WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING, October 3, 2018
7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest

5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
    a. Comments shall be directed to the Commission, with questions directed to the Chair.
    b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
    c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
    d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
    e. Public comment shall be limited to 3 minutes.

6. Public Hearing: None
7. Approval of Minutes: Sept 5, 2018
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
    a. Zoning Administrator
    b. Chair, Mangus – Attorney communication
    c. Township Board Representative, Lawson
    d. ZBA Representative, Hooper

10. Unfinished Business:
    a. Article 17 – Board request – public hearing date
    b. Letter to the township board – joint meeting - direction
    c. Articles 37 and 25, balance of text starting with Home Occupations
    d. Attorney recommendations for 6, 7, and 14 – not available

11. New Business:
    a. Recodification outreach, education plan
    b. Community Survey

12. Next Meeting Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141 or the TDD at 800-649-3777.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
September 5, 2018

Call to Order at 7:07 p.m.
Roll Call: Dean, Jacobson, Lawson, Mangus, Savage
Absent: Hooper, Render
Also in attendance: Recording Secretary MacLean plus 2 in audience
Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None
Public Comment: None.

Approval of Minutes:
Motion to approve the August 1, 2018, meeting minutes by Savage, second by Jacobson. All in favor. Motion carried.

Correspondence: None.
Reports:
Zoning Administrator Report, Habedank: Commented on the topic of animals via email to the commissioners regarding land quality for grazing. Will discuss when we get to the actual topic on the agenda.
Chair's Report, Mangus: The board discussed event barns and will be doing a survey at some point in the future. There is no one who has a request in to the township at this time.
Regarding the discussion about the dates of the PC meetings to better fit the ZA attendance at the meeting, the board currently is not interested in making the change that would be necessary.
Township Board Rep., Lawson:
July 7, meeting had a lot of public comment opposition to the subject of event barns.
Discussing policy and procedure of the steps to make zoning changes / amendments. It could eliminate some of the back and forth between the Board and the PC. Public Act 33 of 2008 needs to be reviewed.
PC appointment process.
Ryan Stibbs was appointed the dangerous buildings inspector.
The board is going to further investigate the event barns subject. How does it fit into Agri-tourism?
ZBA Representative, Hooper: No meetings.
Committee Reports: None.
Additional Items: None.

Old Business:
1. Recodification preparation progress update: Provide to the Board and the ZA the list of what needs to be addressed.
   Need to make sure the PC has the certified / correct / complete zoning ordinance to work from as soon as possible.
   Articles 1, 11, 12, 25, 27 and 28 needs PC review. Some of these can be handled during the recodification process.
   PC needs a certified copy of Article 11 which needs a review by the attorney to get a certified copy, to make sure the RC district is accurate before the PC addresses it. Send the board a formal letter requesting the certified copy from the Clerk with all additional documentation.
   Discussion of PC questions to the attorney.
   Articles 6, 7, 14 and 17 have been forwarded to the Board.
   Articles 10 and 37 are currently under PC review plus the 17.14 correction before the Board.
   Review 11, 12 and 27 before sending out for recodification.
   We have been trying to make a cleaned up certified copy to send out for recodification. Articles 11 and 37 have the most documentation / extensive publishing errors and should be addressed before being sent out.

   Mangus will prepare a letter to review to send to the Board as discussed.

   Policy and Procedure, statutory requirements, zoning enabling act. The PC will come up with verbiage that can

be presented to the Board for their review.

2. Article 17, Land Use Permits – attorney recommendations: The PC had not requested any input on 17.12. Consensus to drop any reference to 17.12.
   Article 17.14: Consensus to send the original PC proposed with a letter of explanation to the Board including a request that when the attorney makes changes or removes items that the attorney gives an explanation of why.
3. Attorney recommendations for 6, 7, and 14: Not available.
4. Joint meeting with township board. Subject brought up several times during discussion during the meeting. The Board is not interested in a joint meeting with the PC.
5. Articles 37 and 25 - postponed

New Business:

1. Community survey - postponed

Next Regular Meeting October 3, 2018.
Agenda: Formal letter to Board, letter for a joint meeting, postponed items.

Public Comment: None.
Commission Discussion/Comments: Lawson recommends the commissioners read PA 33 of 2008, including the definitions.
Continuing Education: None.
Adjournment: 9:16 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

DRAFT

17.00

ARTICLE XVII
ADMINISTRATION

(Effective January 26, 2018)

17.10 ZONING ADMINISTRATOR; APPOINTMENT; DUTIES.

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission or the Zoning Board of Appeals. He/she shall perform such duties as the Township Board may prescribe in addition to any duties prescribed in this Ordinance.

17.11 ZONING ADMINISTRATOR ELIGIBILITY.

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good practice in fire prevention and the proper installation of safety, health and sanitary facilities. He/she shall be in good health and physically capable of fulfilling his duties. In case he/she is personally interested in the construction of any building subject to the provisions of this code, the Township Board shall designate some other person to examine the plans, to inspect such building and to issue the necessary permits, approvals and certificates.

17.12 ZONING ADMINISTRATOR; DUTIES.

The Zoning Administrator shall:

A. Administer and interpret the provisions within this Ordinance, subject to appeal to the Zoning Board of Appeals.

B. Investigate alleged violations of this Ordinance and take appropriate enforcement action.

~~A.~~C. Receive and review all applications for land use permits and certificates of occupancy and approve or disapprove such applications based on compliance or non-compliance with the provisions of the Whitewater Township General and Zoning Ordinances.

~~B.~~D. Receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this Ordinance.

~~C.~~E. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance.

~~D.~~F. Receive applications for amendments to this Ordinance.

~~E.~~G. Conduct field inspections and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and process applications so as to assist the Planning Commission, Zoning Board of Appeals and Township Board in formulating recommendations and/or approvals.

~~F.~~H. Notify applicants in writing of any decision of the Planning Commission and implement the decisions of the Planning Commission.

~~G.~~I. Maintain a map or maps showing current zoning classifications of all land in the Township.

~~H.~~J. Maintain written records of all actions taken by the Zoning Administrator.

~~I.~~K. Meet with the Township Board, Planning Commission, Zoning Board of Appeals and related committees as requested.

J. Be responsible for providing forms necessary of the various applications to this Ordinance and any other forms as directed by the Township Board.

K. Any additional responsibilities outlined in the Whitewater Township Zoning Administrator Job Description, as revised.

17.13 ZONING ADMINISTRATOR; COMPENSATION.

Compensation for the Zoning Administrator shall be established by the Township Board.

17.14 LAND USE PERMIT REVIEW.

A land use permit is required for the erection of a new structure, the movement of an existing structure, the establishment of a new use and the expansion of an existing use. Applications for a land use permit must made in writing and filed with the Zoning Administrator. The Zoning Administrator will issue land use permit if such planned building, structure, or land use is in compliance with the provisions of this Ordinance. Provided, however, a land use permit shall not be required for any shed or similar structure which is under 200 square feet.

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A. The Zoning Administrator shall verify that all applications for land use permits shall be accompanied by a clearly drawn plot plan which contains the following:
   1. Owner Information
   2. Parcel ID Number
   3. Property Address
   4. North Arrow
   5. Scale
   6. Existing and/or Proposed Structures (including fencing)
   7. Existing and/or Proposed Driveways
   8. Road Right of Way and/or Utility Easements
   9. Sanitary Facilities and Well
   10. Water Bodies on the Site
   11. Wetlands

B. The Zoning Administrator shall request that the applicant submit with the application such additional materials as may be needed to determine whether or not a permit should be issued, such as surveys, soil suitability tests, surface water disposal surveys, erosion control surveys and excavation disposal plans, abstracts, building plans, and permits from other government agencies.

C. Evidence of Ownership. The Zoning Administrator shall review evidence of ownership for all property affected by the permit application.

D. Voiding of Permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township.

E. The Zoning Administrator shall require submission of an application for Site Plan Review in accord with the provisions of Section 25.00 as required.

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17.15 LAND USE PERMITS; INSPECTIONS

A. The construction or usage covered by any land use permit shall be subject to the inspection by the Zoning Administrator to ensure compliance with the provisions of this Ordinance and the approved plot or site plan.

B. The Zoning Administrator shall clearly communicate the inspections schedule to the applicant. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction or usage is ready for inspection.

C. Inspections shall be made by the Zoning Administrator at the following intervals:
   1. At the time of staking out lot corners and proposed structures.
   2. When the building foundation forms are in place and/or poles are set, if required and noted on the permit.
   3. Upon completion of the work authorized by the permit.

17.16 LAND USE PERMITS; DENIAL.

The Zoning Administrator shall promptly inform the applicant, in writing, of the denial of a Land Use Permit if such planned building or structure or land use does not comply with the provisions of this Ordinance. Applicants that have been denied a land use permit may appeal Zoning Ordinance decisions in accordance with Section 18.00 - Zoning Board of Appeals or the standards set forth in the applicable General Ordinance.

17.17 LAND USE PERMITS; FEES.

The fees for land use permits shall be established by the Township Board.

The following text is a DRAFT under review by the WWTS Planning Commission.

Original **New** **Notes** ~~**Removed**~~

PROPOSED

Goals: Review standards, readopt to address documentation questions.

Notes:
*Article 37 has public notice issues and should be reviewed and approved accordingly.
*Articles 37.40, 25.22 (C), and the definitions were introduced 1-26-12 by amendment #65 and have no additional amendments.

Article 37

Supplementary Provisions

37.40 Home Occupations

While Whitewater Township recognizes that many residents would prefer to work at home, the Township also residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations are compatible with other uses in residential districts, and to maintain and preserve the residential character of the neighborhood. (Inspired by Milton Twsh)

37.41 General Provisions

The following criteria shall apply to all Home Occupations:

0. Home Occupations shall be divided into 2 classes: Minor and Major Home Occupations. (moved from 37.40 into)
1. The occupation 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 shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes. (Clarification of existing content)
2. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. (moved from 25.22 C. #1)
3. All building, housing, fire, and other local or state codes and ordinances shall be adhered to for home occupations.
4. Home Occupations can be conducted within the residence and/or an accessory building located on the property. (moved from 37.40 B, blue text is new to minor occupations.)

37.42 Minor and Major Home Occupations.

A. **Minor Home Occupations** – This type of occupation shall not require permitting from the Township but shall adhere to the following standards: (37.40 A – line 3)

The following text is a DRAFT under review by the WWTS Planning Commission.

1. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one nonresident person shall be employed at the given premises. (37.40 A – line 1)
2. Examples of Minor Home Occupations include: Internet Sales, Accountants, Artists, Engineers, Medical Marijuana Caregivers, Private Teachers/Tutors, Authors, Wedding Planners and similar uses. (37.40 A – line 3-5)
3. There shall be no visible external evidence of the occupation. (37.40 A – line 2)

B. **Major Home Occupations:** This type of occupation shall require a special use permit, as per the procedures in Article 25, Special Use Permits and will be subject to periodic review by the Zoning Administrator. Approval shall be pursuant to the special conditions listed in Article 25.22C.

25.22 Major Home Occupations –

C. (C) Special Use provisions for Major Home Occupations

Minimum Requirements:

~~1. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axles are prohibited.~~ (Moved to 37.42.A)

2. The occupation may offer for sale any article or service provided that the sale of any articles or services. ~~shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.~~ (addressed by 37.41.A) Examples of Major Home Occupations include hairdresser, retail shops (including antiques and gifts) and similar uses as determined by the Planning Commission. (moved from 37.40.B – line4-6)
3. Hours of operation shall be ~~stipulated~~ approved by the Planning Commission.
4. Signage size and number(s) shall be ~~determined~~ approved by the Planning Commission.
5. Home Occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site/plot plans and final conditions shall be authorized by the property owner.

0. In the event that the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission the applicant will be required to submit a revised application for approval to the Planning Commission. (Moved from 25.22.C – End Note)

0. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance.

~~6. Such other conditions as may be determined by the Planning Commission.~~

~~7. The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.~~

The following text is a DRAFT under review by the WWTS Planning Commission.

~~In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission.~~ (Moved to 25.22.C.#0)

EXISTING - Amendment #65

Article XXXVII

Supplementary Provisions

37.40 Home Occupations

Home Occupations shall be divided into 2 classes: Minor and Major Home Occupations.

A. Minor Home Occupations shall be conducted entirely within a residence, must be operated by the occupants of the residence and there shall be no visible external evidence of the occupation. This type of occupation shall not require permitting from the Township. Examples – Internet Sales, Accountants, Artists, Engineers, Medical Marijuana Caregivers, Private Teachers/Tutors, Authors, Wedding Planners and similar uses.

B. Major Home Occupations can be conducted within the residence and/or an accessory building located on the property. Signage shall be allowed on site and non-resident employees may be allowed. Further, this type of occupation shall require a special use permit from the Planning Commission and meet the special conditions listed in Article 25.22 (C). Examples – Hairdresser, Retail Shops (including antiques and gifts) and similar uses as determined by the Planning Commission.

3.0 Definitions: HOME OCCUPATIONS:

An occupation or business activity located within a residential dwelling or in an accessory building which is clearly subordinate to the principal residential use. Home Occupations are further addressed in Section 37.40 of this Ordinance.

25.22 Major Home Occupations –
(C) Special Use provisions for Major Home Occupations

Minimum Requirements:

2. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axles are prohibited.
3. The occupation may offer for sale any article or service provided that the sale of any articles or services shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
4. Hours of operation shall be stipulated by the Planning Commission.
5. Signage size and number(s) shall be determined by the Planning Commission.

6. Home Occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site/plot plans and final conditions shall be authorized by the property owner.
7. Such other conditions as may be determined by the Planning Commission.
8. The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.

In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission.

Samples of Related Ordinance

Acme

7.7 HOME OCCUPATIONS: May be carried on in a dwelling or accessory building to that dwelling under the following conditions:

7.7.1 Customary home occupations such as instruction in a craft or fine art, cottage industries, specialty catering, professional offices, dress-making, bookkeeping, accounting, real estate, and insurance sales and similar gainful employment shall only be permitted.

7.7.2 Home occupations shall only be permitted when carried on by the occupant of the dwelling.

7.7.3 A home occupation shall not be allowed if the essential character of a lot or building within a Zoning District (in terms of use, traffic generation, noise, odor, vibration, electrical interference or appearance, including signage) is changed by the home occupation.,

7.7.4 A home occupation shall not be allowed that commonly has regularly scheduled appointments arriving on a frequent basis within an interval of two hours or less.

7.7.5 The area utilized for the home occupation shall not exceed one-fourth of the floor area of one story of the dwelling whether or not the dwelling or an accessory building is so utilized.

7.7.6 All activities involved in the home occupation (other than parking) shall take place within the dwelling or accessory building.

7.7.7 Professional offices shall be occupied by not more than one professional practitioner with no more than one full time equivalent employee unless all additional persons employed are members of the family occupying the principal structure.

7.7.8 No retail or other sales shall be permitted on the premises unless they are clearly incidental and directly related to the conduct of the home occupation.

7.7.9 The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence,

where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.

7.7.10 All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.

7.7.11 In addition to the above requirements found in 7.7.1 through 7.7.10, the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Medical Marihuana as allowed by the Medical Marihuana Act is subject to the following: a. Walk in trade or retail shall be prohibited.

Blue Lake

Section 3.05 – Home Business

While Blue Lake 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 district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood. 1. Home Occupations A. Home occupations shall be permitted in all zoning districts in which single-family dwellings are permitted as a matter of right, provided the standards of this Ordinance are met.

B**. Home Occupations** shall be operated in their entirety within the dwelling or an attached garage.

C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one nonresident person shall be employed at the given premises 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.

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

F. 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 based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

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

The following text is a DRAFT under review by the WWTS Planning Commission.

H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.

I. There shall be no parking permitted within any setback areas.

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

Cottage Industries

A. Cottage industries may be permitted in the specified zoning district subject to review and approval by the Planning Commission. 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. Exterior evidence of such industry shall be screened.

C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed the allowed maximum floor area size for an accessory building in the applicable district, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.

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 type of screening shall be determined at the discretion of the Planning Commission.

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 noise, vibration, radiation, odor, glare, smoke, steam, or other conditions 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 only by the person or persons residing on the premises. Up to two (2) additional non-resident employees or assistants shall be 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.

3. Termination, Extensions, Revisions, and Inspections

The following text is a DRAFT under review by the WWTS Planning Commission.

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. The extension can be for no more than one (1) year.

B. Any home business or cottage industry shall be subject to periodic review by the Zoning Administrator.

Clearwater: None

Kalkaska

SECTION 21.09 - HOME OCCUPATIONS

A. Home occupations, as defined in Article Thirty-Two, may be conducted within a dwelling unit and not in any accessory building provided that:

1. Such dwelling unit conforms to all requirements of the zoning district in which it is located.
2. Not more than one (1) person who is not a resident of the dwelling is employed or works as a volunteer at the home occupation.
3. Not more than one-fourth (1/4) of the dwelling unit and less than one-half (1/2) of the main floor is devoted to such home occupation.
4. Such home occupation shall not require external alterations to the dwelling unit or involve construction features not customary in dwellings, or require use of mechanical or electrical equipment which will create a nuisance to the adjacent neighborhood.
5. The home occupation shall not require any additional parking.
6. A zoning permit is secured from the Zoning Administrator pursuant to the requirements of Article Twenty-Seven.

B. No home occupation shall increase traffic, fire and safety hazards, noise, dirt, odor, dust, gas, vibration or other nuisance on abutting properties.

C. The following uses shall be prohibited home occupations: automotive and engine repair, furniture refinishing and animal processing.

D. Any proposed home occupation which does not conform with all the requirements of this Section shall not be issued a Zoning Permit, but may upon application therefore, be considered by the Planning Commission for a Special Use Permit pursuant to the procedures and standards of Article Twenty-Three. Such a request shall not be approved until a determination has been made that the maximum feasible conformance with the standards of this Section has been achieved. A Special Use Permit shall not be granted if the request qualifies as a residence-based occupation, as the request shall be processed under the standards of Section 23.10.HHH.

Marion

Section 3.12 – Home Business

While Marion 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 district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

The following text is a DRAFT under review by the WWTS Planning Commission.

1. Home Occupations

A. Home occupations shall be permitted in all zoning districts in which single-family dwellings are permitted, with no zoning permit required.

B. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building.

C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than two (2) non-resident persons shall be working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.

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.

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

F. 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 condition not typically associated with the use of the dwelling for residential purposes.

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

H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.

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

2. Cottage Industries

A. Cottage industries may be permitted in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry may be performed to ensure the conditions of approval are adhered to. If a premises 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.

The following text is a DRAFT under review by the WWTS 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. There shall be no exterior evidence of such industry.

C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed eight hundred (800) square feet, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.

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 type of screening shall be determined at the discretion of the Planning Commission.

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 noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the allowed uses of the premises in the given zoning district.

F Traffic and delivery or pickup of goods shall not exceed that normally created by typical uses permitted in the given zoning district.

G. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to three (3) non-residents working at the given premises to assist with the business, including both nonresident employees and those working with the business on a contractual basis.

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.

3. Termination, Extensions, Revisions, and Inspections

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. The extension can be for no more than one (1) year.

B. Any home business or cottage industry shall be subject to periodic review by the Zoning Administrator.

C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The Zoning Administrator (or citing official) will also be present at said hearing. The hearing notice procedures shall be the same as those for a special approval (see Section 7.02 – Uses Subject to Special Approval).

D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the

authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

E. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to approval by the Planning Commission.