



BUILDING & ZONING DEPARTMENT

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0535 • FAX (989) 725-0546

HOME OCCUPATION COMPLIANCE CERTIFICATE APPLICATION

BUSINESS NAME _____

OWNER'S NAME _____

ADDRESS OF BUSINESS _____

BUSINESS PHONE _____

TYPE OF BUSINESS _____

WILL YOU HAVE ANY EMPLOYEES WHO ARE NOT A MEMBER OF THE FAMILY? _____

HOW MANY CUSTOMERS DO YOU EXPECT EACH DAY? _____

HOW MANY PARKING SPACES ON THE PROPERTY WILL YOU HAVE? _____
(FRONT YARD PARKING IS NOT ALLOWED)

HOW MANY PARKING SPACES ON THE STREET WILL YOU REQUIRE? _____

CERTIFICATION

I CERTIFY THAT I HAVE READ AND RECEIVED A COPY OF ORDINANCE #637 REGARDING HOME OCCUPATIONS AND THAT MY BUSINESS MEETS THOSE REGULATIONS.

SIGNATURE

DATE

APPROVAL OF YOUR APPLICATION IS CONTINGENT UPON ALL REQUIRED INFORMATION BEING PROVIDED AND THE STATED USE ALLOWED. PERMISSION IS NOT TRANSFERABLE TO ANY OTHER RESIDENT, ADDRESS, OR OCCUPATION. VIOLATION OF ANY OF THESE LIMITATIONS MAY BE CAUSE FOR REVOCATION OF THIS APPROVAL.

FOR OFFICIAL USE ONLY

\$50 PAID – DATE _____ RECEIPT # _____

SITE INSPECTION COMMENTS _____

DATE COMPLETED _____ APPROVED _____ DENIED _____

TYPE: A _____ B _____

SIGNATURE _____

TITLE _____

ORDINANCE NO. 637

AN ORDINANCE TO AMEND CHAPTER 38, *ZONING*, SECTION 38-394, HOME OCCUPATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, *Zoning*, Section 38-394, Home Occupations, of the Code of Ordinances of the City of Owosso, Michigan, shall be and the same is hereby amended to read as follows:

Sec. 38-394. Home occupations.

(a) *Definitions.* "Home occupation" [is defined as] an occupation or business activity which results in a product or service for financial gain and is conducted in whole or part in the dwelling unit or accessory building and is clearly an accessory or incidental use and subordinate to the residential use of the dwelling unit.

(b) *Permitted conditions.* Home occupations are permitted in any dwelling unit, subject to the conditions in this section and the related provisions of Chapter 38, *Zoning*, City Code of Owosso.

(1) These provisions are not intended to regulate typical family or personal activities or occasional visits by business associates and outside service providers, except as otherwise provided.

(2) It is not the intent of this chapter to involve the city in the enforcement of private restrictive covenants.

(c) *Purpose.* The home occupation is provided in this chapter as an accessory use to the principal use of a residence. The provisions are herein detailed to the extent that the neighborhood, under normal circumstances, would not be aware of their existence.

(d) *Performance standards for home occupations.*

(1) *Employees:* No more than one person who is not a resident of the dwelling shall be engaged in a home occupation.

(2) *Appearance:* In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, or by the emission of sounds, noises or vibrations.

- (3) The home occupation shall not occupy a portion of the dwelling unit or associated accessory buildings, which is greater than twenty-five (25) percent of the usable floor area of the dwelling unit. If more than one (1) home occupation is conducted within a particular dwelling unit or associated accessory buildings, the total of all space devoted to said home occupations shall not exceed twenty-five (25) percent of the usable floor area of the dwelling unit.
- (4) There shall be no outside or visible storage of any kind related to the home occupation. There shall be no use of refuse service beyond that normal to the use of the property for residential purposes.
- (5) Nuisance controls: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, heat, dust, odors or electrical interference detectable to the normal senses off the lot. The production, storage or dumping of combustible or toxic substances on the property is prohibited.
- (6) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- (7) In order to preserve the residential appearance and character of a neighborhood, window or yard displays of merchandise for sale or trade shall not be permitted. One unanimated, unilluminated, flat sign having an area of one and a half square feet shall be permitted on the wall of the house and not more than two feet from the main entrance.
- (8) The operator of a home occupation shall reside within the same dwelling unit in which the activity is conducted.
- (9) The home occupation shall not create any greater vehicle or pedestrian traffic than is usual and normal for the residence in which the home occupation is located. Up to six customers may visit the site in a day between the hours of 7:00 a.m. and 7:00 p.m. No retail activity is permitted except those products that are not marketed and sold in a wholesale or retail outlet or for merchandise or hand-crafted items clearly accessory to a service (e.g., sales of paintings, horticultural products, and crafts or art work.)
- (10) The pickup and delivery of goods in connection with the home occupation shall not exceed one (1) pickup and one (1) delivery per day and shall be restricted to the use of a vehicle having a gross vehicle weight of fourteen thousand (14,000) pounds or less. Truck deliveries of supplies or products are allowed only between 8:00 a.m. and 6:00 p.m.
- (11) A home occupation shall not cause the elimination of any required off-street parking for the main dwelling. Off-street parking for an additional employee shall be provided and shall conform to all applicable regulations. Nothing within

these provisions shall be interpreted to condone the use of shared driveways for parking purposes.

- (12) In addition to parking required for the residents, there are no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time.
- (13) There shall be a limit of one commercial vehicle and it shall not exceed the size of a 1 and $\frac{3}{4}$ ton pick-up truck.
- (e) *Home occupations specifically not permitted.*
 - (1) Stables or kennels;
 - (2) Automobile body or large engine repair or any similar business;
 - (3) Upholstery; furniture stripping;
 - (4) Animal hospitals;
 - (5) Welding service;
 - (6) Beauty salons or barbershops;
 - (7) Real estate or development sales office, banks or credit unions;
 - (8) Taxi services, ambulance services, vehicles leases or sales;
 - (9) Medical, dental/optical offices or clinics;
 - (10) Taxidermy.
- (f) *Home occupations not regulated.* The following uses shall not be regulated as home occupations:
 - (1) Tutoring for six (6) or fewer persons at one (1) time;
 - (2) Economic enterprises conducted by minor children who are occupants of the dwelling unit, provided that no adult occupants are employed in the enterprises and the gross income from such enterprise does not exceed five hundred dollars (\$500.00) annually for all such enterprises conducted on that property.
 - (3) Bed and Breakfast operations; see Chapter 7 for licensing and standards.
 - (4) Various arrangements for Day Care and Foster Care permitted elsewhere in this Chapter.

(g) *Permit Required.* No home occupation shall be operated within the city except in accordance with the provisions of this chapter. A home occupation permit is required for all home occupations except those exempted pursuant to section 38-394(f) and except where there are less than five customers per week or no employees. Those home occupations that do not require a permit shall be classified as a Type A home occupation but a Type A home occupation is still required to comply with the standards of this chapter.

- (1) Type B home occupations exist where there are more than five customers per week or there is an employee.
- (2) A Type B permit shall be obtained from the Department of Building and Zoning. Prior to the issuance of the Home Occupation Permit, the applicant for such permit shall submit to the Department written and graphic documentation demonstrating compliance with the rules and regulations of this Chapter. A permit may be issued by the Building Official or his agent upon proof of compliance with the provisions of the Chapter.
- (3) The applicant shall be the owner of the property for which the permit is applied; except that if the applicant is not the owner, then an affidavit executed by the owner shall be submitted which clearly gives the owner's permission to utilize the residence for a home occupation.
- (4) A Type B permit shall not be issued for a two-family dwelling unit or multiple-family dwelling units. Attached single-family units may obtain a Type B permit.
- (5) *Transferability.* Permits shall not run with the land and shall not be transferable. All Home Occupation Permits shall automatically and immediately terminate when the permittee no longer resides in the subject residence.
- (6) *Renewal.* A home occupation permit shall have a term of five years, provided no provisions of this Chapter have been violated.
- (7) *Permit Revocation.* A violation of any part of this section by a permit holder shall be grounds for the revocation of the permit. A renewal applicant will need to wait two years from the date of revocation before a new permit can be issued.
- (8) *Process for Permit Revocation.* Upon determination that there has been a violation of any decision criteria or condition of approval, the Building Official may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Building Official shall sustain or revoke the permit. When a Home Occupation Permit is revoked, the Building Official shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Home Occupation Permit will be

processed using the Zoning Board of Appeals procedures in Article XXI of this Chapter.

- (9) **Renewal of Permits.** Following a permit expiration or revocation, an applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be reviewed without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

Section 2. This ordinance shall take effect September 7, 2003.

Section 3. This ordinance may be purchased or inspected in the City Clerk's office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Osika.

Roll Call Vote.

AYES: Mayor Pro-Tem Stechschulte, Councilpersons Anderson, Crutts, Osika, Owen, Petersen and Mayor Davis.

NAYS: None.