

**CITY OF SALINE
WASHTENAW COUNTHY, MICHIGAN
ORDINANCE NO. 738**

AN ORDINANCE TO AMEND THE CITY OF SALINE ZONING ORDINANCE TO PROVIDE FOR AND REGULATE HOME-BASED BUSINESS DISTRICTS.

THE CITY OF SALINE ORDAINS;

SECTION 1. That Section 4.04. Purposes and uses within zoning districts, of Article 4. Zoning District Regulations of the City of Saline Zoning Ordinance, is hereby amended to read as follows:

Section 4.04. Purposes and uses within zoning districts.

(1) *R-1, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings on larger lots. In addition to the dwellings permitted in this zoning district, there are a certain limited number of nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. Single-family detached dwellings.
2. Public parks and playgrounds.
3. Home-based business, Tier 1, subject to the requirements set forth in section 5.08.
4. Accessory uses, buildings and structures, subject to the requirements set forth in section 5.03.

B. *Special land uses.*

1. Churches and other institutions for religious worship.
2. Police and fire stations, public safety buildings, public utility buildings, telephone exchange buildings, electric transformer stations and gas regulator stations, but not including service or storage yards.
3. Bed and breakfasts, subject to the requirements set forth in section 6.10.
4. Home-based business, Tier 2, subject to the requirements set forth in section 6.15.

(2) *R-1A, single-family residential district.* This district is composed in those areas of the city where the principal use is intended to be single-family dwellings. In addition to the dwellings permitted in this zoning district, there are certain nonresidential uses which may be compatible with and supportive of a residential environment and may be permitted through the special approval of the city.

A. *Permitted uses.*

1. Single-family detached dwellings.
2. Public parks and playgrounds.
3. Cemeteries, public libraries.
4. Home-based business, Tier 1, subject to the requirements set forth in section 5.08
5. Accessory uses, buildings and structures, subject to the requirements set forth in section 5.03.

Section 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, must 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 dwelling shall be devoted to a home occupation.
- (2) A home-based business, Tier 1, use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
- (3) A home-based business, Tier 1, use 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.
- (4) 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.
- (5) No employees shall be permitted other than members of the immediate family resident in the dwelling unit.
- (6) All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home-based business, Tier 1.

- (7) There shall be no vehicular traffic permitted for the home-based business, Tier 1, other than that which is normally generated for a single dwelling unit in a residential area, both as to volume and type of vehicles.

Section 6.15. Home-based business, Tier 2.

(1) *Intent.* It is the intent of this section to permit the operation of home businesses as an opportunity for individuals to utilize their owner-occupied residential property for their offices and operations related to uses that would not be considered as a home-based business, Tier 1, pursuant to Section 5.08 of the Zoning Code.

(2) *Standards.* Home based businesses, Tier 2 may be approved by the City Council, after recommendations by the Planning Commission upon a finding that the following minimum standards are met:

- A. A home-based business, Tier 2, must meet all of the applicable provisions of Section 5.08, Home-based business, Tier 1, together with the following additions:
1. A home-based business, Tier 2, use may include up to 1,000 square feet of space in a garage or accessory structure when recommended for approval by the Planning Commission.
 2. A home-based business, Tier 2, use may include up to 200 square feet of outside storage space when recommended for approval by the Planning Commission. Outside storage must be set back at least 15 feet from neighboring property lines, located in rear yards only, and enclosed with a 6 foot high opaque fence. Outside storage cannot be located in easements, drainage swales or intermittent stormwater flow areas.
 3. One (1) employee may be permitted on the premises or permitted in the dwelling unit or accessory structure, other than members of the immediate family who legally reside on the premises.
 4. Use and parking of one small commercial van may be allowed when recommended for approval by the Planning Commission.
- B. A home-based business, Tier 2, use shall be located on a parcel fronting onto a collector or arterial road as defined in the thoroughfare plan of the Master Plan for the City, unless location on a minor street is recommended for approval by the Planning Commission.
- C. A home-based business, Tier 2, use shall not advertise by listing its street address in a telephone directory, yellow pages, or similar means, or instruct others to visit the site for any business-related services, other than delivery operations commonly occurring in residential areas.

(3) Effect of Approval. Approval by the City Planning Commission of a home-based business, Tier 2, special land use allows the applicant to apply for a home-based business, Tier 2, license. The following shall apply to the issuance of the required license:

- A. The fees to be charged, license application form, and annual renewals of the home business license shall be established by resolution of the City Council.
- B. The home business license shall be issued for a period of one year. Written renewal request must be made 30 days prior to expiration. If there are no substantiated complaints on file, the clerk's office can renew the permit at that time. Permits are valid from January 1 to December 31 of each year.
- C. No home business license shall be issued or renewed if the applicant has failed to file an annual personal property statement with the City Assessor covering the property used in connection with said home business, as required by law, or has failed to pay the personal property tax assessed on said personal property.
- D. The City home business license may be revoked at any time that any condition(s) at the home business violates City ordinances or becomes such that allowing continued operation could prove to be detrimental to the health, safety, or welfare of the neighborhood.

(4) Appeals to this section may be made to the Zoning Board of Appeals in accordance with Article 16 of the City Zoning Ordinance.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY.

Should any section, subdivision, clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be published in the manner required by law and shall become effective 10 days after the date of its publication.

Moved by Councilmember _____ supported by Councilmember _____ that the foregoing Ordinance No. 738 be adopted.

AYES: _____

NAYS: _____

ABSENT: _____

Ordinance No. 738 declared adopted at a regular meeting of the Saline City Council held on _____, 2012.

Gretchen Driskell, Mayor

Dianne S. Hill, Clerk

I hereby certify that the foregoing is a true and exact copy of the ordinance adopted by the Saline City Council at a regular meeting held on _____, 2012, and was published in The Saline Reporter on _____, 2012.

Dianne S. Hill
Saline City Clerk