

4. Proposed Ordinance Amendment - Roadside Stands (Public Hearing only) (No discussion or decision tonight)

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.

(Ref: Staff 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 opened the Public Hearing.

Ms. Brenda Savage, 1715 Northumberland Drive, reiterated concern presented at a prior meeting, such as: where produce would be grown, if it were to be sold at roadside stands. She stated some site condominiums and subdivisions prohibit growing produce for sale through deed restrictions. It was noted Christian Hills Subdivision prohibits gardens in excess of one (1) acre, if they can be seen from the street. Ms. Savage noted City Ordinances prohibits a business to be operated from a residence if it causes traffic problems. The issue of leasing property and selling produce, rather than produce being sold by the parcel owner, was noted. Ms. Savage suggested it be considered that produce grown within the Tri-County area be permitted for sale at local roadside stands.

The Chair referenced a letter from Mr. Jerome Eby, which has been placed on file and by reference becomes part of the Public Hearing record hereof. The Chair reiterated that the matter would be placed on the agenda in two (2) weeks and provide an opportunity for extensive discussion; no motions shall be entertained at this time. Materials contained in the packet were referenced related to Roadside Stands, Markets and Christmas Tree Sales Comparisons from area communities. It was noted the requirement that the materials be grown on the property seems consistent throughout.

Ms. Millhouse noted, unless noted, ordinances from other communities were not specific regarding where materials sold were grown.

The Chair referenced a letter from Ms. Lois Golden, which has been placed on file and by reference becomes part of the Public Hearing record hereof.

The Chair stated the request to change the Ordinance was driven by a particular situation. The position of the Chair was reiterated that law should not be written to accommodate just one (1) person. The Chair commented that Ms. Golden=s letter suggested an exception for transient merchants, when the transient merchant is a Veteran. A similar ordinance from Waterford Township was referenced. The Chair requested that Ms. Golden=s letter be forwarded to Mr. Staran, City Attorney, for consideration.

There being no other persons coming forward to speak regarding the proposed ordinance amendment, the Chair closed the Public Hearing.

(Ref: Staff Memo prepared by Deborah Millhouse dated February 10, 2000; Roadside Stands, Markets, and Christmas Tree Sales Comparisons; Notice of Public Hearing;

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; letter from Jerome Eby dated February 15, 2000; documents in packet, plus any communications or handouts.)