

**CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2021-01**

AN ORDINANCE TO AMEND (1) ARTICLE II DEFINITIONS, (2) ARTICLE IV SITE REGULATIONS TO ADD SEC.20-421 HOME OCCUPATION, (3) ARTICLE VII DISTRICT REGULATIONS SECTION 20-701 ZONING DISTRICT USES, AND (4) ARTICLE XVIII SPECIAL USE PERMITS SEC. 20-1803 STANDARDS FOR NON-DISCRETIONARY SPECIAL LAND USE PERMITS (A)HOME OCCUPATION

Article II DEFINITIONS– Section 20-200

Home occupation means an occupation conducted as an accessory land use of a dwelling unit. Home occupations include occupations conducted within a dwelling unit or in an attached or detached accessory structure. Home occupation includes any activity performed at a residence as part of providing a product or service to one or more persons not residing at the residence regardless of whether the product or service is provided for consideration.

Primary caregiver means an individual or enterprise registered with the Michigan Department of Health and Human Services under the Michigan Medical Marihuana Act, initiated Law 1 of 2008, MCL 333.26421, et seq, to assist with a qualifying patient’s use of medical marihuana through growing and provisioning. Except for a primary caregiver who produces and provides medicinal marijuana only for the primary caregiver and qualifying patients lawfully residing with the primary caregiver at the residence where the medicinal marijuana is produced, the production and providing of medicinal marijuana shall be considered a home occupation.

Article IV SITE REGULATIONS - Sections 20-400-419 “Farm Animals”

Sec. 20.421 Home Occupation. General Requirements applicable to all home occupations.

(A) All home occupations shall meet the below requirements:

- (1) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in area, non illuminated, and mounted flat against the wall of the dwelling, except that no sign or other notice shall be permitted with respect to a primary caregiver home occupation.
- (2) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation except for sales incidental to the home occupation. This would not exclude services being performed onsite by appointment, or off site. For example, a tax accountant would be able to have customers come to their home to review paper work or offer to go to their home to perform the service.
- (3) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the

normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premise, or causes fluctuations in line voltage off the premises.

- (5) Home occupations shall be carried on by a member or members of the family or other persons lawfully residing on the premises, and not over one (1) employee not residing on the premises.
- (6) Traffic to and from the property for purposes of the home occupation shall only occur between 9:00am – 9:00pm.
- (7) Services involving use of a commercial vehicle [less than one (1) ton in rated capacity] for use on premises shall be limited to one (1) such vehicle. All other equipment and/or supplies used in the home occupation, if kept on the premises, shall be kept in the dwelling or a fully enclosed accessory structure.
- (8) Conducting a home occupation shall require a permit issued by the Township. Applications for such permit shall be submitted on a form provided by the Township and shall require payment of the fee set by the Township from time to time. The application shall include a scale plot plan and floor plan delineating the area of the dwelling, assess restructure or property to be used in conducting the home occupation. The permit for a primary caregiver home occupation shall be renewed each year.

(B) The requirements are applicable to all primary caregivers, including primary caregivers operating as a home occupation.

- (1) All primary caregivers shall comply with the MMMA (Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421, et seq, including, MCL 333.26423(d) and meet the rules established by Marijuana Regulatory Agency. Activity authorized under the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., shall not be subject to the requirements of this ordinance.
- (2) A primary caregiver home occupation shall not be located on property described in a condominium master deed or Planned Unit Development.
- (3) The growing location for the primary caregiver shall be inside an enclosed locked facility.
- (4) The holder of the primary caregiver license shall renew their permit on an annual basis from the day it is granted by the Township to ensure all information is accurate and up to date contact information.
- (5) The location of primary caregiver home occupations shall be kept on private record with the Township and shall not be accessible through requests that cite the Freedom of Information Act, MCL 15.261, et seq.
- (6) When deemed reasonably necessary to effective enforcement of this ordinance, the building inspector, code enforcement officer, and police personnel, may conduct inspections of the property where a primary caregiver home occupation is conducted to ensure all operations are compliant with the zoning ordinance and applicable local and state laws. Inspection shall be at the time the home

occupation is first established, as part of the annual renewal, and if there is reasonable cause to believe the home occupation is not in compliance with this ordinance or other applicable laws.

- (7) All activities related to the home occupation shall be conducted inside the dwelling unit, an attached accessory structure or detached accessory structure. Use of the dwelling unit in the conduct of the home occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than twenty five percent (25%) of the residential floor area of the dwelling unit shall be used for the home occupation. Residential floor area shall include all legally habitable floor area within the dwelling and so much of the basement floor area, with a ceiling height of at least 7 feet and which is accessible by stairway from the living area of the dwelling.
- (8) Primary caregiver home occupation activities conducted in an accessory structure shall not be included in the floor area limitation stated in the preceding paragraph, but shall be subject to a separate limitation of the lesser of 750 square feet or 50% of the floor area of the accessory structure in which the activity is conducted.
- (9) If an application for a primary caregiver home occupation permit is denied, the applicant may appeal, by submitting a written request for reconsideration to the Township Clerk, within 14 days of the denial. The request for reconsideration shall be heard by a panel consisting of the Township Supervisor and two (2) members of the Township Board of Trustees, selected by the Supervisor. The Supervisor shall chair the hearing, which shall not be open to the public to preserve the applicant's confidentiality. To the extent a record is made of the hearing, the record shall be retained by the Township and kept confidential. The decision of the panel shall be issued in writing signed by the Supervisor, with a copy provided to the Applicant, within seven days of the date of the hearing. A proof of service stating the date and manner of serving the decision to Applicant shall be noted in writing with a copy provided to Applicant. Appeal of the panel's decision shall be to the Genesee County Circuit Court, with the claim of appeal to be filed within 21 days of service of the decision to Applicant. A copy of the claim of appeal shall be served to the Township.

Article VII DISTRICT REGULATIONS

Section 20-701 Zoning District Uses

ZONING DISTRICT USES									
SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
RESIDENTIAL AND RELATED USES									
Home Occupation	P	P	P	P					

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD ON THE 12th
DAY OF August, 2021