

## **HOME OCCUPATIONS**

**Ord. No. 425**

**Adopted: October 19, 1992**

An ordinance to regulate home occupations within districts zoned for residential purposes in Fenton Township by establishing the conditions under which such home occupations may be operated; to provide for phasing out current home occupations which do not meet the requirements of this ordinance; and to provide penalties for violation of this ordinance.

THE TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

### **SECTION 1**

A home occupation is defined as a business or commercial pursuit conducted by a person or business entity in a residential dwelling.

### **SECTION 2**

A home occupation may be permitted within a single family residential dwelling subject to the following conditions:

- A. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation, or occupations if more than two home occupations exist within a single dwelling, shall not occupy a portion of the dwelling which is greater than 25% of the floor area of the dwelling unit as shown on the tax assessment card, or 300 square feet, whichever is less.
- B. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
- C. No traffic shall be generated by any such home occupation in greater volumes than would normally be expected in a residential neighborhood. The property owner shall not be permitted to expand existing parking areas to accommodate the home occupation.
- D. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- E. Home occupations shall be carried on only by a member or members of the family residing on the premises. No employees working in the dwelling shall be permitted in any home occupations.

### **SECTION 3**

Each person conducting a home occupation in a residential dwelling except those meeting the requirements of Section 7 below, shall obtain a permit for such home occupation from the Township Board of Appeals. The permit shall be obtained by filing an application with the Township Clerk, for submission to the Board of Appeals at its next regular meeting. The application shall set forth the nature of the business to be conducted; the area of the dwelling in which the occupation will be conducted; and the identity of the person or persons conducting the home occupation within the dwelling.

- A. The Board of Appeals shall have the right to require an inspection by the Township Building Inspector and/or the Township Ordinance Enforcement Officer to determine that the proposed home occupation is in compliance with the provisions of this ordinance.
- B. If the proposed home occupation is in compliance with the provisions of this ordinance, the Board of Appeals shall issue a home occupation permit.
- C. Each person who has been issued a permit for a home occupation shall file an annual request for renewal of the permit on or before the anniversary date of the original permit. Such

request shall inform the Township Board of Appeals that a renewal is requested, and shall further inform the Township Board of Appeals of any changes made in the conduct of the home occupation since the original application.

- D. In acting upon an application for renewal of a home occupation permit, the Township Board of Appeals may request that the Township Building Inspector and/or Ordinance Enforcement Officer inspect the dwelling to assure compliance with the provisions of this ordinance; or may act upon the application without such inspection.
- E. Application for issuance of a home occupation permit, or renewal of a home occupation permit shall be accompanied by a fee payable to the Township in an amount which shall be from time to time established by the Board of Appeals and approved by the Township Board of Trustees.

#### **SECTION 4**

Any property owner or occupant who has previously been granted a special use permit by the Township to conduct a home occupation, and has in fact conducted the approved home occupation in the twelve month period preceding adoption of this ordinance, may continue to conduct the home occupation as previously approved, for a period not to exceed 36 months from the date of the adoption of this ordinance. During such period the property owner or occupant shall not increase the size, scope, or intensity of the home occupation, nor change the nature of the occupation without complying with all of the provisions of this ordinance. Upon expiration of the 36 month period provided herein, the property owner or occupant shall thereafter conduct any home occupation only in accordance with the provisions of this ordinance. During the 36 month period provided herein, the owner or occupant conducting the home occupation shall file an annual request for renewal of the previously granted a special use permit on or before the anniversary date of the original granting of the special use permit. Such application for renewal shall be in accordance with the provisions of Section 3 above.

#### **SECTION 5**

A permit to conduct a home occupation, whether granted pursuant to the provisions of this ordinance, or previously granted by special use permit, shall not be transferable or assignable upon sale or other change in ownership of the land upon which the home occupation is conducted. The home occupation permit shall terminate when the person conducting the home occupation for which the permit was issued ceases to occupy the premises.

#### **SECTION 6**

Cessation of operation of a home occupation previously authorized by special use permit, for a period in excess of 60 days shall terminate the right to conduct the home occupation pursuant to such variance or special use permit unless the home occupation is thereafter conducted in accordance with the provisions of this ordinance.

#### **SECTION 7**

Notwithstanding the provisions of Section 3 of this Ordinance, no property owner or occupant shall be required to apply for or obtain a home occupation permit if the home occupation meets the following requirements:

- A. All of those conditions set forth in Section 2 of this ordinance.
- B. The home occupation does not entail visits to the premises by customers, clients, patients, or other persons seeking the services of the person conducting the home occupation.
- C. The home occupation does not entail deliveries to or transmittal from the home in connection with the home occupation other than those items which are routinely handled by the US Postal Service.

**SECTION 8(A)**

This ordinance shall not apply to any property owner or occupant who conducted a home occupation pursuant to a special use permit first granted not less than five years before the date of adoption of Ordinance No. 425. However, such property owner or occupant shall continue to apply for annual renewal of the special use permit to the Township Board of Appeals in accordance with the procedure established by the Board of Appeals.

(Amended by Ord. No. 436 11-15-93)

**SECTION 8(B)**

The special use permit continuing pursuant to Section 8(A) above shall not be transferable or assignable upon sale or change of ownership of the land on which the occupation is conducted; it shall expire and not be renewable except in accordance with Ordinance No. 425, if the home occupation is abandoned for a period of six months; and the nature, scope, size, or intensity of use of the home occupation may not be increased without complying with the provisions of Ordinance No. 425.

(Amended by Ord. No. 436 11-15-93)

**SECTION 9 Penalty for Violation.**

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

(Amended: Ord. No. 570, 2-5-01)

**SECTION 10**

This ordinance shall be effective 30 days after publication as required by law.

(Amended by Ord. No. 436 11-15-93)