

**CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN**

**ORDINANCE 2021-01  
Home Occupations Text Amendment**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AS FOLLOWS: ARTICLE II  
DEFINITIONS, ARTICLE IV SITE REGULATIONS TO ADD SEC. 20-421 HOME  
OCCUPATION, ARTICLE VII DISTRICT REGULATIONS SECTION 20-701 ZONING  
DISTRICT USES CHART AND ARTICLE XVIII SPECIAL USE PERMITS SEC. 20-1803  
STANDARDS FOR NON-DISCRETIONARY SPECIAL LAND USE PERMITS (A) HOME  
OCCUPATION**

**Article II DEFINITIONS**

**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.

**Primary caregiver** means a registered individual or enterprise that follows the General Rules of the Michigan Department of Health and Human Services and the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, to assist with a qualifying patient's use of medical marihuana through growing and provisioning.

**Article IV SITE REGULATIONS**

**Sec. 20-421 Home Occupation.**

(A) All home occupation 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.
- (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 residing on the premises, and not over one (1) employee not residing on the premises
- (B) A Type 1 home occupation shall only be conducted inside the dwelling unit. Below are additional requirements to consider:
- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the residential floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
- (C) A Type 2 home occupation requirements are located in Sec. 20-1803.(A).

## **Article XVIII SPECIAL USE PERMITS**

### **Sec. 20-1803 Standards for Non-Discretionary Special Land Use Permits**

#### **(A) Home Occupation.**

- (1) All Type 2 home occupations shall meet the below requirements:
  - a. All home occupations shall meet the requirements in Sec. 20-419.A.
  - b. The proposed use shall only be located within an attached building or detached accessory building that is incidental to the principal dwelling unit on the property.
  - c. The proposed use shall not occupy more than twenty-five (25) percent or three-hundred and seventy-five (375) square feet of the residential floor area located on site for the dwelling unit.
  - d. Services involving the use of a commercial vehicle (less than one (1) ton in rated capacity) for use off premises shall be limited to one (1) such vehicle. All other equipment and/or supplies utilized for this occupation shall only be kept on the premises when located within a fully-enclosed accessory building.
  - e. A primary caregiver shall be considered a Type 2 home occupation and shall meet the following requirements:
    1. Shall have a minimum lot size of five (5) acres.
    2. All operations involving the growing of medical marihuana plants shall be fully enclosed and have the appropriate equipment to reduce nuisances of light, smoke, noise, and odor.
    3. All components of the primary caregiver operation shall be located at least fifty (50) feet from all property lines.

4. The holder of the primary caregiver license shall live on the premises as long as the operations are ongoing.
5. The growing location for the primary caregiver shall be inside an enclosed, detached accessory building.
6. The holder of the primary caregiver license shall renew their special land use permit on an annual basis from the day it is granted by the township to ensure all information is accurate and up to date.
7. 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, PA 442 of 1976, as amended.
8. When deemed necessary, township staff are permitted to conduct inspections of the property and home occupation to ensure that all operations are compliant with the zoning ordinance and applicable local and state laws.

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**Article VII DISTRICT REGULATIONS**

**Section 20-701 Zoning District Uses**

<b>ZONING DISTRICT USES</b>									
<b>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))</b>									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
<b>RESIDENTIAL AND RELATED USES</b>									
Type 1 Home Occupation	P	P	P	P					
Type 2 Home Occupation	NS	NS	NS	NS					

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