

ARTICLE VI. HOME OCCUPATIONS

Sec. 18-190. Limitations.

A home occupation shall be considered as a permitted accessory use in any residence district, provided the home occupation is subject to the following limitations.

- (1) The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there, and no others.
- (2) The use shall be clearly incidental and secondary to the use of dwelling and dwelling purposes and shall not change the character of use as a dwelling.
- (3) The total area used for the home occupation shall not exceed one-half the floor area of the user's living unit.
- (4) There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed two square feet in area and which shall not be illuminated.
- (5) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) There shall be no offensive noise as defined by sections 26-181 through 26-190, nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- (7) There shall be no storage or use of toxic, explosive, or other dangerous or hazardous materials upon the premises.
- (8) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.
- (9) The use must be in conformance with all valid covenants and agreements recorded with the registrar of deeds for the county, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by Chapter 82 of this Code (the Zoning Code of Benton Charter Township), provided all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(Ord. No. 18-190, §1, eff. 10-25-2000)

Sec. 18-191. Permit Required.

- (a) No home occupation shall be permitted without prior application to and hearing by the planning commission of the township, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (b) The applicant for a home occupation permit shall be responsible for individual notices to surrounding landowner and tenants. Said notice shall not be required for renewal of a currently valid home occupation permit. The required notice shall be provided by the applicant to all persons living, and in addition, to all persons owning property, within 300 feet of the property upon which the proposed home occupation will be operated. Notice to owners may be addressed to persons shown on the tax rolls. Notice to tenants may be addressed to “occupant” if the applicant does not know tenants’ names. Such notice shall be provided by mail, or in person, with signature of the contacted person obtained or affidavit of service. Proof of notice shall be provided to the planning commission prior to the scheduled hearing.
- (c) A hearing upon the application shall be held in accordance with the rules and regulations of the planning commission. No hearing shall be held, and no application shall be considered, unless and until the applicant is physically present at said hearing. If, in the opinion of the planning commission, the proposed home occupation complies with all applicable laws and ordinances, and will have no adverse effect on the neighborhood, then an annual permit for the proposed home occupation shall be issued by the township clerk or her/his authorized representative upon payment of a fee, which shall be determined by the township board, and may be amended from time to time. Said permit may be renewed each year only after application, hearing, and approval of the planning commission, and payment of the annual permit fee in accordance with the rules and regulations of the township.

(Ord. No. 18-190, §2, eff. 10-25-2000)

Sec. 18-192. Activities not covered.

No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this section, “telecommuting” means working in the home by using a computer terminal connected by telephone line to a central office or central computer.

(Ord. No. 18-190, §3, eff. 10-25-2000)

Sec. 18-193. Nuisance, injunction.

Any violation of this article is declared to be a nuisance. In addition to any other relief provided by this ordinance, the township attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of a violation of this article. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

(Ord. No. 18-190, §4, eff. 10-25-2000)

Sec. 18-194. Penalty.

Any person, owner, or designated representative violating any provision of this article shall be issued a municipal civil infraction violation notice as set forth in section 2-161 et seq. of this Code and shall be fined in accordance with section 2-168 of this Code.

If an authorized township official issues and serves a municipal civil infraction violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violations are not paid at the bureau, a municipal civil infraction citation may be filed with the district court, and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the act (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Ord. No. 18-190, §5, eff. 10-25-2000)

Secs. 18-195 – 18-199. Reserved.

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