

41.

Bois Blanc Township
Home Occupation /Cottage Industry
Ordinance No. 41
(as amended March 12, 2008)

Adopted: March 12, 2008

Published: March 19,2008

While Bois Blanc Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance, which may be caused by non-residential activities conducted in a residential zone. The intent of this Ordinance is to provide standards to ensure Home Occupations/Cottage Industries are compatible with other allowed uses in residential districts, and thus lo maintain and preserve the residential character of the neighborhood.

Definition: Home Occupation shall be defined as a use or occupation for gain or profit which is conducted on an occupied residential property and clearly secondary to the primary residential use of the property.

Definition: Cottage Industry: An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

1. Home Occupations

a. Home Occupations are permitted in Residential and Low Density Residential zoning districts as a Special Exception, subject to review and approval by the Planning Commission.

b. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building. The Home occupation shall occupy whichever is less: 500 (live hundred) square feel or no more than the equivalent of 25% (twenty-live percent) of the dwelling's ground floor area.

c. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence with the written consent of the owner if different than the person/persons occupying the premises. No non-resident person shall be employed to assist with the business.

d. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued. The addition is included in determining the dwelling's ground floor area as referenced in paragraph "b". An accessory structure will be considered an addition to the dwelling.

2. Requirements for Home Occupations

a. Home Occupations shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.

b. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, the community, or the township as a whole. Any machinery, mechanical devices or equipment employed in the conduct of a Home Occupation shall not generate excessive noise, vibration, radiation, odor, glare, smoke, steam, or other condition not commonly found in a residential area.

c. Traffic and delivery or pickup of goods shall not exceed that commonly found in a residential area.

d. The outdoor storage of goods and/or materials associated with Home Occupations is prohibited. Storage of goods and/or materials shall be within the area occupied by the Home Occupation.

e. To ensure that a Home Occupation is compatible with surrounding residential use, a "not to exceed" number of vehicles that may be parked at any given time during business operations may be established by the Planning Commission during the review and approval process.

f. A sign, no larger than 4 (four) square feet, may be affixed to the residence or accessory building and shall be until. There shall be no other exterior evidence of the Home Occupation.

3. Termination, Extensions, Revisions, Inspections and Violations

- a.. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
- b. In the event any Home Occupation shall be complained of in writing to the Planning Commission as creating or causing a nuisance or conducted in a manner of business not customarily carried on as a home business, then the Zoning Inspector shall order the operator of such Home Occupation to appear before the Planning Commission for a review of the complaint.
- c. if the Planning Commission finds, following a review of complaint on the Home Occupation, that the requirements of the Zoning Ordinance, the Special Use permit, or this Ordinance are not being met by the operator, then the Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation, or order the complete termination of the activity and revoke the Special Use permit.
- d. Proposed revisions or additions to a Home Occupation shall constitute a change of use and shall be subject to Special Exception review and approval by the Planning Commission.
- e. Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500 (five hundred dollars). plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9 (nine dollars) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

4. Cottage Industries

a.. Cottage Industries may be permitted by special use permit, as specified in the zoning district regulations. Cottage Industries shall be allowed on the basis of individual merit; a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

b. Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Any exterior evidence of such industry shall be screened.

c. A Cottage Industry shall occupy not more than one building. The floor area of such buildings shall not exceed the allowable accessory building size.

d. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. if required, the Planning Commission shall determine the type of screening to ensure compatibility with surrounding property uses.

e. Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate excessive noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.

f. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.

g. Cottage Industries shall be conducted by the person or persons residing on the premises with up to two (2) additional employees or assistants allowed.

h. To ensure that the Cottage Industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.

i. Hours of operation shall be approved by the Planning Commission.

j. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

5. Date Effective (with amendments)

This ordinance shall take effect immediately following publication after adoption.

TOWNSHIP OF BOIS BLANC

Joan E. Schroka, Clerk

CERTIFICATE

I, Joan E. Schroka, Bois Blanc Township Clerk, do hereby certify that the foregoing amended Bois Blanc Township Ordinance No. 41 was adopted by the Bois Blanc Township Board at a regular meeting held on March 12, 2008, and the same was caused to be published in the Cheboygan Daily Tribune on the 19th day of March, 2008 and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES; All
NAYS; None

ABSTENTIONS: None
ABSENT: None