

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN
AMENDMENTS TO THE MONTEREY TOWNSHIP ZONING ORDINANCE

Ordinance No. 18-02 Adopted: X Effective: 10-19-18

AN ORDINANCE TO AMEND SECTION 10.43 OF THE MONTEREY TOWNSHIP ZONING ORDINANCE FOR THE PURPOSE OF CREATING A TWO TIERED REGULATION SYSTEM FOR HOME OCCUPATIONS WITHIIN THE TOWNSHIP.

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Monterey, Allegan County, Michigan, held at the Township Hall on _October 1, 2018, the following amendment to the Monterey Township Zoning Ordinance was offered for adoption by Township Board Member Earl Collier and seconded by Township Board Member **Henry Reinart**.

Yeas: H Reinart, J Frank, L Commons, E Commons, E Collier

Nays:

Motion Passed X Failed

ARTICLE 1:

Adopt Chapter 10.43 in its entirety to read as presented on the attached pages.

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Jennifer Frank

Date: 10-1-18

Jennifer Frank, Monterey Township Clerk

Publication date: 10-11-18

Effective date: 10-19-18

SECTION 10.43 HOME OCCUPATIONS

- A. For purposes of this section, a home occupation is a gainful occupation traditionally and customarily carried out in the home or on a residential property, as a use that is incidental to the use of the home and premises as a place of residence.
- B. Type I Permitted Home Occupations. Type I home occupations shall be permitted by right, and are authorized without a zoning permit in the AG, R-1, R-2, R-3 and R-4 districts. To be classified as a Type I home occupation, the occupation shall be conducted entirely within a residential dwelling and/or an attached garage accessory to the dwelling and shall at all times comply with the following standards and conditions:
1. The home occupation shall be carried out only by persons occupying the dwelling as a principal residence and not more than one other person.
 2. The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes. The appearance of the structures shall not be altered for such purpose and the occupation must not be conducted in a manner that will cause the premise to take on a non-residential character either by the use of colors, materials, or construction, the generation of traffic or waste or by the emission of sounds, vibrations, light, particulates or odors. No storage or display outside of the dwelling or attached building shall be visible from the street or adjacent properties.
 3. The maximum floor area devoted to the home occupation shall be limited to 500 square feet or 25 percent of the gross floor area of the dwelling unit and attached accessory building combined, whichever is the lesser amount.
 4. There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis, provided that orders previously made by telephone or at a sales event off the premises may be filled on the premises.
 5. If used, combustible, toxic or hazardous material must be used and stored in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
 6. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any significant offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 7. As a result of a home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential uses in the zoning district in which the use is located.
 8. There shall be adequate off-street parking spaces. On street parking, or parking within the street right of way is prohibited.
 9. Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
 10. Home occupations are subject to approval of the building inspector and all additional permitting and inspections relative to enforcement of building construction, electrical, plumbing and mechanical. Such permitting shall be based upon the actual building occupancy and the use and occupancy standards contained in such codes, irrespective of zoning classification.
- C. Type I Home Occupations: The following list of uses shall be considered Type I home occupations when carried out in compliance with the standards and conditions of Section 10.43.B above.
1. Architect, engineer and interior design and similar professions
 2. Beauty salons and barber shops.
 3. Attorney, book keeping, accounting, financial planning and similar professions.
 4. Cabinet making and carpentry work.
 5. Computer programming and other computer related work.
 6. Consulting and counseling services.

7. Drafting and illustration services.
8. Dress making, sewing and tailoring.
9. Furniture upholstery.
10. Gun dealer and gun repair service.
11. Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work, candle making and jewelry making.
12. Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs.
13. Office of minister, priest or other member of the clergy.
14. Office of building contractor or building trades persons (excluding equipment parking).
15. Office of a sales person, sales representative or manufacturers' representative.
16. Painting, sculpturing and writing.
17. Private tutoring.
18. Secretarial services.
19. Storage and distribution of direct sale products, such as home cleaning products, cosmetics, food containers and the like.
20. Television and other small appliance repair.
21. Telephone answering service and telephone solicitation work.
22. Travel booking service.
23. Watch repair.

D. Un-listed, but similar home occupations. In addition to the above Type I permitted home occupations, those which are similar in nature and effect to those specifically listed in this section may also be permitted if the use is similar to a home occupation that is specifically listed. In determining whether a proposed home occupation is similar to one listed in subsection C above, the Zoning Administrator must find that the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from one or more of Type I home occupations that are specifically permitted in this section and therefore would not have appreciable adverse effects upon the residential nature of the property and upon adjacent and nearby lands and the uses thereof.

E. Type II Home Occupations: Activities and Uses requiring Approval as Special Uses. The following home occupations may be permitted in the AG, R-1, and R-2 Districts if approved by the Planning Commission as a special use under Section 10.18 of this ordinance.

1. A home occupation involving the use of a detached accessory building and/or one that would exceed the floor area limitations for Type I Home Occupations.
2. A home occupation involving more than one non-resident worker and/or one involving workers using the site as a regular base of operation for work or service provided off-site. The Planning Commission may authorize additional associates, employees or assistants (who do not reside within the dwelling) where such persons by way of their activities and interaction on site would not cause traffic congestion or parking problems or otherwise materially change or impair the residential character of the neighborhood or lead to the creation of a spot business zone.
3. Gymnastics and dance instruction.
4. Bed and breakfast establishments.
5. Veterinarian's office or clinics.
6. Child or adult day care for more than 6 but not more than 12 unrelated individuals.

F. Prohibited Uses: The following uses shall not be eligible for consideration and approval as Type II home occupations.

1. New or used vehicle, boat, RV or similar sales.
2. Salvage yards

3. Pyrotechnic and explosives manufacture, processing or storage.

G. Standards for Type II Home Occupations: In considering the special use authorization of any Type II home occupation the Planning Commission must find that the use shall remain compliant with all of the following standards:

1. The home occupation will be and remain incidental and secondary to the use of the premises as a dwelling.
2. The nature of the home occupation shall be substantially in keeping with the residential or other permitted use of the property such as farming.
3. The likely effects of the home occupation upon adjacent and nearby lands shall be within the scope of the effects likely to result from other uses permitted by right and occurring in the district and similar home occupations that are specifically permitted in this section.
4. The home occupation will have no appreciable adverse effects upon adjacent and nearby lands and the uses thereof as a result of increased traffic, noise, vibrations, smoke, dust, odors, heat or glare or as a result of the storage or use of combustible toxic or hazardous materials.
5. All of the standards of Section 10.43.B, notwithstanding those limits on the number of allowable on-site employees and assistants, the use of detached accessory buildings and maximum floor area.

I. Conditions: When authorizing a Special Use permit for a Type II Home Occupation the Planning Commission may impose restrictions and limitations upon the use, relating, but not limited to, consideration of the following:

1. The hours of operation.
2. The floor area of the use.
3. The area, height, bulk, and location of any accessory building.
4. The outdoor storage or display of goods, inventory or equipment and the screening thereof.
5. The manner of storage or use of combustible toxic or hazardous materials on the premises.
6. Machinery or electrical activity that may interfere with nearby radio or television reception or create noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
7. Motor vehicle and/or pedestrian traffic and its circulation on and off site.
8. The amount of off-street parking provided, and the location and surfacing and drainage thereof.
9. The number of permitted associates, employees or assistants whether working on-site or performing duties principally off-site.