

APPLICATION FOR A HOME-BASED BUSINESS TIER 1 PERMIT

CITY OF SALINE, 100 N. Harris St., Saline MI 48176-1642, Ph: 734-429-8296 ext 2223 Fax: 734-429-5280

APPLICATION USED FOR: OBTAINING USE APPROVAL TO OPERATE A HOME-BASED BUSINESS IN ACCORDANCE WITH SECTION 5.08 OF THE ZONING CODE

*Please complete all parts of application and return to:
Office of: **Saline Building Inspector**, 100 N. Harris St. Saline, MI. 48176*

(Please print):

HOME BUSINESS OPERATOR(S) NAME: _____

Phone: _____ E-mail: _____

Address of Home Business: _____

Business Phone: _____ Business E-mail: _____

Zoning District of Home Business site: _____

IN ACCORDANCE WITH SECTION 5.08 ZONING, THE FOLLOWING INFORMATION SHALL BE SUBMITTED WITH THE APPLICATION:

- A. Submit evidence that the Business Operator owns and resides on the property.
- B. Submit a narrative to explain how the applicant meets all of the provisions of Section 5.08 (Tier 1) of the Zoning Code listed on page 3.

The applicant shall submit a narrative to explain the characteristics and operations of the home business, and shall provide any additional information requested by city staff in order that an accurate report can be prepared and submitted to the City Planning Commission for their review, consideration and recommendation to the City Council.

- C. Amount of Area (in square feet) associated with the Home Business use:

- 1. Main structure (home): _____ sft;
- 2. Area to be used for business: _____ sft 3. Percent occupied by business: _____ sft

- D. The undersigned applicant hereby attests, agrees, and swears that the aforementioned information and all other information submitted are valid and correct. The applicant/owner agrees to maintain the property consistent with the visible characteristics of the neighborhood, control noise, and provide a safe environment for the occupants at all times.

Applicant/Owner Signature: _____ Date: _____

Print Name: _____

| COMPUTATION OF APPLICABLE FEES: | <u>FEE RATE</u> | <u>AMOUNT</u> |
|--|-----------------|----------------|
| Zoning compliance permit | \$ 50.00 | \$ _____ |
| | | Total \$ _____ |

DO NOT WRITE BELOW THIS LINE

BUILDING DEPARTMENT ACTION:

Date Received: _____ Amount Paid: \$ _____ Check Number: _____

Information Items A – C are submitted: [] yes [] no, or Incomplete: _____

Application Accepted by: _____

(COPY TO: City Superintendent, Police Chief, Fire Department, Building Department, City Clerk)

Sec 5.08. Home-based business, Tier 1.

All home-based businesses, Tier 1, shall be in single-family residences subject to the following requirements:

- (1) A home-based business, Tier 1, shall be registered with the building inspector using a form developed by the city.
- (2) A home-based business, Tier 1, shall be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than 25 percent of the floor area of the dwelling shall be devoted to a home occupation.
- (3) A home-based business, Tier 1, shall not change the character of the building in which it is conducted.
- (4) A home-based business, Tier 1, shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
- (5) A home-based business, Tier 1, shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- (6) No employees shall be permitted other than members of the immediate family of the resident in the dwelling unit.
- (7) All activities shall be carried on within an enclosed structure. There shall be no outside display or other external or visible evidence of the conduct of a home-based business, Tier 1.
- (8) No more than two customers, clients, students, or patients shall be permitted on the premises at any given time.
- (9) No signs advertising the home-based business shall be allowed on the premises.
- (10) A home-based business, Tier 1, shall be subject to inspection by the city building inspector and fire code official, as relevant to the nature of the business conducted, to ensure compliance with city ordinances and codes, and with applicable state laws. The city building inspector and fire code official may enter the premises for the purpose of inspecting during normal business hours.
- (11) A registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Mich. Admin. Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act MCL 333.26421 *et seq.* (the Act), and the requirements of this section, shall be allowed as a home-based business, Tier 1.
 - A. For purposes of this section, the terms "marihuana" and "medical use of marihuana" shall have the same meanings as given in Section 3 of the Act, MCL 333.26423.
 - B. Since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this ordinance, shall be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
 - C. The following requirements for a registered primary caregiver shall apply:
 1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (MCL 333.26421 *et seq.*) and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 2. A registered primary caregiver must be located outside of a 1,000-foot radius from any school or library, as defined by section 7410 of the Public Health Code (MCL 333.7410), to ensure community compliance with federal "Drug-Free School Zone" requirements.
 3. Not more than one primary caregiver shall be permitted to service qualifying patients per dwelling unit.
 4. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
 5. All medical marihuana shall be contained within the primary residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the city's building inspector.
 6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
 7. If a room with windows is utilized as a growing location, any lighting methods that exceed the usual residential periods between the hours of 11:00 p.m. to 7:00 a.m., local time, shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 8. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, or where the storage of any chemicals such as herbicides, pesticides and fertilizers occurs, shall be subject to inspection and approval by the fire department to ensure compliance with applicable provisions of the fire code.
- (12) Any violation of this section shall be a municipal civil infraction punishable by a fine of up to \$250.