

Marion Township is a vibrant place, filled with people committed to making it even better. We pledge to serve the citizens of Marion Township in the areas of housing, public safety, cleaner neighborhoods, and an overall improvement in our quality of life. New people bring vitality and new ideas to an area.

This information will assist you with our zoning ordinances and general ordinances for any type of home-based business or home occupation. We ask you to take a moment to review the ordinances. If you still have any questions after looking through the ordinances, please give us a call or stop by the township hall. We will be glad to answer any and all questions, Monday through Thursday, 9 am-5 pm.

#### **Section 6.14 Home Occupation**

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance. Home occupation is permitted as an accessory use to the principal residential use of a parcel; a zoning permit for such an occupation is not required. Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations shall satisfy the following conditions (these regulations do not apply to farms):

- A. The home occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas. Home occupations shall be conducted in such a manner that, except as otherwise allowed by the provisions of this section, there is no external evidence of the home occupation operation except for the occasional visits by customers or clients numbering no more than ten (10) visits every seven (7) days.
- B. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- C. Refuse generated by the home occupation shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.
- D. Home occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a home occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
- E. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
- F. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment, vehicles, trailers or products related to the occupation.

- G. Traffic generated by the combined home and home occupation shall be no greater in volume than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles, delivery vans and similarly-sized vehicles. Any need for parking used by such home occupation shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- H. The home occupation shall be conducted within the dwelling unit, attached garage, or accessory building.
- I. The home occupation shall not occupy more than twenty-five (25%) percent of the total gross floor area of said residential dwelling including the basement.
- J. Storage of combustible, toxic or hazardous material associated with the home occupation shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- K. The home occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- L. Home occupation approval is not transferable with the sale, rental or lease of the dwelling unit.
- M. Art and music instruction shall be classified as a permitted home occupation subject to the standards of this ordinance.

### **Section 17.32 Home-based Business**

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

- 1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
- 2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
- 3. Has vehicles related solely to the home or business.

**Locational Requirements:** Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.

#### **Site Requirements:**

- A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross

floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.

- B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.
- C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.
- E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.
- G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.
- H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.
- J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows:

<u>Minimum Parcel Size</u>	<u>Maximum Number of Non-Resident Employees</u>
Up to 6 acres	1
6 acres and less than 10 acres	2
10 acres and less than 12 acres	3
12 or more acres	4

The Planning Commission may recommend or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises.

In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission may recommend or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.

- K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.
- L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.
- N. Home-based businesses are allowed signage. See Article XV Signage.
- O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am – 7pm. The Planning Commission may recommend or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the parcel, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.
- P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.

**Performance Standards:** Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

- A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following:

- 1) Owner's name, parcel identification (tax ID#) and address.
  - 2) An 11 x 17-inch color aerial photograph of the site area and surrounding areas showing overlaying property lines with contour lines and the proposed site layout with dimensions. (available at Livingston County GIS).
  - 3) Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business, subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines.
  - 4) Location of driveways, off-street parking areas & delivery and storage areas.
  - 5) Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties,
  - 6) The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.
- B. In addition to the information required in this section and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features:
- 1) A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
  - 2) The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business.
  - 3) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
- C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.
- D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.