

Date: August 1, 2016

To: Lake Township Planning Commission, Township Board and Zoning Administrator

From: Mark A. Eidelson, AICP

Re: Firewood Sales Amendments to Current Zoning Ordinance

During the recent July 27 meeting of the Planning Commission, I was requested to prepare draft amendments addressing the authorization and regulation of firewood sales in association with a residence. The following presents initial draft amendments for consideration.

These draft amendments provide for the treatment of firewood sales as a home occupation, subject to the home occupation provisions of the current Zoning Ordinance including their classification as a special land use and the necessity for a public hearing.

In summary, the amendments provide for the following revisions to the current Ordinance:

1. Revise definition of "home occupation":
 - to clarify that a home occupation may be operated outside of the dwelling including in an accessory building
 - to remove all operational standards in the definition, for relocation to Sec. 1201.11
2. Revise Section 1201.11 to:
 - clarify application, review and approval procedures
 - incorporate the substantive operational standards currently in the Chapter 2 definition of "home occupation"
 - expand the operational standards to address limitations on the maximum area of a home occupation and limitations on vehicular traffic, and insert provisions addressing outdoor storage and firewood sales
 - clarify that Sec. 1201.11 does not apply to the sale of products grown on the lot

I look forward to reviewing this material with the Planning Commission at its August 24 meeting.

Amendment #1. Revise the Chapter Two definition of “Home Occupation” as follows:

(draft additions in *italics*, draft deletions with ~~strikethrough~~)

HOME OCCUPATION: ~~Any use customarily and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes does not change the character thereof and does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided, further, that no article is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. No home occupation may generate other than normal residential traffic either in amount or type. One (1) non-illuminated nameplate, not more than two (2) square feet in area may be attached to the building which shall contain only the name and occupation of the resident of the premises. Day care center, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics, auto repair, among others, shall not be deemed home occupations. *An occupation, profession or other activity resulting in some form of monetary compensation or benefit, conducted on the same lot as an occupied dwelling and by an occupant of the dwelling, accessory to and incidental to the principal residential use of the lot.*~~

Amendment #2. Revise Sec. 1201.11, Home Occupations, as follows:

(draft additions in *italics*, draft deletions with ~~strikethrough~~)

1201.11 HOME OCCUPATIONS.

~~A home occupation, where permitted, shall be regulated according to the following conditions:~~

- ~~A. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.~~
- ~~B. No display of goods or “for sale” signs pertaining to such use are visible from the street and no persons are employed other than the dwelling occupants.~~
- ~~C. A home occupation may not be conducted in an accessory building or garage; a home occupation shall not exceed the use of one (1) room of the dwelling or more than twenty-five (25%) percent of the total floor area of a dwelling, whichever is the most restrictive.~~

A. Authorization and Application: *A home occupation is classified as a special use, permitted in only those districts so specified elsewhere in this Ordinance and subject to the provisions of Chapter 16 and the standards of subsection (B) below. A permit issued for a home occupation shall clearly delineate any conditions upon which such approval is granted. In addition to the information required by Chapter 16, an application for a home occupation shall include a detailed description of the character of the home occupation such as the service or product offered; the number of full-time and part-time employees; the type and frequency of vehicular traffic to be generated by the home occupation; the location of all parking, delivery and storage areas; and proposed landscaping/screening in association with any outdoor area, including parking and storage areas, to minimize negative impacts on nearby properties.*

B. Standards: *A home occupation shall comply with the following standards:*

- 1. A home occupation may be conducted within the dwelling and/or an accessory building, or outdoors in limited circumstances as specified in this Section.*
- 2. A home occupation shall be clearly secondary and incidental to the use of the lot as a place of residence, and shall not result in a change to the essential residential character of the premises including both the dwelling and yard areas. The dwelling shall have no exterior evidence of the home occupation except for a sign as permitted by this subsection (B).*
- 3. The home occupation shall not produce any noise, odors, vibration, vapors, fumes or smoke detectable to normal sensory perception beyond the lot line, or endanger the health, safety and welfare of persons residing in the area by reason of unsanitary or unsightly conditions, fire hazards and the like.*

4. *The home occupation shall not require internal or external alterations or construction features, equipment, machinery or outdoor storage not customarily in residential areas. No equipment or process shall be used which creates electrical interference in radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.*
5. *A resident of the dwelling on the lot shall be actively and personally engaged in and be responsible for all home occupation operations.*
6. *The home occupation shall not involve the use or storage of explosive, flammable, or otherwise hazardous materials and waste not otherwise of a customary household nature, except as may be expressly authorized as part of the home occupation approval. Refuse generated by a home occupation shall be safely and properly disposed.*
7. *A home occupation, irrespective of whether it is located in a dwelling or accessory building, or outdoors, shall not occupy a total cumulative area greater than thirty percent (30%) of the gross floor area of the first story of the dwelling on the lot. Calculations of the gross floor area of the dwelling shall exclude floor area part of a basement.*
8. *No employees shall be present on the premises excluding employees residing in the dwelling.*
9. *All traffic to and from a home occupation shall not result in more than six (6) vehicular arrivals during the daily course of business, including those by customers, sales persons, delivery persons, or other business visitors.*
10. *One (1) non-illuminated sign, not more than two (2) square feet in area and three (3) feet in height, and located a minimum distance of ten (10) feet from a front lot line, shall be permitted for the home occupation on the lot.*
11. *No portion of a home occupation shall be located outdoors except as may be expressly authorized by the designated approving body and the lot is a minimum of two (2) acres in area and one-hundred fifty (150) feet in width, where the approving body determines adequate setback and/or screening measures are to be in place to minimize visual and audio impacts on nearby roads and lots. The limits of such outdoor area shall be clearly identified on the site plan.*
 - a. *No retail sales shall be part of an outdoor portion of a home occupation except in the case of the sale of firewood, as may be expressly authorized by the designated approving body where the approving body determines adequate measures are to be in place to prohibit nuisance conditions for nearby lots and uses and the avoidance of traffic hazards. Such retail sales area shall not exceed two-hundred (200) square feet in area, shall be setback a minimum distance of fifty (50) feet from all lot lines, shall accommodate the parking of a minimum of two (2) vehicles a minimum distance of fifty (50) feet from all lot lines. In no case shall the operator of the home occupation permit customers to park in a road right-of-way including M-25. All firewood shall be neatly stacked.*
 - 1) *For the purposes of this subsection (a), "firewood" shall be defined as precut timber in a ready-to-use form for campfires, fireplaces and/or furnaces, without the need for further processing.*
12. *Nothing in this Section shall prohibit the sale of products on a lot that are grown on the lot, and which are commonly referred to as a roadside stand, subject to the regulations of this Ordinance regarding the same.*
13. *In no case shall any of the following be construed as a home occupation or otherwise receive approval as a home occupation: day care center, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics, and auto repair.*