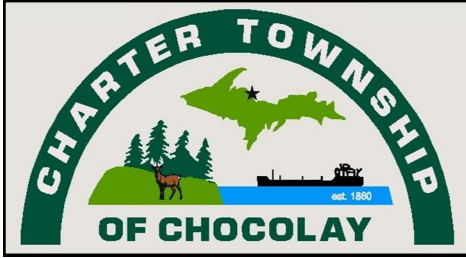


Zoning Compliance Permit Home Occupation

HO- _____ - _____



Chocolay Charter Township
Planning and Zoning Department
 5010 US 41 South
 Marquette, MI 49855
 Phone: 906-249-1448 Fax: 906.249.1313

<input type="checkbox"/>	Type I FEE \$30.00
<input type="checkbox"/>	Type II FEE \$250.00

Receipt # _____
 Date Paid _____

APPLICATION MUST BE FILLED OUT COMPLETELY TO BE PROCESSED.

The Zoning Administrator will determine whether your proposed Home Occupation is a Type I Application requiring Zoning Administrator approval, or is a Type II Application requiring a public hearing and Planning Commission review and approval, according to Section 6.9 of the Township Zoning Ordinance. All Home Occupations shall meet the standards of Section 6.9. Type II Home Occupations shall also meet the standards of Section 16 of the Township Zoning Ordinance.

CONTACT INFORMATION

Applicant, Property Owner and Property Information

Address of Home Occupation: _____

Applicant Status (check which applies): Owner of property Tenant of property (not owner)

Applicant Name : _____

Applicant Address (if different from above) : _____

Owner Name & Contact Info (if not applicant) : _____

Applicant Phone : (____) _____ Cell: (____) _____

Applicant e-mail: _____

Proposed Name of Business: _____

OFFICE USE:

Parcel ID: 52-02-____-____-____ Zoning District: _____ Adjacent Zoning: _____

Parcel Size _____ Type of Road Access _____

Type of Residential Structure Single-Family Duplex (2 family) Multiple-Family

Where will the Home Occupation be conducted? (Check all that apply)

House Garage Other (Explain) _____

List total square footage of the structure where Home Occupation is located _____ square feet

List total square footage occupied by the Home Occupation in the structure _____ square feet

Will customers come to your home? Will you have employees? If Yes, will your employees live in your home?

Yes No Yes No Yes No

Average # of customer visits per week: _____ # of Employees including yourself: _____

OPERATIONAL INFORMATION

Attach additional sheets, or provide a separate narrative to fully describe the operational details regarding the proposal and how it meets the standards in Section 6.9 and Section 16 of the Zoning Ordinance.

Give a brief description of the type of business you would like to operate in the home:

Describe the daily operations of the proposed Home Occupation, including typical hours of operation and average weekly traffic to the property related to the Home Occupation:

Describe any raw materials to be used in the Home Occupation that will be kept on-site, including names of chemicals used. Please describe material type, use, average quantity stored on-site at any one time, average length of storage time, and location of storage area.

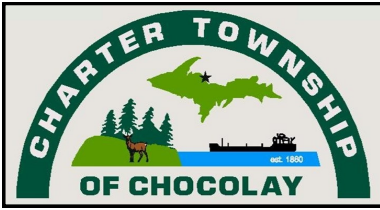
Describe any by-product or waste product that will be kept on-site, and also any finished product to be kept on-site, including the names of chemicals. Please describe material type, average quantity stored on-site at any one time, average length of storage time, and location of storage area. Also describe how by-products or waste product will be disposed of, and how often.

What measures do you propose to reduce negative impacts to the environment as a result of materials or processes used in or produced by the Home Occupation? (air, water, soil, other surface impacts)

Describe any potential operational impacts such as glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage that may be created by the Home Occupation, and the range in feet that these impacts may be detected outside the structure that houses the Home Occupation.

What measures do you propose to reduce the operational impacts perceptible to nearby properties?

Are other County, State, or Federal permits and/or licenses required for the type of work proposed? If yes, describe below, indicate status or approval, and attach photocopies of required permits/licenses.



App. # HO- _____ - _____

REFERENCES

List any professional organizations relating to your business of which you are a member:

List the name, relationship, and contact information for any professional references (optional):

SECTION 6.9 HOME OCCUPATIONS:

6.9 HOME OCCUPATIONS

(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.

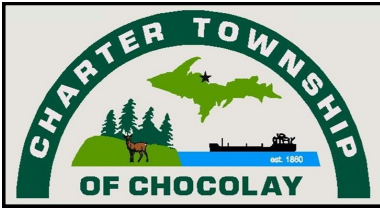
(b) Permits for a home occupation may be revoked at any time for any of the following reasons:

(i) Nonconformance with the requirements of this Ordinance and/or a permit issued thereunder; or

(ii) Evidence that the permit was obtained by misrepresentation or fraud; or

(iii) The use is in violation of any statute, ordinance, law, or regulation.

(continued next page)



SECTION 6.9 HOME OCCUPATIONS:

(C) PERMITTING, APPROVAL, AND ENFORCEMENT (continued)

3. ENFORCEMENT

- (c) Upon receipt of a complaint about a home occupation, enforcement actions may include the following:
- (i) Visit the site to verify the alleged violation.
 - (ii) 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.
 - (iii) The site of the alleged violation shall be re-inspected after the date of required compliance.
 - (iv) 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 includes signs.

4. OPERATIONAL IMPACTS

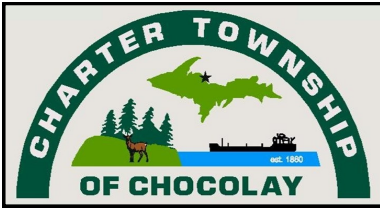
(a) No equipment, process, or activity shall be used in a home occupation which creates glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage which is detectable to the normal senses from the street right-of-way or from an adjacent lot.

(b) To protect the integrity of the water supply and natural environment of the residential neighborhood, no home occupation shall involve the:

(i) 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

(ii) 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.

(continued next page)



SECTION 6.9 HOME OCCUPATIONS:

(D) REGULATIONS APPLICABLE TO ALL HOME OCCUPATIONS (continued)

4. OPERATIONAL IMPACTS (continued)

(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:

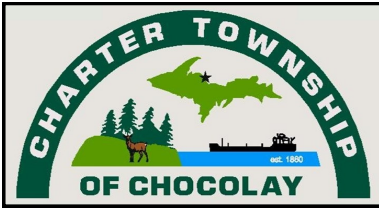
1. Type I Home Occupations may be permitted in single-family dwellings, two-family dwellings, and multiple family dwellings.

2. Type I 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

(continued next page)



SECTION 6.9 HOME OCCUPATIONS: (continued)

(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:

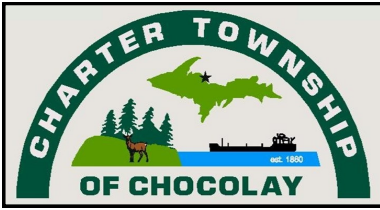
1. Type II Home Occupations shall only be conducted on the premises of single-family dwellings, and are prohibited in two-family or multiple family dwellings.
2. Type II Home Occupations may involve limited on-premise interaction with customers provided all other standards of Section 6.9 and Article 16 are met.
3. In addition to the conditional use standards of Article 16, 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

XVI. CONDITIONAL USE PERMITS

16.2 BASIS OF DETERMINATION AND GENERAL STANDARDS

The Township Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The conditional use shall not change the essential character of the surrounding area.
3. The conditional use shall not interfere with the general enjoyment of adjacent property.
4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.
7. The conditional use shall not place demands on public services and facilities in excess of current capacity.
8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.
9. The conditional use shall be shown by the applicant to be compliant with all other applicable federal, state, or local statutes, regulations, and ordinances. Failure of continued compliance may result in Planning Commission review and possible revocation of the Conditional Use Permit.
10. A conditional use permit shall not be effective until the applicant has provided proof that they have obtained all other required permits or licenses.



App. # HO- _____ - _____

Application Checklist: All items must be included for application to be determined complete and to be considered. All items are due thirty (30) days prior to the Planning Commission meeting. If you need assistance with any item, including site plan and photos, please contact the Zoning Administrator.

Date Received _____

_____ Payment in full of the required fee.

_____ Complete application form.

_____ Site plan showing lot shape and dimensions, outline with size and shape of principal and accessory buildings, distance from buildings to all property lines and water bodies, proposed location of Home Occupation, driveway (with number of parking spaces 10' wide by 20' long), location of easements and right-of-ways, distance from Home Occupation to adjacent residences, location, area and height of earthen, vegetated, or structural buffers or screens (e.g. berms, shrubs and trees, fences).

_____ Exterior photos of existing home and accessory structures (every side), and interior photos of the area to house the Home Occupation. (If you need assistance with photos, please contact the Zoning Administrator)

_____ Submission of proof applicant has obtained all other applicable required permits and licenses.

_____ Letters of reference (optional).

_____ **Date determined complete / Zoning Administrator Signature** _____

I, the undersigned, agree that acceptance of a permit constitutes consent and permission for appropriate Chocolay Township officials to enter upon the premises for the purpose of determining and verifying compliance with the permit, and that these inspections may be unannounced and take place during reasonable business hours. I authorize these inspections and pledge not to hinder, obstruct, or otherwise prevent such inspections, and acknowledge they are a material condition to any permit approval.

I, the undersigned, agree that no advertising shall use the residential address of the home occupation (does not include business cards).

I, the undersigned, certify that this application is accurate and contains no misrepresentations or fraud.

I, the undersigned, understand that this application does not satisfy the need for all permits required by Marquette County or the State of Michigan, and that other permits may be necessary before commencing the use.

I, the undersigned, certify that the proposed use is compliant with all other applicable federal, state, and local statutes, regulations, and ordinances, and I understand that my permit may be revoked if it is found that the use is in violation of any statute, ordinance, law, or regulation.

I, the undersigned, have reviewed a copy of Chocolay Township Zoning Ordinance Section 6.9 Home Occupation.

Applicant (s) Signature _____ Date _____

Name (print) _____

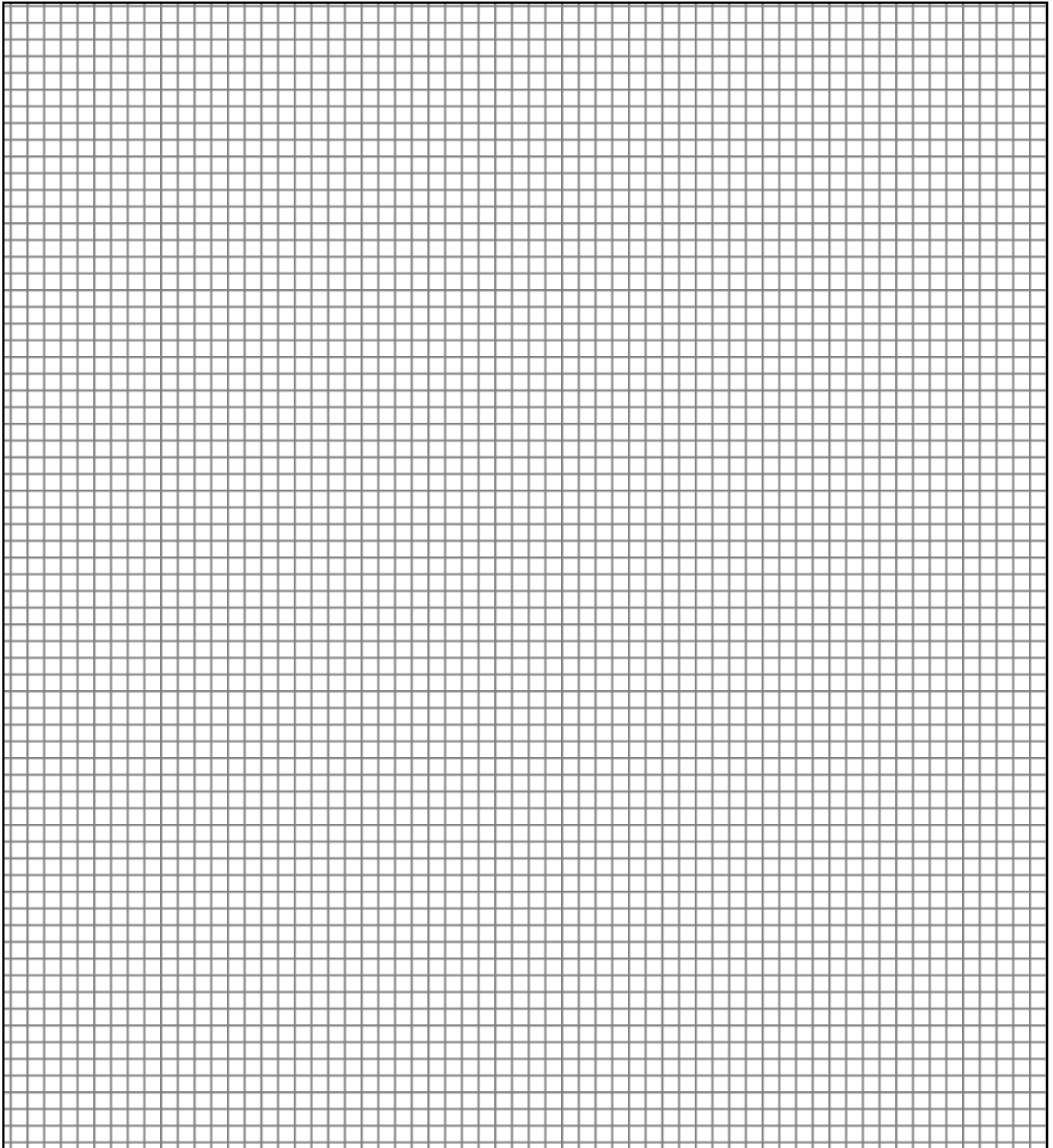
I, the property owner, certify that I have authorized the home occupation as represented in this application.

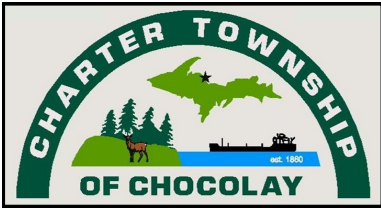
Owner(s) Signature _____ Date _____

Name (print) _____

PROVIDE A SITE PLAN DRAWN TO SCALE; ATTACH A SEPARATE SHEET IF NEEDED

- | | |
|---|---|
| 1. All property lines and lot dimensions. | 7. Proposed location of the Home Occupation |
| 2. Outline (size/shape) of all buildings | 8. Distance from Home Occupation to adjacent residences |
| 3. Adjoining rights-of-way locations/dimensions | 9. Distance of buildings to all property lines and water bodies |
| 4. Location of easements and driveways | 10. Location, area and height of all buffers and screens |
| 5. Location of 10' by 20' parking spaces | 11. Location of wetlands, wells, and sanitary facilities |
| 6. Water courses and wetlands | |





App. # HO- _____ - _____

Planning Commission Use Only

The Chocolay Township Planning Commission at a meeting duly convened on ___/___/___ reviewed the facts for a Type II Home Occupation Application (#HO- ___-___) for property #52-02-___-___-___

WHEREAS, the board held a public hearing, duly published on ___/___/___, and

WHEREAS, at said public hearing all who desired to be heard had their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following findings of fact noted:

NOW, THEREFORE BE IT RECOMMENDED, by the Chocolay Township Planning Commission that Application #HO-___-___ be (circle one) Approved / Denied.

Approved with the following conditions (if any)

Signature of Planning Commission Secretary: _____

Date _____

Effective Date: _____