

TOWNSHIP OF PUTNAM

ORDINANCE NO. 48

HOME OCCUPATION AND HOME BASED BUSINESS ORDINANCE

An Ordinance to protect the public health, safety and general welfare from the potential adverse effects of home occupations and to stem the proliferation of more intensive home based businesses in residential areas and minimize the potential adverse impacts those businesses may have on adjacent residential properties; to provide penalties or sanctions for the violation of the ordinance provisions, to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date.

TOWNSHIP OF PUTNAM ORDAINS:

SECTION 1 TITLE

This Ordinance shall be known and cited as the “Home Occupation and Home Based Business Ordinance.”

SECTION 2 PURPOSE

Putnam Township recognizes the need to regulate home occupations to minimize adverse impacts on adjacent properties and that there has been a proliferation of more intensive home based businesses in areas traditionally used for residential purposes. The Township further recognizes that home based businesses have the potential to detrimentally impact adjacent properties and can be detrimental to public health, safety and welfare and, in certain instances, may deprive neighboring residents of the peaceful enjoyment of their property or premises. The purpose of this Ordinance is to protect the public health, safety and general welfare of the residents of the Township from the potential detrimental impacts from activities associated with home occupations and home based businesses.

SECTION 3 DEFINITIONS

"HOME OCCUPATION" means any occupation customarily and traditionally conducted entirely within the dwelling or attached garage where there is no external evidence of such occupation and operated by the inhabitants thereof and which is clearly incidental and secondary to the use of the residence for dwelling purposes.

"HOME BASED BUSINESS" means any occupation or business operated on the same property as a single family dwelling which is clearly discernible due to the use of vehicles, equipment or business-related activity that can be observed from outside of the dwelling, and utilizes equipment, vehicles or processes of a more intensive nature, such

as that used by construction contractors, landscaping contractors, and similar and that is of a nature and intensity greater than that of a home occupation.

SECTION 4 GENERAL PROVISIONS

A. Home Occupations.

- (1) A home occupation shall be authorized without the need to obtain a permit from the Township, provided the home occupation does not endanger or infringe upon the health, safety, welfare, or enjoyment of any other property owner or occupant adjacent to or in the immediate vicinity of the home occupation by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, electrical interference, fire hazard, traffic, sales, parking congestion, and outside storage.
- (2) Except for a sign that may be permitted by this Ordinance, a home occupation shall not be discernable from the exterior of the single family dwelling or attached garage.
- (3) A home occupation shall not be conducted in any manner in an accessory structure.
- (4) No direct retail sales of goods to customers or patrons is permitted.
- (5) No more than one (1) person who is not a resident of the dwelling or member of the immediate family residing on the premises may be employed to work on the property where the home occupation is located. This does not preclude the use of additional employees who may be employed by the home occupation but who work in other locations off the property.

B. Home Based Businesses.

- (1) Home based businesses are prohibited in the Township, except as specifically permitted by this Ordinance.
- (2) Except as provided by Section 8 of this Ordinance, no home based business shall be permitted on a lot or parcel of less than three (3) acres.
- (3) A home based business shall not endanger or infringe upon the health, safety, welfare, or enjoyment of any other property owner or occupant adjacent to or in the surrounding area of the home occupation by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, electrical interference, fire hazard, traffic, sales, parking congestion, and outside storage.

- (4) The following shall not be permitted as a home based business:
 - (a) waste hauling and sanitary services
 - (b) junk yards or scrapping operations
 - (c) retail sales
- (5) A home based business shall not establish a commercial or industrial use.
- (6) The property upon which the home based business is located must have a single family dwelling as the principal use of the property and the home based business must be owned and operated by a resident of the single family dwelling located on the property.
- (7) All activities shall comply with Ordinance 42 of the Township Ordinances, Noise.
- (8) Any outdoor parking of vehicles or equipment designed for conveyance and used in a home based business is limited to two (2) vehicles and shall be located to the side or rear of the principal dwelling. This paragraph shall not apply to the owner's passenger vehicle(s), even if utilized for the home based business. Repair of vehicles and equipment, including storage of vehicles and equipment for repair is limited to two (2) vehicles or units of equipment awaiting pick up or repair and may be stored outdoors, but shall be located to the side or rear of the principal dwelling. Storage of large equipment shall be prohibited, unless it is administratively approved by the zoning administrator in writing.
- (9) No more than two (2) persons who are not residents of the dwelling may be employed to work on the property where the home based business is located. This does not preclude the use of additional employees who may be employed by the home based business but who work in other locations off the property.
- (10) Except for an office serving the home based business, which may be located within the dwelling, the home based business shall be conducted within one (1) or more attached garage(s) or detached accessory structure(s) meeting all applicable requirements of the Township Zoning Ordinance. The entire accessory structure may be utilized for the home based business.
- (11) No more than forty percent (40%) of the gross floor area of a dwelling may be utilized for a home based business.
- (12) Buildings and uses that must meet special building code requirements,

such as automatic fire suppression systems, explosion proof construction, hazardous waste containment systems and other similar requirements shall not be permitted.

- (13) Except as provided by this subsection, a home based business shall be accessed directly from an arterial or collector road, if not, any home based business that is accessed from a private street or road shall provide the Township with written authorization that access to the street or road by heavy equipment or trucks has been approved by the private street or road association or other entity or owners who are responsible for ownership and maintenance of the private street or road. A certified copy of the written authorization shall be kept on file in the Township offices.

SECTION 5 SIGNS

- A. Number, Area and Height: A home occupation shall be allowed one (1) wall sign with a maximum area of four (4) square feet mounted directly to the front wall of the dwelling or attached garage. A home based business shall be allowed only (1) of the following signs, which must comply with the Township Zoning Ordinance:
 - (1) A freestanding sign, with a maximum area of four (4) square feet and a maximum height of four (4) feet.
 - (2) A wall sign, with a maximum area of four (4) square feet, mounted directly to the front wall of the dwelling or accessory structure.
- B. Signs shall not be illuminated.

SECTION 6 APPLICATION FOR PERMIT

- A. A person desiring to establish a home based business or a person seeking to renew an existing permit shall file an application with the Township's Zoning Administrator on a form approved by the Township. An application for renewal must be filed with the Township on or before the expiration of a valid permit. If an application for renewal is not filed on or before the expiration of a valid permit, an application to establish a new home based business will be required.
- B. Permits issued by the Township Board shall be valid for a period of one year from the original date of approval, after which a permit may be renewed on a two year basis.
- C. Nine (9) copies of the initial application or application for renewal, along with the required permit fee, must be submitted to the Township's Zoning Administrator and shall include, at a minimum, the following information:
 - (1) The name and address of the owner of property where the home based

business is located.

- (2) A detailed description of the home based business, including the nature of the business, hours of operation, and the expected number of employees and their relation if any to the owner.
 - (3) A scaled sketch of a plot plan depicting the location of the principal residence on the property, business-related parking and any accessory buildings that will be used as part of the home based business and the location and distance to adjacent property lines and structures.
- D. The Zoning Administrator shall promptly review the application, conduct a site visit and determine whether the application meets the requirements of this Section 6. The Zoning Administrator is authorized to request the applicant to submit any and all additional material that the Zoning Administrator reasonably believes may assist the Township Board in deciding whether to issue a home based business permit or approve a renewal of an existing permit. If the Zoning Administrator determines that the application meets the requirements of this Section 6, the Zoning Administrator shall, in a timely manner, seek to have the application placed on the Township Board's agenda for consideration. The Zoning Administrator's determination to place the application on the Township Board's agenda shall not be construed as a determination that a permit will be granted by the Township Board, only that the application is ready for consideration by the Township Board.

SECTION 7 PERMIT FEE AND TOWNSHIP BOARD REVIEW

- A. The Township Board may by further resolution adopt a fee schedule setting forth the required fee for an initial application to establish a new home based business and for an application to renew an existing permit.
- B. If the Township Board receives an application to establish a new home based business, the Township Board shall not consider the application for approval until it holds at least one public hearing to receive any public comment regarding the application. The Township shall publish notice of the hearing in a newspaper of general circulation in the Township and shall provide notice by first class mail to owners or occupants of property within 300 feet of the property where the home based business will be located at least fifteen (15) days prior to the hearing. Following the public hearing, the Township Board may refer the matter back to the Zoning Administrator to obtain additional information from the applicant, deny, approve or approve with conditions the application. Any conditions imposed pursuant to this Ordinance shall be in writing and made part of the record of approval. If the Township Board refers the matter back to the Zoning Administrator for additional information, the Township Board may act on the application at any future public meeting and no additional public hearings are required.

- C. If the Township Board receives an application to renew an existing permit for a home based business, no public hearing shall be required. However, this section shall not be construed to prevent the Township Board from holding a public hearing if the Township Board determines a hearing is necessary. Prior to deciding upon an application for renewal of an existing permit, the Township's Zoning Administrator shall conduct a site visit of the home based business and shall make a report to the Township Board. Following receipt of the Zoning Administrator's report, the Township Board may refer the matter back to the Zoning Administrator to obtain additional information from the applicant, deny, approve or approve with conditions the application. Any conditions imposed pursuant to this Ordinance shall be in writing and made part of the record of approval.

- D. Permits issued pursuant to this Ordinance shall not be transferrable and do not run with the land.

SECTION 8 EXCEPTIONS

Home based businesses established prior to the effective date of this Ordinance shall be exempt from the minimum lot size required by Section 4.B(2) of this Ordinance provided that the owner makes application to the Township for the establishment of a new home based business prior to January 1, 2011 and further provided that the owner can meet all of the other requirements set forth in this Ordinance, including any conditions imposed by the Township Board. If the application is approved, the owner shall be required to file for renewal one year after the original date of application and every two years going forward as set forth in this Ordinance. If a renewal application is not filed on or before the expiration of the preceding permit, the owner will be required to file an application for the establishment of a new home based business and will be required to meet every requirement of this Ordinance, including the minimum lot size required by Section 4.E of this Ordinance.

SECTION 9 PENALTIES

Violations of the provisions of this Ordinance shall constitute a municipal civil infraction. Any person, firm, association, partnership, corporation or entity who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in the Municipal Civil Infractions Chapter, Chapter 2, as amended, unless otherwise specified. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The Township shall be entitled to its costs, including reasonable attorney fees, from any person that has violated or permitted the violation of any provision of this Ordinance.

SECTION 10 VALIDITY AND SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance other than said part or portion thereof.

SECTION 11 REPEALER CLAUSE

Any ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 12 EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after publication or as otherwise required by law.

STATE OF MICHIGAN
COUNTY OF LIVINGSTON

I, SALLY D. GUYON, Clerk of the Township of Putnam, a Michigan Township, do hereby certify that at a regular meeting of the Putnam Township Board held at the Putnam Township Hall, 3280 W. M-36, Pinckney, Michigan, 48169, in said Township at 7 p.m., Eastern Standard Time, on the 18th day of August, 2010, that the above Ordinance was adopted and that the following Members were present:

Rau, Guyon, Carney, Dobis, Klein, Chambers and McCloskey

That upon a motion made by Carney and seconded by Klein, said Ordinance was adopted on the following roll call vote:

Yeas: Rau, Guyon, Carney, Dobis, Klein and McCloskey
Nays: Chambers
Abstain: None
Absent: None

I further certify that on the 10th day of September, 2010, I caused a synopsis to be published in the Livingston County Daily Press & Argus, a newspaper circulated in the Township of Putnam, and that the Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Putnam. This Ordinance is effective 30 days after publication on October 10, 2010 and a true copy was available for public use and inspection at the offices of the Putnam Township Clerk, 3280 W. M-36, Pinckney, Michigan during regular business hours.

Sally D. Guyon, CMC
Putnam Township Clerk

