

## Fresh Coast Planning

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# MEMORANDUM

To: Tallmadge Charter Township Planning Commission  
From: Sara Moring-Hilt  
Date: December 13, 2021  
Re: Vandersloot Zoning Map Amendment (Rezoning Application)

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Attached is a Map Amendment (Rezoning) Application from Mark Vandersloot to rezone the property located at 13760 48<sup>th</sup> Avenue, parcel number 70-10-06-300-004, which is located in the Agricultural Zoning District. The applicant seeks to rezone the parcel from the Agricultural (AG) Zoning District to the Rural Preserve (RP) Zoning District. The property currently contains two dwelling units and a barn.

The application has been reviewed and found complete. Below we provide our summary of the application as well as an overview of its relationship to the Tallmadge Charter Township Master Plan (TCTMP) and the Tallmadge Charter Township Zoning Ordinance (TCTZO) to assist with your review. Based on the aforementioned, we believe a recommendation of approval is appropriate.

Additionally, attached is the related Zoning Map Amendment Ordinance for your consideration.

### Application and Property Details

The subject parcel is approximately 30.59 acres in total area. The applicant has indicated that they want to bring the property into conformance with the Township's Master Plan. Furthermore, the applicant would like to separate the two existing dwelling units onto their own lots. Nonetheless, and as you know and we outline below within the Zoning Ordinance Considerations portion of this memorandum, the Planning Commission must consider all the possible uses available within the RP Zoning District when considering the request.

### Three Cs of Rezoning

As you know, we utilize "the three Cs" of rezoning when reviewing a rezoning request. They include:

1. Consistency – whether the request is consistent with the provisions of the Master Plan
2. Compatibility – whether the request will be compatible with existing zoning districts as well as existing and future uses in those zoning districts
3. Capability – whether the property subject to the request is capable of supporting the uses permitted by the requested zoning district and whether it is capable of being adequately served by the related transportation network and other governmental agencies.

It is important to keep these in mind as you review the application and our TCTMP and TCTZO summaries below.

## Master Plan Considerations

### *Consistency*

#### Chapter One – Community Preferences

As you are aware, as a part of the Master Plan process, the Township conducted a community survey of its residents and property owners to gauge their opinion on several land use matters. The survey respondents identified “preserving and protecting rural character and open space from development” as a priority for the Township. Although the requested rezoning would allow for decreased lot sizes, the existence of two dwelling units limits the number of lots that could potentially be created in the future. Consequently, it appears the RP request is somewhat consistent with this priority; however, the consistency is minimal.

#### Chapter Two – Rural Agricultural Uses

On page 7 of the TCTMP, the Plan recognizes that certain economic conditions and changes in generational interests appear to be altering the trends and prominence of agricultural operations in the township. A goal of the TCTMP is that the Township should, “Prevent isolated residential and or commercial development on large parcels.” While the subject property would be gaining the potential for increased density through a rezoning to the Rural Preserve Zoning District, the subject property is already surrounded by Rural Preserve and Single-Family Residential parcels. The subject parcel will be amongst the existing residential uses and will not be an isolated residential lot amongst the Agricultural parcels. Given this, the request appears consistent with this provision.

#### Master Plan Map

For your convenience, below is a snapshot of the Master Plan Map showing the classification of the subject property and adjacent properties. (Legend: Green = Rural Agricultural Preservation / Purple Outline = subject property).



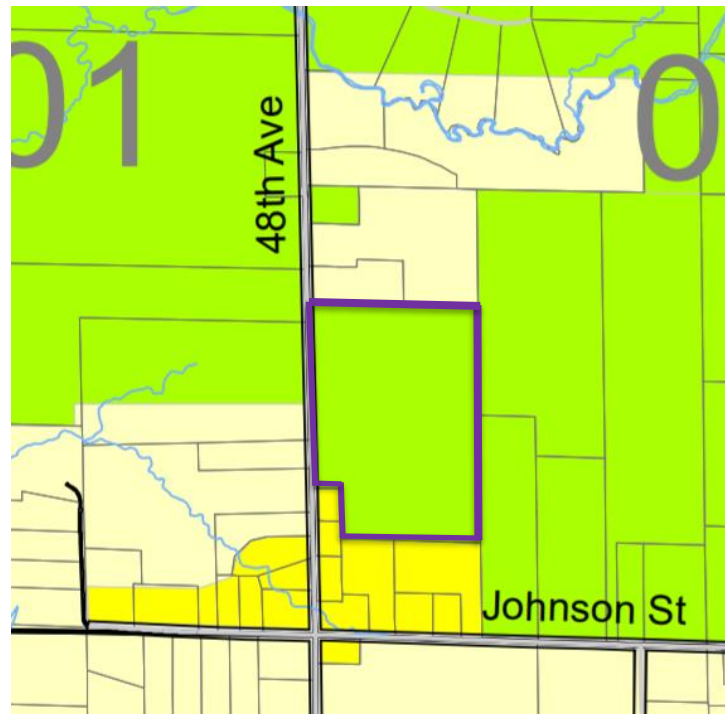
As you will note, the TCTMP map identifies the subject property within the Rural Agricultural Preservation Classification, which is consistent with the RP Zoning District. Given the request seeks the RP District, it appears to be consistent with the Master Plan Map.

## Zoning Ordinance Considerations

### *Compatibility*

Currently, the surrounding uses of adjacent properties are single-family dwellings and vacant lots. The subject property abuts lots located within the R-1 Single-Family Residential District and the RP Rural Preserve Zoning District.

For your convenience, below is a snapshot of the current Zoning Map showing the relationship of the subject property to the surrounding zoning districts. (Legend: Tan = Rural Preserve / Yellow = Single Family Residential / Green = Agricultural / Purple Outline = subject property).



As a result, the proposed area appears compatible with the surrounding uses and Zoning Districts.

### *Capability*

As aforementioned, the overall property currently contains two dwelling units and a barn. It is evident from the existing uses that the property is capable of supporting both residential and agricultural uses. As a result, we believe the subject property is capable of supporting all of the RP Zoning District uses. Nonetheless, for your convenience, attached is a copy of Section 6.02 – Permitted Uses and Section 6.03 – Uses Permitted After Special Approval of the TCTZO, which provide the available uses within the RP District.

## Planning Commission Considerations & Recommendation

As a result of the aforementioned Master Plan and Zoning Ordinance considerations, we believe the request is consistent with the TCTMP, is compatible with surrounding districts and uses, and is capable of supporting all of the uses permitted by the requested zoning district. As a result, we believe a recommendation of approval is appropriate, pending comments received during the public hearing. The applicant has been scheduled for a public hearing at your December 28, 2021 meeting. If you have any questions, please let us know.

SMH  
Planner

Attachments

cc: Mark Bennett, Supervisor

## **SECTION 6.02 - PERMITTED USES.**

In the RP District, the following uses shall be permitted:

(a) Generalized farming as defined in Section 2.03, provided the number of animals meet the provisions of Section 3.16.

(b) Single-family dwelling unit.

(c) Churches and public, parochial and other private elementary, intermediate or high schools, provided that the principle means of ingress to or egress from the site is via a road classified as a major or minor arterial road in the Township Master Plan, or Ottawa County.

(d) Publicly-owned parks and recreation facilities.

(e) Cemeteries.

(f) Roadside stands not larger than thirty-two (32) square feet in area which are operated on a seasonal basis and are otherwise removed during the majority of the year, subject to the following provisions:

1. Only fruits, cut flowers and vegetables that have been grown on the premises are sold.
2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
3. Only one (1) stand per premises shall be permitted.

(g) Private stables, as defined in Section 2.03 and which is accessory to a residential use, subject to the following conditions:

1. All animals shall be owned by the occupants of the residence.
2. The numbers of animals shall meet the provisions of Section 3.16.
3. All buildings in which animals are kept shall meet the provisions of Section 3.16.
4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.

(h) Accessory buildings and uses customarily incidental to any of the above permitted uses, subject to the provisions of Sections 3.02.

## **SECTION 6.03 - USES PERMITTED AFTER SPECIAL APPROVAL.**

The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Roadside stands with a sales area which exceeds thirty-two (32) square feet, but not more than two hundred (200) square feet, subject to the following:
  1. Only fruits, cut flowers and vegetables that have been grown on the premises are sold.
  2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
  3. All structures are portable and are removed during off-season periods. There shall be only one roadside stand per premises.
- (b) (Reserved for future use.)
- (c) Public stables (boarding stables) as defined in Section 2.03, subject to the following:
  1. Public stables shall be a minimum of twenty (20) acres in size.
  2. All buildings in which animals are kept shall meet the provisions of Section 3.16.
  3. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
  4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
  5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
  6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (d) Governmental or non-governmental public service buildings and facilities when in character with the surrounding area, provided that outside storage of vehicles or materials is visually and aesthetically obscured by a fence, greenbelt, or building on all sides.
- (e) Greenhouses and nurseries, subject to the following:
  1. No retail sales of products grown on-site shall be permitted, unless on a roadside stand.
  2. All such uses shall be located on sites which are a minimum of twenty (20) acres in size.
  3. The principal access to such use shall be from a paved road.
  4. All storage areas for plants, fertilizers, and other materials shall comply with the minimum setback requirements for this district.
  5. Off-street parking shall be provided as per ordinance requirements.
  6. A clear sight distance of five hundred (500) feet shall be provided from the main entrance for traffic safety purposes.
  7. All associated buildings and structures shall be setback a minimum of twice the setback requirements of this district for the front and side yards.
- (f) Bed and Breakfast Establishments, subject to the provisions of Section 3.04.