulness as a mandate for selling produce. He added it is unrealistic to expect that there is enough property left in the City to grow produce. With all the development and the shrinking of the agricultural land, the ordinance is not realistic.

Mr. Kaiser explained that the ordinance was designed to allow people with large parcels to be able to sell their own produce, as opposed to encouraging people to open up roadside stands to sell goods brought in from all over the state. Mr. Kaiser agreed with Mr. Williams that times have changed, but that could mean that there shouldn't be roadside stands in the City now.

Mr. Marvin Williams indicated that the customer base he has will attest to the fact that there is a need for a roadside stand on Adams Road.

Mr. Kaiser commented that he has a general problem with writing a new law for one entity, because it sets a precedent for Council or administration to have to address every citizen that comes forward to have a law of the community changed because it negatively impacts that individual. Mr. Kaiser also recognizes the separation of powers, and the executive branch of government who chooses to exercise their discretion in the enforcement of laws. If this law is somehow burdensome to a particular person, it is within the discretion of the administration to choose not to enforce it.

Mr. Rosen feels the intent of the original ordinance was to accommodate the remaining farm-type activities that existed in the earlier part of the century, and does not see any evidence that the ordinance had the intent of promoting commercial operations in residentially zoned or used property. Produce grown on site was allowed to be sold on site. The proposed ordinance amendment would change the intent to promote commercial operations in residentially zoned property. That change to promotion would be contrary both to the spirit and to the policies of the Master Land Use Plan. Mr. Rosen feels it would also be in direct conflict with the Zoning Ordinance structure which seeks to separate uses by zoning. The surrounding communities which allow residential roadside stands, only allows the sale of produce grown on site, which is fair to the people

who grow the produce. Mr. Rosen does not see a logical basis for the proposed change, and feels there are many strong reasons not to change the ordinance.

Mr. Boswell agreed with Mr. Rosen. Changing laws is supposed to be for the benefit of the entire community, not for the benefit of one particular situation.

MOTION by Boswell, seconded by Potere, to recommend denial of an amendment to Section 21.07 of Zoning Ordinance No. 200 to apply in one-family residential detached condominium developments the same restrictions on roadside stands and markets and Christmas tree sales that apply in residential subdivisions, to clarify what products may be sold in connection with Christmas tree sales, to repeal the requirement that all produce sold at roadside stands or markets not located within a residential subdivision or condominium shall be grown on the immediate property or other property in the city owned or leased by the permit applicant, to repeal conflicting ordinances, and to prescribe a civil fine for violations.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Potere, Ramanauskas, Rosen, Ruggiero

Nays: None

MOTION CARRIED.

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MOTION by Rosen, seconded by Potere, *Resolved*, to ask City Council to study the need in the City of Rochester Hills for a seasonal outdoor flower and fresh produce facility, such as a farmers market so-called in other communities, in a regional location, to be sponsored by the City of Rochester Hills or a place provided for on municipal property.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Potere, Rosen, Ramanauskas, Ruggiero

Nays: None

MOTION CARRIED.

(Ref: Staff Memo prepared by Deborah Millhouse dated February 24, 2000; Letter from John Staran dated February 21, 2000; Excerpts from Waterford Township Zoning Ordinance, Article XI. Transient Merchants, Sec. 10-393. Exemptions and Sec. 10-387. Purpose; Staff Memo prepared by Deborah Millhouse dated February 10, 2000 including Chart of Comparisons; Public Hearing Notice; Staff Memo prepared by Deborah Millhouse dated January 26, 2000; Letter from John Staran dated December 9, 1999; Proposed Ordinance Amendment dated 12/09/99.)