**HELENA TOWNSHIP ZONING ORDINANCE LANGUAGE CHANGE**

**EFFECTIVE August 25, 2022**

**Section 1.03—DEFINITIONS**

Accessory Building or Structure:

A subordinate building or structure on the same premises with a principal building or portion of a principal building and occupied or devoted to an accessory use. The subordinate building or structure may be temporary or permanent, having a roof supported by columns or walls, and includes sheds, garages, stables, greenhouses, or other similar construction.

Mobile Food Vendor shall mean vending, serving, or sale of food and/or beverages from a mobile vending unit which meet the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

Mobile Food Vending Unitshall mean any motorized or non-motorized vehicle, trailer or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

Vendorshall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vender shall mean all individuals operating such single stand, cart or other means of conveyance.

Operateshall mean all activities associated with the conduct of business , including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Structure:

Anything constructed or erected, the use of which requires location on or beneath the ground or attachment to something on or beneath the ground. Among other things, structures shall include buildings, walls, fences, and towers.

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## **Section 2.03– PERMITTING PROCESS AND REQUIREMENTS**

### 2.03.01 – Land Use Permits

1. A Land Use Permit shall be secured prior to the commencement of excavation for, or construction of; any building, structure, or to make a structural change, alteration, or addition in any existing building or structure, or to relocate any building or structure. The application for a Land Use Permit shall be made and approved prior to the date when construction is intended to begin.

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### 4.02.01– Schedule of Regulations

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Zoning District | | Minimum Lot Size | | Maximum Building Height (whichever is lesser) | | Principal Structure Minimum Yard Setback | | | | (Per Unit) Floor Area |
|  | | Min Lot Area | Width | Stories | Feet | Front |  | ~~Smaller~~ Side | Rear |  |
| A: Agricultural | | 2 acres | 200 ft | 2.5 | 35 (a) | 35 ft(b) |  | 10 f~~ee~~t | 25 ft (b) | 800 sq ft |
| R-1: Residential, One Family | Platted | 20,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) |  | 10 f~~ee~~t | 35 ft (b) | 960 sq ft |
| Unplatted | 25,000 sq ft | 100 ft (c) | 2.5 | 35 | 50 ft (b) |  | 10 f~~ee~~t | 35 ft | 960 sq ft |
| R-2 Residential, Two Family  Platted &  unplatted | One-Family, ~~Platted~~ | 30,000 sq ft | 150 ft (c) | 2.5 | 35 | 50 ft |  | 10 ft | 35 ft | 800 sq ft |
| Two-Family, ~~Platted~~ | 30,000  sq ft | 150 ft (c) | 2.5 | 35 | 50 ft |  | 10 ft | 35 ft | 800sq ft (d) |
| C: Commercial | |  |  | 2.5 | 35 | 50 ft(e) | 0 ft (f) | |  |  |
| V: Village | See Section 4.07. | | | | | | | | | |
| E: Environmental | See Section 4.08. | | | | | | | | | |

**4.03.02.F**

F. Additional dwellings, provided there is only one such dwellingin addition to the main dwelling for each ten acres of land, and provided that each such dwelling is surrounded by sufficient land to provide a future separate lot of two acres and a minimum width of 200 feet.

## **Section 4.06** **-- "C" - COMMERCIAL DISTRICT**

### 4.06.02.A

1. Uses permitted by right in the R-1 zone under the terms provided for such uses, except as altered in this Section and the Schedule of Regulations.

Renumber remaining bullet list.

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**Chapter 5: Supplemental Regulations**

**5.01.01.C.2.b**

C. The front, side, and rear yard requirements of each zone shall apply to the location of permanent accessory building and structures within each zone.

2. A permanent accessory building or structure not attached and not made a part of the principal building shall:

b. May contain living quarters; provided that proper Health Department approval is secured for water and septic service.

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### 5.01.02– Storage Containers

The purpose of this section is to regulate use of storage containers on R1, R2, Village and Commercial zoned properties.

For purposes of this ordinance section only, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage buildings.

Definitions:

1. “Cargo containers” include standardized reusable vessels that were:
2. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
3. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms ‘transport container” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.
4. Storage on R1, R2, Village and Commercial zoned properties.
5. Only accessory storage buildings and accessory structures as defined in Section 1.03 shall be permitted as accessory storage buildings on property within R1, R2, Village and Commercial zone of the township. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned R1, R2, Village and Commercial.
6. Notwithstanding, the provisions set forth in subsection A of this section, the temporary placement of transport containers and/or portable site storage containers shall be permitted for a period of time not exceeding ninety (90) days following issuance of a Land Use Permit obtained from the zoning administrator. Zoning administrator has the authority to extend this permit for an additional 90 days.
7. Notwithstanding the provisions set forth in subsection A of this section, licensed and bonded contractors may use cargo containers for the temporary location of an office, equipment, and/or materials storage structure during construction which is taking place on the property where the cargo container is located.

Conflicts.

In the event any conflict exists between the provisions of this section and other currently existing provisions for Helena Township the existing provisions zoning provisions shall apply.

**5.04—Mobile Food Vendor Sales –Permitted with a Mobile Food Vendor Use Permit**

No vendor shall engage in Mobile Food Vending without a Mobile Food Vendor permit. Standards for a special use permit, as defined in Chapter 6 of the Ordinance, will be applied. The Township Zoning Administrator shall prescribe the form of such vending permits and application for such permit. All permits shall be prominently displayed on the Mobile Food Vending Unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined in Section 1.03.

**5.04.01-- DURATION; NON TRANSFERABILITY**

Mobile Food Vendor Permits may be issued by the Township Zoning Administrator for one (1) year from the date of issuance. Any permit issued under this Ordinance is non-transferable from Vendor to Vendor or from Mobile Food Vending Unit to Mobile Food Vending Unit.

**5.04.02 -- APPLICATION**

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the Township Zoning Administrator for a permit under this Ordinance. The applicant shall truthfully state, in full, all information requested by the Township Zoning Administrator and be accompanied by a fee established by resolution of the Helena Township Board. Additionally, the applicant shall provide copy of all documentation as required by the Township.

**5.04.03-- FEES**

An application for a permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Helena Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator. A Mobile Food Vending Unit owned by a business on the Township’s tax rolls whose normal business operations include the sale of food and/or beverages will be exempt from this fee. No one shall hire or subcontract such vendors in an attempt to evade the provision of this ordinance.

**5.04.04-- REQUIREMENTS**

Any Mobile Food Vending Unit:

1. Shall only operate in zoning districts Village and Commercial and requires a special use permit.

2. Shall not operate on Township owned property except as allowed under Township Ordinance 07082021, adopted by the Board of Trustees and effective August 7, 2021.

3. Shall not be allowed on public streets without written permission from the controlling authority.

4. Shall not sell, prepare or display food outside of the Mobile Food Vending Unit.

5. Shall provide adequate refuse collection receptacles in close proximity to the dispensing unit.

6. Shall not use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

7. Outdoor seating is allowed on the permitted parcel only.

8. Shall not use loud music, amplification devices or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Township.

9. May only have signage on the mobile food vending vehicle.

10. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner.

11. Must comply with all applicable federal, state and county regulations.

12. Shall not represent the granting of a permit under this Ordinance as an endorsement by the Township.

**5.04.05-- OTHER PERMITS**

A permit obtained under this Ordinance shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, stature or administrative rule.

**5.04.06-- REVOCATION**

The Township Zoning Administrator shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local regulation, makes a false statement on the application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Immediately upon such revocation, the Township Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Renumber bullets as needed for remaining sections of Chapter 5.