

Charter Township of Chocolay



Zoning Ordinance

Home Occupation extract
Adopted April 14, 2008
With amendments through October 12, 2021

6.9 Home Occupations (#34-12-05 replaced #34-08-01)

(A) Purpose and Intent

It is the purpose and intent of this Section to provide for certain types of home occupations for residents on the resident's premises. Two classes of home occupations are established based on the type and intensity of the home occupation. Accordingly, minimum standards have been established for each class of home occupation in order to assure compatibility of home occupations with other uses permitted in the applicable district, and to preserve the character of residential neighborhoods.

(B) Applicability

Home occupations shall not be permitted except in compliance with this section and other applicable laws.

(C) Permitting, Approval, And Enforcement

1. Application

Any person wishing to conduct a home occupation shall contact the Zoning Administrator to receive either a Zoning Compliance Permit application or a Conditional Use Permit application as appropriate, and pay the set permit fee.

2. Approval

- a. The Zoning Administrator shall review and approve applications for Type I Home Occupation permits, and the Planning Commission shall review and approve applications for Type II Home Occupation permits.
- b. Approval of a Home Occupation is not transferable to a location other than that which was approved.
- c. The Home Occupation permit and use shall terminate automatically when the applicant no longer resides in the dwelling unit.
- d. If the resident applicant is other than the owner of the property, the owner must authorize the application.

3. Enforcement

- a. Acceptance by the applicant of a permit constitutes consent and permission for appropriate Chocolay Township officials to enter upon applicant's land for the purpose of determining and verifying compliance with the permit. All home occupations are subject to periodic unannounced inspection by such officials during reasonable business hours to ensure compliance with ordinance requirements. A person who hinders, obstructs, or otherwise prevents an inspection is in violation of the Chocolay Township Zoning Ordinance.



- b. Permits for a home occupation may be revoked at any time for any of the following reasons:
 - 1) Nonconformance with the requirements of this Ordinance and/or a permit issued thereunder; or
 - 2) Evidence that the permit was obtained by misrepresentation or fraud; or
 - 3) The use is in violation of any statute, ordinance, law, or regulation.
- c. Upon receipt of a complaint about a home occupation, enforcement actions may include the following:
 - 1) Visit the site to verify the alleged violation.
 - 2) If a violation is identified, the permit holder for the home occupation shall be informed, in writing, of the nature of the violation, the action necessary to correct the violation, and the date of required compliance.
 - 3) The site of the alleged violation shall be re-inspected after the date of required compliance.
 - 4) If compliance is not evident, the Township Attorney shall be informed to determine further action per Ordinance provisions.
- d. In the event the Zoning Administrator believes the holder of a Zoning Compliance Permit or Conditional Use Permit for a Home Occupation has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the Planning Commission may schedule a public hearing to consider the revocation of the permit according to the requirements for public notice and public hearings in this Ordinance. The notice of hearing shall include a written statement of the reasons for the possible revocation. If the Planning Commission decides to revoke the permit, the use for which the permit was granted must cease within thirty (30) days of the hearing date. Failure to terminate the use for which the permit was revoked within thirty (30) days is declared to be a nuisance per se and a violation of this Ordinance.

(D) Regulations Applicable to All Home Occupations

1. Size

All home occupations on a parcel shall not occupy more than twenty-five (25) percent of the floor area of any one structure.

2. Location

All work areas and activities associated with the home occupation shall be located either inside the dwelling or in an accessory building.



3. Exterior Appearance
 - a. No outdoor storage or display of products, equipment, or merchandise is permitted other than of a type and quantity characteristically found at a single-family residence.
 - b. To protect the residential character of neighborhoods, there shall be no evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, and no change in exterior appearance of the dwelling or accessory building that houses a home occupation. This prohibition does not include signs as defined in Section 18.2 (K). (#34-21-03)
4. Operational Impacts
 - a. No equipment, process, or activity shall be used in a home occupation which creates glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage which is detectable to the normal senses from the street right-of-way or from an adjacent lot.
 - b. To protect the integrity of the water supply and natural environment of the residential neighborhood, no home occupation shall involve the:
 - 1) generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11101 et. seq.); or
 - 2) use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, painting, printing, art and craft supplies, or heating fuel.
 - c. No hazardous materials produced in the home occupation operation shall be stored or disposed of on-site, and no home occupation shall discharge into any sewer, drainage way, water body, or the ground any materials which are radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to waste management installations.
 - d. No traffic shall be generated by any home occupation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
5. No persons other than full time residents as named in the application shall be engaged in the home occupation on the premises.
6. No advertising shall use the residential address of the home occupation. This provision does not apply to business cards.



7. In all cases, the Zoning Administrator or Planning Commission may impose reasonable conditions considered necessary to protect the general health, safety, and welfare, or to protect against a possible nuisance condition.

(E) Uses Prohibited as Home Occupations

1. Restaurants and the sale, storage, or manufacture of motor vehicles are prohibited as home occupations in all districts.
2. Animal boarding facilities including kennels, commercial stables, and other similar uses; and motor vehicle repair, motor vehicle parts repair, and motor vehicle assembly are prohibited as home occupations in the R-1, R-2, MFR, and WFR districts.

(F) Regulations Applicable to Type I Home Occupations

Type 1 Home Occupations require an approved Zoning Compliance Permit from the Zoning Administrator. Type I Home Occupations are a permitted use in R-1, R-2, MFR, WFR, and AF districts when in conformance with the following requirements:

1. Type I Home Occupations may be permitted in single-family dwellings, two-family dwellings, and multiple family dwellings.
2. Type 1 Home Occupations shall not involve on premise interaction with customers except on an infrequent basis, such as pick-up of a custom order item.
3. The following are examples of uses which may be classified as a Type I Home Occupation based on individual circumstances:
 - a. Telephone answering and solicitation
 - b. Home crafts
 - c. Computer programming and desktop publishing
 - d. Typing or secretarial service
 - e. Fine arts and writing
 - f. Consulting service
 - g. Mail order business
 - h. Home office

(G) Regulations Applicable to Type II Home Occupations

Type II Home Occupations require approval through the Conditional Use procedures and according to Conditional Use Standards in Article 16 of this Ordinance as well as standards in this Section. Type II Home Occupations shall be a conditional use in R-1, R-2, MFR, WFR, and AF districts when in conformance with the following requirements:

1. Type II Home Occupations shall only be conducted on the premises of single-family dwellings, and are prohibited in two-family or multiple family dwellings.
2. Type II Home Occupations may involve limited on-premise interaction with customers provided all other standards of Section 6.9 and Article XVI are met.



3. In addition to the conditional use standards of Article XVI, the Planning Commission shall consider the zoning district; size of lot; distance to adjacent land uses; screening and buffering; and frequency, scale, and intensity of non-residential activity in determining potential impacts in the review and approval process.
4. The following are examples of uses which may be classified as a Type II Home Occupation requiring Planning Commission review based on individual circumstances:
 - a. Carpentry, cabinet maker
 - b. Catering or food preparation
 - c. Dressmaking, sewing, or tailoring
 - d. Pet grooming service
 - e. Barber or beauty service, nail or personal care salon
 - f. Electronic or equipment repair
 - g. Assembly operations

