

HOME OCCUPATIONS
Ord. No. 743
Adopted: December 19, 2011

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

SECTION 1. Purpose

The purpose of this ordinance is to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Fenton Township by regulating home occupations within districts zoned for residential purposes in Fenton Township and limits impact from traffic, noise and similar potential effects of the use. In particular the ordinance is intended to prohibit uses that would generate large concentrations of vehicles and clients at any one time.

SECTION 2. Definition

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

SECTION 3. Exempt Home Occupations

Home occupations that meet the following criteria do not require review and approval by the Township Zoning Board of Appeals (ZBA), provided they also comply with the requirements of Section 5.

- A. There are no visits by customers or clients to the residence.
- B. The only individuals participating in the home occupations are residents of that home.
- C. The home occupation shall only be carried on within the dwelling unit itself and not in an attached or detached accessory building.
- D. The home occupation shall not occupy more than twenty-five percent (25%) of the dwellings floor area, but in no case shall exceed three hundred (300) sq. ft. of the dwelling.
- E. The home occupation does not require permitting by county, state or federal agencies to operate

SECTION 4. Home Occupations Requiring a Permit

Home occupations that do not meet the criteria in Section 3 may apply for a permit from the ZBA. In considering approval of a proposed home occupation the ZBA shall apply the following criteria and the requirements of Section 5.

- A. The level of traffic generated by customers or clients coming to the residence shall not be greater than would normally be expected in a residential neighborhood.
- B. Not more than one employee of the home occupation is permitted who is not a resident of that home.
- C. The home occupation may be carried on within the dwelling itself and may also be carried out in an attached or detached accessory building if in the opinion of the ZBA such activities will not unreasonably affect the residential character of the area.
- D. The home occupation shall not occupy more than twenty-five percent (25%) of the dwellings floor area, but in no case shall exceed three hundred (300) sq. ft. of the dwelling. Limitations on usage of any accessory structures will be established by

the ZBA.

- E. If the home occupation requires permitting by county, state or federal agencies to operate, the ZBA shall condition their approval on the applicant acquiring and maintaining those permits

SECTION 5. Requirements for All Home Occupations

Any home occupation, including those exempt from permitting under Section 4 above shall comply with the following requirements

- 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.
- 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 including outdoor storage of material.
- C. 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.
- D. 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, United Parcel Service (UPS), Federal Express or similar service.
- E. Unless otherwise permitted by the ZBA under the provision of Section 4 above, home occupations shall be carried on only by a member or members of the family residing in the premises with no employees who are not a resident of that home.
- F. The property owner shall not be permitted to expand existing parking areas to accommodate the home occupation.
- G. Signs for home occupations shall comply with the requirements of the Fenton Township Sign Ordinance.
- H. The parking or storage of commercial vehicles used for a home occupation shall comply with the restriction in Section 6.01 of the Township Zoning Ordinance

SECTION 6. Prohibited Uses

The following uses shall not be permitted as part of a home occupation

- A. Vehicle repair
- B. Fitness center or gymnasium, but this is not intended to prohibit personal trainers working with clients, one at a time
- C. Gymnasium
- D. Medical clinic

SECTION 7. Permit Procedures

Each person conducting a home occupation in a residential dwelling except those meeting the requirements of Section 3 above shall obtain a permit for such home occupation from the Township ZBA. The permit shall be obtained by filing an application with the Township, for submission to the ZBA 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. As part of an application for issuance of a home occupation permit, or renewal of a home occupation permit the ZBA shall have the right to require an inspection by the

Township Fire Chief, 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 ZBA shall issue a home occupation permit. The ZBA may impose conditions on their approval to ensure that the operation of the home occupation shall not unreasonably affect the residential character of the area and shall comply with the requirements of this ordinance.
- C. Each person who has been issued a permit for a home occupation shall file an annual request for renewal of the permit at least four (4) weeks prior to the regularly scheduled October ZBA meeting. Such request shall inform the Township ZBA that a renewal is requested, and shall further inform the Township ZBA of any changes made in the conduct of the home occupation since the original application.
- D. 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 Township Board of Trustees.

SECTION 8. Existing Home Occupation Permits

Any property owner or occupant who has previously been granted a home occupation permit by the Township, 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. The home occupation shall be reviewed for renewal, and shall be in accordance with the provisions of Section 7 above.

SECTION 9. Permits not Transferable

A permit to conduct a home occupation 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 10. 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.

SECTION 11. Conflicting Provisions

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 12. Repeal of Prior Ordinance.

Ordinance No. 425 is hereby repealed.

SECTION 13. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

Section 14. Effective Date

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication. Enacted at a regular meeting of the Fenton Township Board held on the 19th day of December 2011.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk