

Proposed Mason County Zoning Ordinance Amendments
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August 31, 2016 – 3rd DRAFT

Key:

Text proposed to be deleted

Text proposed to be added

Home Occupation Amendments
(Sections 2.02, 3.10, 5.03, 6.03, 7.03, 8.03, 10.03a, 10.03b, 13.03, 14.03, 17.32, 20.05)

Section 2.02 Definitions

~~Home Based Businesses: An occupation or business activity conducted within a dwelling or otherwise on the land where a dwelling is located, and consisting of a base of operations from which to conduct the primary and substantial part of the occupation or business elsewhere, and other permitted on-site business activity not qualifying as a home occupation.~~

Home Occupation: ~~An occupation traditionally or customarily carried on in a dwelling as a use clearly incidental and secondary to the use of the dwelling for single family residential purposes, and which does not change the nature or character of the dwelling.~~ **A business, profession, occupation, or trade conducted by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling, and which does not change the nature or character of the dwelling. For the purposes of this Ordinance, home occupations are categorized into the following classes:**

1. **Class I Home Occupation: A home occupation which has no impact on the neighborhood (by way of visual impact, noise, traffic, etc.) and does not involve the use of accessory buildings, signs, more than one non-resident employee, or outdoor activities (display, storage or parking of home occupation-related vehicles).**
2. **Class II Home Occupation: A home occupation which has a minimal impact on the neighborhood (by way of visual impact, noise, traffic, etc.), may involve the use of accessory buildings or a sign, but does not involve more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).**
3. **Class III Home Occupation: A home occupation which requires special regulation to ensure compatibility with the surrounding neighborhood and may involve the use of accessory buildings, a sign, more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).**

Section 3.10 Home Occupations.

A home occupation shall comply with all of the following requirements:

- ~~1. A home occupation may be permitted in the AG, RE, RR, R, MHP, F, C 2, C 3, and GB Districts in accordance with this section.~~
- 1. Intent.** It is the stated intent of this section to allow home occupations, as defined in this Ordinance, which: are secondary and incidental to the use of the premises as a residence; are compatible with residential uses; are limited in extent; and, do not detract from the residential character of the neighborhood. A medical marijuana primary caregiver home occupation is addressed separately from other forms of home occupations in recognition of its unique nature (see Section 3.10,(11)).
- 2. Home Occupation Classes.** For the purposes of this Ordinance, home occupations are categorized into the following classes:
 - a. Class I Home Occupation:** A home occupation which has no impact on the neighborhood (by way of visual impact, noise, traffic, etc.) and does not involve the use of accessory buildings, signs, more than one non-resident employee, or outdoor activities (display, storage or parking of home occupation-related vehicles).
 - b. Class II Home Occupation:** A home occupation which has a minimal impact on the neighborhood (by way of visual impact, noise, traffic, etc.), may involve the use of accessory buildings or a sign, but does not involve more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).
 - c. Class III Home Occupation:** A home occupation which requires special regulation to ensure compatibility with the surrounding neighborhood and may involve the use of accessory buildings, a sign, more than one non-resident employee or outdoor activities (display, storage or parking of home occupation-related vehicles).
- 3. Home Occupation Types by Class.**
 - a.** The table below lists types of home occupations by class. However, in reviewing an application for a proposed home occupation, the type may be changed from a lower class to a higher class, as determined by the Planning Commission, based on the specific characteristics of the proposed home occupation.

Type of Home Occupation	Class I	Class II	Class III
Home arts and crafts, including but not limited to, painting, woodworking, sculpturing, rug weaving, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.	X		
Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.	X		

Type of Home Occupation	Class I	Class II	Class III
Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.	X		
Dress making, sewing and tailoring.	X		
Telephone answering or solicitation service.	X		
Private tutoring.	X		
Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his or her disability.	X		
Direct sale product distribution (Amway, Avon, Tupperware, etc.).	X		
Mail order or internet sales.	X		
Photography or other graphic design, web site development or similar service, which does not involve the rendering of services to customers on the premises.	X		
Any of the above listed Class I home occupations which involve the use of accessory buildings		X	
Home office of a professional person such as an attorney, real estate agent, author, bookkeeper, insurance agent, travel agent, architect, financial planner, tax preparer, or accountant, which involves the rendering of services to customers on the premises.		X	
Sole proprietor hair stylist or barber shop, manicurist, or massage therapist, which involves the rendering of services to customers on the premises.		X	
Sole proprietor photography studios, which involves the rendering of services to customers on the premises.		X	
Repair of small appliances, computers, phones, watches and clocks, cameras and other small items.		X	
Catering.		X	
Laundering or ironing service.		X	
House cleaning service.		X	
Locksmith.		X	
Limousine service		X	
Wallpapering, painting, or interior design services.		X	
Home office and workshop of a plumber, electrician, or similar trade.		X	
Furniture repair, restoration and upholstering.		X	
Flower arranging and/or sales		X	
Turf services and landscaping enterprises with no outdoor storage of equipment or materials and no non-resident employees.		X	
Tree trimming or cutting, with all equipment to be stored within an accessory building and no wood products outside.		X	

Type of Home Occupation	Class I	Class II	Class III
Pet grooming operation.		X	
Any of the above listed Class I or Class II home occupations which involve outdoor activities (display, storage or parking of home occupation-related vehicles)			X
Beauty salons and barber shops, manicurist, hair stylist, or massage therapist, which involves the rendering of services to customers on the premises by both resident and non-resident employees, or with more than one chair/service area, capable of serving more than one customer at a time.			X
General contractor, excavator, or other construction related activity requiring outdoor storage of materials or equipment and/or parking for customers or employees.			X
Taxidermy or deer processing services.			X
Interior boarding facilities associated with pet sitting (day care) service or animal rescue.			X
Tree cutting, stump grinding, or similar service.			
Automotive repair or auto body repair, or other mechanical services involving the use of non-resident employees.			
Retail sales in association with a specialty service, craft, or skill associated with the resident/owner.			
Small equipment rental.			X
Turf services and landscaping enterprises with outdoor storage of equipment and/or non-resident employees			X
Cabinet making and carpentry work.			X
Television and other large appliance repair.			X
Repair of small engines and associated equipment.			X
The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home occupation conducted on the premises.			X

- b. All home occupation types not specifically listed in the table above shall require a letter of class designation from the Zoning Administrator based upon the intent of the home occupation provisions and experience with similar types. Each decision shall be used to create a supplemental list of Class I, Class II and Class III home occupation types. Once a home occupation type is listed as either Class I, Class II or Class III, a letter of class designation shall not be required for that type of home occupation.
4. **Prohibited Home Occupations.** The following uses are expressly prohibited as home occupations:
- a. Recycling center.
 - b. Commercial scrap and salvage operation.
5. **Procedures for Class I Home Occupations.** Class I Home Occupations shall be permitted by right in any district which allows single-family dwellings, with no permit required, in

accordance with the requirements of this section.

6. Procedures for Class II Home Occupations. Class II Home Occupations shall be permitted by right in any district which allows single-family dwellings, in accordance with the requirements of this section and the following procedures:

~~11. No home occupation shall be permitted without the prior issuance of a home occupation permit, in accordance with this subsection.~~

- a. A person shall apply for a home occupation permit on a form provided by the County Zoning Department and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator.
- b. The application shall include a site plan **or plot plan** drawn to scale and other information showing the location of the home, buildings, driveways, parking areas, proposed signage, hours of operation and other features of the home occupation.
- c. A home occupation permit shall be issued by the Zoning Administrator for a proposed home occupation if the home occupation complies with the requirements of this section, based upon the application and the materials and other information provided. Once the application is complete, the Zoning Administrator shall issue, or shall decline to issue, the permit within a reasonable time. If the Zoning Administrator declines to issue the permit, the reasons therefore shall be stated in writing.
- ~~d. In determining whether a proposed home occupation not listed in this section nevertheless qualifies as a home occupation under this section, the Zoning Administrator shall consider the following:~~
 - ~~i. The extent to which the proposed home occupation is reasonably similar to those listed in this section.~~
 - ~~ii. Whether the major features and characteristics of the proposed home occupation would comply with the requirements stated in this section.~~
 - ~~iii. Whether the home occupation is reasonably included within the definition of home occupation, as stated in this Ordinance.~~
- ~~e. d.~~ In issuing a home occupation permit, the Zoning Administrator may include reasonable terms and conditions consistent with the requirements of this section.
- ~~f. e.~~ A home occupation permit shall remain in effect, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the County for non-compliance, by the issuance of a stop work order or an order revoking the permit, issued by the Zoning Administrator or other County representative having responsibility for enforcement of County ordinances.
- ~~g. f.~~ Upon the cessation of a home occupation for a period of 90 days, the home occupation permit shall be of no further effect.

7. Procedures for Class III Home Occupations. Class III Home Occupations shall be permitted in any district which allows single-family dwellings upon receipt of a special land use permit issued in accordance with the requirements of this section and the procedures specified in Article XVI,

“Special Land Use Conditions, Review, and Approval.”

- a. Among other information, the application for a Class III home occupation shall include the following:**
 - i. A plot plan drawn to scale, showing the dwelling and any accessory buildings to be used in the home occupation and other buildings on the site. The plot plan shall include property dimensions, distances of building setbacks from property lines, ground floor area of each building and total ground floor area of all buildings to be used in the home occupation. The plot plan shall also show structures located within 100 feet of the property lines of the home occupation parcel, driveway locations and uses occurring within all existing accessory buildings on the site. The plot plan is not required to be prepared by a licensed professional engineer or surveyor.**
 - ii. A description of the home occupation, including the activities to occur both on-site and off-site.**
 - iii. The number of employees of the home occupation, including family members and nonresident employees.**
 - iv. The days and hours of operation.**
 - v. The location, dimensions and heights of proposed signs; the location and area of off-street parking, including driveways and areas of traffic circulation on the site.**
 - vi. Proposed outdoor storage, including the location and dimensions thereof and measures for the screening thereof.**
 - vii. Any anticipated landscaping, topographic features, fencing and other screening measures.**
 - viii. A description of anticipated impacts of the home occupation on adjacent and nearby lands, including motor vehicle traffic, noise and other potential effects.**
 - ix. A survey of the home occupation property, if the applicant has an existing survey thereof.**
- b. In approving a Class III home occupation special land use, the Planning Commission may include reasonable terms and conditions, pertaining to the following matters, among others:**
 - i. The size and location of any accessory building to be used in the home occupation.**
 - ii. The means of access to the home occupation and the expected frequency of vehicle trips to and from the home occupation, by customers, delivery vehicles, and others.**
 - iii. The distance between the location of the home occupation and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home occupation from other lands.**
 - iv. The number of persons to be engaged in the home occupation.**

- v. The area and location of any off-street parking area and any off-street loading area.
 - vi. Proposed signage, if any, and proposed outdoor lighting, if any.
 - vii. The expected hours of operation of the home occupation.
 - viii. The nature and type of the equipment, materials and processes to be used in the home occupation, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.
 - ix. Other aspects of the home occupation, in relation to adjacent and nearby land uses and the adjacent and nearby streets.
- c. **Class III home occupations shall not be transferable from person to person or address to address except that, in the case of death, should a surviving partner, spouse or child residing at the same address desire to continue the Class III home occupation, written notice to that effect shall be given to the Zoning Administrator, and the Zoning Administrator may authorize continuation of that permit.**
8. **Required Conditions. Home occupations shall meet the following conditions and requirements.**
- ~~2.~~ a. **A Class I or Class II home occupation shall be carried on by one or more members of a family residing in the home on the premises and no more than one other person who is a non-resident of the dwelling. A Class III home occupation shall be carried on by one or more members of a family residing on the premises, plus not more than three non-resident employees on-site.**
 - ~~3.~~ b. **There shall be no change in the outside appearance of the dwelling, as a result of the conducting of the home occupation, nor shall there be other externally-visible evidence of the home occupation, except as may be allowed in subsection d, below except for any permitted sign. An exterior sign may only be permitted for a Class II or Class III home occupation.**
 - ~~4.~~ **There shall be no outdoor storage, nor shall any accessory building be used in the operation of a home occupation.**
 - c. **A Class I home occupation shall not be conducted within an accessory building. Class II and Class III home occupations may be conducted within an accessory building, however, no more than 50 percent of the total of the square footage of the dwelling and all accessory buildings on the property shall be used in the home occupation.**
 - d. **There shall be no outdoor display and/or storage of merchandise, equipment, home occupation-related vehicles or other materials associated with a Class I or Class II home occupation. The outdoor display and/or storage of merchandise, equipment, home occupation-related vehicles or other materials associated with a Class III home occupation may be allowed, subject to the following:**
 - i. **On lots smaller than 5 acres in size, such outdoor display and/or storage shall only occur within a defined area which is no larger than 10% of the total lot area.**
 - ii. **Any such outdoor display and/or storage, including any temporary storage of waste and trash, shall be screened from view from adjacent and nearby lands and from public rights of way by landscaping, natural topographic features, fencing or other screening measures.**

- ~~5.~~ **e.** Any motor vehicle traffic generated by the home occupation shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands or streets.
- ~~6.~~ **f.** If parking of motor vehicles will result from the home occupation, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home occupation may be parked in a driveway that is used to provide vehicle access to the dwelling.
- ~~7.~~ **g.** No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements as to the use, handling, storage, transport and disposal of any such materials.
- ~~8.~~ **h.** ~~There shall be no deliveries from commercial suppliers, except on an occasional basis. Shipping and receiving of products, merchandise, or supplies shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Deliveries by a truck-tractor or semi-tractor with two or more rear axles shall not occur more than once per week. This provision shall not prohibit deliveries by trucks with single rear axles that traditionally service the needs of residential dwelling units.~~
- ~~9.~~ **i.** The home occupation shall not result in serious adverse effects on adjacent or nearby lands or public or private streets by reason of **interference with radio or television transmission**, traffic congestion, outdoor lighting, noise, fumes, odors, vibration or other serious adverse effects.
- j.** Not more than one Class II or Class III home occupation may occur on site.
- k.** Merchandise shall be limited only to products manufactured or substantially altered on the premises, or to supplies necessary for the conduct of the home occupation. (For example, a barber would be allowed to sell combs, shampoo, hair spray, and other miscellaneous items to customers.) A retail showroom, sales area, or similar use area must be approved by the Planning Commission.
- ~~10.~~ Home occupations may include, but are not limited to, the following:
 - ~~a.~~ Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.
 - ~~b.~~ Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.
 - ~~c.~~ Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.
 - ~~d.~~ Dress making, sewing and tailoring.
 - ~~e.~~ Painting, sculpturing and writing.

~~f. Telephone answering service.~~

~~g. Private tutoring.~~

~~h. Telephone solicitation work.~~

~~i. Medical marijuana primary caregiver, subject to the additional requirements of Section 3.10 (12).~~

9. **Inspection.** The Zoning Administrator, or his or her designee, shall have the right at any time, to enter and inspect the premises for safety and compliance purposes for cause shown.

10. **Nonconforming Home Occupations.** A home occupation lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section. A home occupation lawfully in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section.

~~12.~~ 11. A Medical Marijuana Primary Caregiver Home Occupation shall be subject to the following additional requirements:

a. A person shall apply for a medical marijuana primary caregiver home occupation permit on a form provided by the County Zoning Department and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator who shall issue a permit if the medical marijuana primary caregiver home occupation complies with the requirements of this subsection, based upon the application and the materials and other information provided. A medical marijuana primary caregiver home occupation permit shall remain in effect, so long as the terms of the permit and of this subsection are complied with and so long as the permit is not revoked. The permit may be revoked by the County for non-compliance, by the issuance of a stop work order or an order revoking the permit, issued by the Zoning Administrator or other County representative having responsibility for enforcement of County ordinances.

~~a.~~ b. A primary caregiver home occupation is the only primary caregiver activity permitted. All other medical marijuana operations, businesses and establishments, including without limitation dispensaries, storefronts, cooperatives, bars, clubs and similar operations for the combined cultivation, processing, transference, storing, dispensing, delivery, consumption and/or use of medical marijuana by two or more primary caregivers and/or qualifying patients are prohibited.

~~b.~~ c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.

~~c.~~ d. A primary caregiver home occupation shall be permitted in a single-family dwelling, which may include a structurally attached garage **and/or an outdoor enclosed, locked facility, as defined in the MMMA**, provided that such activity is conducted in accordance with the MMMA, the General Rules and the provisions of this Ordinance.

~~d.~~ e. All medical marihuana must be grown and contained within ~~the main building (dwelling and/or structurally attached garage)~~ in an enclosed, locked facility, as **defined and** provided by the MMMA.

~~e.~~ f. The dwelling in which a primary caregiver home occupation takes place shall not be located

within 1,000 feet of the property of a school or library to insure community compliance with Federal "Drug-Free School Zone" requirements.

- ~~f.~~ **g.** The dwelling in which a primary caregiver home occupation takes place shall not be within 1,000 feet of the nearest property line of a church, daycare facility, or public park.
- ~~g.~~ **h.** All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- ~~h.~~ **i.** If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11 pm and 7 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction or annoyance for adjacent residential properties.
- ~~i.~~ **j.** A primary caregiver home occupation shall not bear on the premise any sign, emblem, display, or other mark indicating the presence of the activity or the home occupation.
- ~~j.~~ **k.** Upon approval of this application, the applicant or zoning administrator may report the address of the primary caregiver home occupation to the Mason-Oceana 911 service as a "Special Hazard" due to the presence of chemicals, fertilizers and electrical systems that may cause a unique hazard in the event of a fire.
- ~~k.~~ **l.** The applicant shall comply with the Michigan Fire Fighters Right To Know Law, Act No. 80 Amendments to Act 154 Michigan Occupational Safety and Health Act, as applicable.
- ~~l.~~ **m.** This primary caregiver home occupation shall allow an individual to operate as a registered primary caregiver only as defined by and in compliance with the General Rules, the MMMA, and the requirements of this Ordinance. Nothing in this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the MMMA and the General Rules. Nothing in this ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law.
- ~~m.~~ **n.** To the extent that the provisions of Section 3.10(~~42~~ **13**) conflict with other provisions of this Ordinance, the provisions of Section 3.10(~~42~~ **13**) shall control.

Section 5.03 Special Land Uses (AG, Agricultural District)

~~3. Home based businesses.~~

Section 6.03 Special Land Uses (RE, Rural Estates District)

~~10. Home based businesses.~~

Section 7.03 Special Land Uses (RR, Recreational Residential District)

~~4. Home based businesses.~~

Section 8.03 Special Land Uses (R, Single-Family Residential District)

~~3.— Home based businesses.~~

Section 10.03a Special Land Uses (C-2, Neighborhood Commercial District)

~~16.— Home based businesses.~~

Section 10.03b Special Land Uses (C-3, Mixed-Use Transitional District)

~~5.— Home based businesses.~~

Section 13.03 Special Land Uses (GB, Greenbelt District)

~~5.— Home based businesses.~~

Section 14.03 Special Land Uses (F, Forestry District)

~~3.— Home based businesses.~~

Section 17.32 **Home Based Business Reserved**

~~A home based business may be permitted as a special land use in accordance with this section.~~

- ~~1.— Home based businesses in the Access Management Overlay shall comply with the standards of the overlay zone.~~
- ~~2.— A home based business may be permitted in the AG, RE, F, GB, C 2, C 3, R 1 and RR Districts, in accordance with this section. The home based business shall be clearly secondary and subordinate to the residential use of the property.~~
- ~~3.— A home based business shall be carried on by one or more members of a family residing on the premises, plus not more than three non-resident employees.~~
- ~~4.— The home based business shall be conducted in the dwelling or elsewhere on the premises only to such extent that the activity serves as a base of operations for an occupation or business activity which primarily takes place elsewhere; provided, however, that a special land use may be approved for certain other home based businesses which are carried out primarily on the home based business property, as stated in subsection 13 of this section.~~
- ~~5.— No more than 50 percent of the total of the square footage of the dwelling and all accessory buildings on the property shall be used in the home based business.~~
- ~~6.— Any outdoor storage of goods, materials or equipment involved in the home based business, including~~

~~any temporary storage of waste and trash, shall be screened from view from adjacent and nearby lands and from public rights of way by landscaping, natural topographic features, fencing or other screening measures.~~

- ~~7. No goods or commodities other than those customarily associated with the home based business shall be sold on the premises.~~
- ~~8. There shall be no substantial change in the outside appearance of the dwelling or any accessory building, or other part of the premises, as a result of the conducting of the home based business, except that limited outdoor signage may be permitted, but such signage shall comply with the applicable sign requirements of the zone district in which the use is located.~~
- ~~9. There shall be only incidental or occasional sale of goods, merchandise, supplies or products on the premises.~~
- ~~10. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements concerning the use, handling, storage, transport and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted if otherwise lawful.~~
- ~~11. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare resulting in any serious adverse effect beyond the property where the home based business is located.~~
- ~~12. Any motor vehicle traffic generated by the home based business shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands.~~
- ~~13. If the parking of motor vehicles will result from the home based business, an adequate off-street parking area shall be provided on the parcel of land where the home based business is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home based business may be parked in a driveway that is used to provide vehicle access to the dwelling.~~
- ~~14. In addition to home based businesses as to which the primary business activity takes place off the site of the home based business, certain other home based businesses as to which all or the primary portion of the business activity takes place on the home based business property, may be permitted as a special land use, as follows:~~
 - ~~a. Beauty salons and barber shops.~~
 - ~~b. Photography Studios.~~
 - ~~c. Furniture upholstery.~~
 - ~~d. Small engine repair.~~
 - ~~e. Cabinet making and carpentry work.~~
 - ~~f. Television and other appliance repair.~~

- ~~g. Organized classes with not more than six students at one time.~~
- ~~h. Catering businesses.~~
- ~~i. Turf services and landscaping enterprises.~~
- ~~j. The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home-based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.~~
- ~~k. Such other home based businesses not listed in this section but which are determined by the Planning Commission to be sufficiently similar to those listed above as to qualify as home based businesses under this section. In making such determination, the Planning Commission shall consider the following:
 - ~~(1). The extent to which the proposed home based business is reasonably similar to those listed in this subsection.~~
 - ~~(2). Whether the major features and characteristics of the proposed home based business cause the proposed business to qualify under the requirements stated in this subsection.~~
 - ~~(3). Whether the home based business is reasonably included within the definition of home based business, as stated in this Ordinance.~~
 - ~~(4). The extent to which the proposed home based business involves only limited business activity, would have no serious adverse effects on adjacent or nearby lands and would be of such nature that its commercial aspects would not seriously impinge upon the residential character of adjacent and nearby lands.~~~~
- 15. An applicant shall apply for the home based business special land use by submitting a complete application form for the proposed special land use and shall pay the required application fee and other charge, if any. Among other information, the application shall include the following:
 - ~~a. A site plan drawn to scale, showing the dwelling and any accessory buildings to be used in the home based business and other buildings on the site. The site plan shall include property dimensions, distances of building setbacks from property lines, ground floor area of each building and total ground floor area of all buildings to be used in the home based business. The site plan shall also show structures located within 100 feet of the property lines of the home based business parcel, driveway locations and uses occurring within all existing accessory buildings on the site.~~
 - ~~b. A description of the home based business, including the activities to occur both on site and off site.~~
 - ~~c. The number of employees of the home based business, including family members and nonresident employees.~~
 - ~~d. The days and hours of operation.~~
 - ~~e. The location, dimensions and heights of proposed signs; the location and area of off street parking, including driveways and areas of traffic circulation on the site.~~

- ~~f. Proposed outdoor storage, including the location and dimensions thereof and measures for the screening thereof.~~
 - ~~g. Any anticipated landscaping, topographic features, fencing and other screening measures.~~
 - ~~h. A description of anticipated impacts of the home based business on adjacent and nearby lands, including motor vehicle traffic, noise and other potential effects.~~
 - ~~i. A survey of the home based business property, if the applicant has an existing survey thereof.~~
- ~~16. In approving a home based business special land use, the Planning Commission may include reasonable terms and conditions, pertaining to the following matters, among others:~~
- ~~a. The size and location of any accessory building to be used in the home based business~~
 - ~~b. The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.~~
 - ~~c. The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home based business from other lands.~~
 - ~~d. The number of persons to be engaged in the home based business.~~
 - ~~e. The area and location of any off-street parking area and any off-street loading area.~~
 - ~~f. Proposed signage, if any, and proposed outdoor lighting, if any.~~
 - ~~g. The expected hours of operation of the home based business.~~
 - ~~h. The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.~~
 - ~~i. Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.~~
- ~~17. A home based business shall at all times comply with the minimum requirements of this section and all other applicable requirements. The expansion or enlargement of a home based business, or its departure from any required conditions or limitations, shall be grounds for the revoking of the home based business permit. Upon the revoking of the permit, the applicant shall no longer engage in the home based business.~~
- ~~18. A home based business lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section.~~
- ~~19. A home based business lawfully in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section.~~

Section 20.05 Permitted Signs in the Residential Districts

1. Home Occupation, **Class II**. One (1) unlighted sign announcing a home occupation, not-to-exceed four (4) square feet in area. Wall signs shall be attached flat against the front wall of the building. No freestanding sign shall exceed four (4) feet in height from finished grade and the front edge of such sign shall not be placed within the road right-of-way.
2. Home **Occupation, Class III, Based Business** or Bed and Breakfast. One (1) unlighted wall or one (1) freestanding sign announcing a home based business or bed and breakfast, not to exceed nine (9) square feet in area. Wall signs shall be attached flat against the front wall of the building. No freestanding sign shall exceed four (4) feet in height from finished grade and the front edge of such sign shall not be placed within the road right-of-way.

Accessory Dwelling Units (Guest Houses, Granny Flats, etc.) (Section 2.02, Section 3.01a)

Section 2.02 Definitions

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. **Accessory dwelling units, as defined herein.**
- ~~2.~~ 3. Swimming pools for the use of the occupants of a residence or their guests.
- ~~3.~~ 4. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- ~~4.~~ 5. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- ~~5.~~ 6. Personal gardens not used for commercial sale.
- ~~6.~~ 7. Accessory off-street parking spaces.
- ~~7.~~ 8. Accessory off-street loading space.
- ~~9.~~ 10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- ~~10.~~ 11. No more than one commercial vehicle or trailer.

- ~~11.~~ **12.** Satellite dishes or television or radio antennae for the use of occupants of a residence or place of business.
- ~~12.~~ **13.** Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the same site.

Accessory Dwelling Unit: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, intended to accommodate the rising need of family members living upon a single parcel, but who desire separate quarters.

Section 3.01a Accessory Dwelling Units.

Accessory dwelling units are allowed within the AG, RE, RR, R, GB, F and C-3 Districts, subject to the issuance of a zoning permit and the following regulations:

- 1. Individual plot plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a zoning permit.**
- 2. The property owner must occupy either the principal dwelling unit or accessory dwelling unit.**
- 3. Accessory dwelling units shall not be permitted on lots which do not meet the minimum lot size or minimum street frontage for the zoning district in which such lot is located.**
- 4. No more than one accessory dwelling unit shall be permitted on a single lot.**
- 5. Each accessory dwelling unit shall be connected to a public sewer and watery supply or to approved private facilities.**
- 6. The accessory dwelling unit shall include, at a minimum, a kitchen, bathroom, and sleeping area separate from the principal dwelling unit, and shall meet all provisions of the Building Code.**
- 7. The exterior design of an accessory dwelling unit, whether a detached or attached structure, shall be compatible with the principal structure on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.**
- 8. Where applicable, the accessory unit shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.**
- 9. Accessory dwelling units shall have a floor area of no more than forty (40) percent of the gross floor area of the principal structure, not to exceed one-thousand (1,000) square feet.**
- 10. Accessory dwelling units attached to the principal structure shall be in compliance with all regulations applicable to the principal structure. Detached accessory dwelling units shall be in compliance with all regulations applicable to detached accessory structures.**
- 11. Detached accessory dwelling units must be located closer to the principal dwelling unit on the subject lot than a principal dwelling unit on an adjacent property and meet all required setbacks, regardless of size.**

- 12. One (1) on-site parking space, in addition to the required parking for the principal dwelling unit, shall be provided for an accessory dwelling unit.**
- 13. The principal dwelling unit and the accessory dwelling unit shall share the same vehicular access to the property.**
- 14. Deed Restrictions. Before the issuance of a certificate of occupancy for the accessory dwelling unit, the property owner shall file with the Zoning Administrator a documentation of recorded deed restrictions which incorporate the following restrictions:**
 - a. The zoning permit for the accessory dwelling unit shall be in effect only so long as either the principal dwelling unit or the accessory dwelling unit is occupied as the homestead residence by the applicant, or the applicant's heirs, and the accessory dwelling remains in compliance with County requirements.**
 - b. The accessory dwelling unit is restricted to the approved floor area, setbacks and height.**
 - c. The accessory dwelling unit shall not be sold separately.**
 - d. The deed restrictions shall run with the land, and are binding upon any successor in ownership.**
 - e. The deed restrictions shall lapse upon the removal of the accessory dwelling unit.**

Smaller Dwelling Units **(Sections 5.04, 6.04, 7.04, 8.04, 13.04 and 14.04)**

Section 5.04 Area and Size Requirements (AG District)

10. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Wade Trim Note:

For reference purposes, Section 17.34 (Hotels) and Section 17.43 (Motels) require a minimum floor area of 250 square feet for each guest unit. Section 3.20 (One- and Two-Family Dwelling Standards) stipulates a minimum width across any front, side, or rear elevation of 24 feet. If a single-story, square house was built to these minimum dimensions, the floor area would be 576 square feet.

Section 6.04 Area and Size Requirements (RE District)

8. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 7.04 Area and Size Requirements (RR District)

8. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 8.04 Area and Size Requirements (R District)

9. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.
10. **The minimum floor area for a two-family or multiple-family dwelling shall be five-hundred (500) square feet.**

Section 13.04 Area and Size Requirements (GB District)

8. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.

Section 14.04 Area and Size Requirements (F District)

8. The minimum floor area for **a** single-family dwelling shall be **six-hundred (600)** ~~840~~ square feet on the main (ground-level) floor of a one-story dwelling, a 1 ½ story dwelling, or a 2-story dwelling.