

- c) For cul-de-sac lots see Section 4.23

4.45 HOME OCCUPATION (23 October, 2017)

- a) A Home Occupation is an occupation, business or profession carried on only by family members residing on the premises, which is clearly incidental and secondary to the principal single family residential use.
- b) A Home Occupation is allowed only in single family dwelling units in the AG-1, AG-2, R-1, R-2, R-3 Zones, MH, and PUD Zones.
- c) A zoning permit from Lowell Charter Township is not required to operate a Home Occupation.
- d) A Home Occupation shall comply with the following requirements:
 - (1) Be conducted only by family members residing on the premises.
 - (2) Be conducted entirely within the dwelling or in an attached garage or detached accessory building except that a home occupation shall not be conducted in a detached accessory building in the R-2, R-3, or MH Zoning Districts.
 - (3) Be clearly incidental and secondary to the primary use of the dwelling unit for single family residential dwelling purposes.
 - (4) Be conducted in such a manner that, except as otherwise allowed by the provisions of this section, there is no external evidence of the Home Occupation operation except for occasional visits by customers or clients.
 - (5) Vehicles delivering items for use in the Home Occupation shall not be larger than step-type vans typically associated with deliveries to single family dwellings.
 - (6) Be conducted so it does not constitute a nuisance due to heat, glare, light, noise, smoke, vibration, noxious fumes, odors, vapors or gases or any other disturbances at any time.
 - (7) Not store combustible, toxic or hazardous materials associated with the Home Occupation except 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;
 - (8) Art and music instruction shall be classified as a permitted Home Occupation subject to the standards of this Ordinance.
 - (9) One sign is allowed attached to the wall or in the front yard of the dwelling. The sign shall not be lighted and not be larger than two square feet in size.

- (10) A Home Occupation may utilize a commercial vehicle or trailer according to the regulations for Parking of Commercial, Recreational, Inoperable Vehicles, and Trailers, in this Ordinance.

4.46 HOME-BASED BUSINESS (23 October, 2017)

- a) A Home-Based Business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises which is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:
 - (1) The business has one or more employees who do not reside on the premises but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises;
 - (2) The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
 - (3) Has vehicles related solely to the home or business.
- b) A Home-Based Business does not include activities allowed by right or by Special Land Use Permit in other sections of this Ordinance.
- c) A Home-Based Business is allowed only in single family residential dwelling units in the AG-1, AG-2, and R-1 zoning districts provided a Special Land Use Permit is approved by the Planning Commission in accordance with the requirements of *Special Land Uses as provided in this Ordinance*.
- d) A Home-Based Business shall comply with all of the following requirements:
 - (1) The operator of the business shall be the property owner and must reside on the premises.
 - (2) The number of non-resident employees who can be employed by a Home-Based Business shall be regulated by the size of the parcel containing the business as follows:

<u>Minimum Lot Size</u>	<u>Maximum Number of Non-Resident Employees</u>
3 or more acres and less than 6 acres	1
6 or more acres and less than 9 acres	2
9 or more acres and less than 12 acres	3
12 or more acres	4

The Planning Commission may, in its discretion, allow a greater number of Non-Resident Employees than those shown in the table above, where the Operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single family residential use of the premises and also

the surrounding area, and further, only where the Non-Resident Employees travel to the premises to pick up business vehicles or equipment for use off the premises. In the event the Home-Based Business premises are split or otherwise reduced in acreage, the Operator will immediately be limited to the number of Non-Resident Employees allowed on the remaining Home-Based Business premises as shown in the table above, unless the Operator seeks a new Special Land Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Land Use Permit, the Planning Commission may in its discretion reduce the number of Non-Resident Employees allowed on the remaining premises.

- (3) Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the approval of the Planning Commission and shall include but are not limited to one or more of the following: a solid fence no more than six feet in height; plantings which are at least five feet in height at planting and which will provide an adequate year-round screen; the topography of the site; existing vegetation on the site or the screening is provided by existing buildings.
 - (4) The residential appearance of the dwelling shall not be altered in order to conduct the Home-Based Business.
 - (5) The Home-Based Business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises or the outdoor parking of multiple vehicles related to the business.
 - (6) In its approval of a Home-Based Business, the Planning Commission may impose reasonable conditions to ensure that the Home-Based Business will be compatible with its residential surroundings. Such conditions may include but are not limited to restricting the hours of operation, limiting the type and scope of operation, limiting the number and type of delivery vehicles and the number and type of business vehicles parked on the property and limiting the number of customer visits to the Home-Based Business, and the material which may be stored outdoors.
- e) Standards for Approval. The Planning Commission shall base its decision for the approval of a Home-Based Business on the following standards:
- (1) Compliance with the requirements of this Section, including any conditions of the Special Land Use permit.
 - (2) Whether the vehicle traffic generated by the business will worsen the travel condition of the road serving the business or if the business vehicles will create unsafe travel conditions for other vehicles using the road.
 - (3) Whether the business will be disruptive to nearby residents due to noise, vehicle traffic, lights, visibility of employees and equipment taking into consideration the

number of nearby dwellings, the distance of the dwellings from the business, the condition of the roadway used by business vehicles and the visibility of the business to residents of nearby dwellings.

- (4) The impact which the business may have on the operation of nearby farming operations.
 - (5) The general standards for a Special Land Use approval found in this Ordinance.
- f) Home-Based Business Special Land Use Permit Procedure: The following procedures shall be followed to obtain a permit for a Home-Based Business:
- (1) An application for a Home-Based Business shall be subject to the procedures and requirements for a Special Land Use Permit as set forth herein except that the site plan shall comply with the requirements of this Section and this Ordinance.
 - (2) The applicant shall provide a written description of the Home-Based Business describing:
 - (i) Acreage of the parcel where the business is to be located,
 - (ii) Type of business,
 - (iii) Days and hours of operation,
 - (iv) Number of resident and non-resident employees,
 - (v) Number and types of vehicles and equipment used in the business,
 - (vi) Estimated customer and delivery trips per week, and vehicle or equipment pick-ups or drop-offs per week,
 - (vii) How the Home-Based Business meets the approval standards listed in this Section.
 - (3) The applicant shall submit an accurate site plan drawing illustrating:
 - (i) The parcel and existing and proposed buildings on the property, the driveway serving the parcel and distances from all lot lines, showing that it meets the current setback requirements.
 - (ii) The outdoor area on the parcel where the business will be conducted and any buildings proposed to be used for the Home-Based Business and their distance to all lot lines, showing that it meets the current setback requirements.
 - (iii) The parking area for employees and business vehicles, showing that it meets the current setback requirements.

- (iv) The distance to the nearest dwelling on adjacent property as measured from the lot line of the business parcel.
 - (v) The area where equipment will be stored outdoors and proposed measures of screening and fencing, in accordance with the fencing requirements of this ordinance.
- (4) The Planning Commission shall review the application materials at a public hearing and may approve the Home-Based Business if the Planning Commission determines that the proposed Home-Based Business meets the Home-Based Business Standards listed herein and the Special Land Use and Site Plan approval standards of Special Land Uses as provided in this Ordinance.

If approved, a Home-Based Business Special Land Use Permit shall be issued and a copy provided to the applicant. The Special Land Use Permit shall be valid provided all Home-Based Business standards and any conditions imposed by the Planning Commission continue to be met.

The applicant shall be subject to an annual review of the Home-Based Business Special Land Use Permit for same. The review process may include but is not limited to the compliance with the standards and conditions set forth in granting the Home-Based Business Special Land Use Permit and any additional standards set by the Township at the time the Home-Based Business Special Land Use Permit was granted.