

Current Regulations

82-4 Definitions

HOME OCCUPATION. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

82-107 Permitted Principal Uses

(4) Home occupation, subject to the following:

(a) No home occupation shall be permitted that:

1. Changes the outside appearance of the dwelling or is visible from the street;
2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
3. Creates noise, vibration, glare, fumes, or odors or results in electrical interference or becomes a nuisance;
4. Results in outside storage or display of anything;
5. Requires the employment of anyone in the home other than the dwelling occupants;
6. Requires exterior building alterations to accommodate the occupation;
7. Occupies more than 25% of the ground floor area of the dwelling, or 50% of a detached garage;
8. Requires parking for customers that cannot be accommodated on the site and/or at curbside on the street;
9. Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.

(b) The following are permitted home occupations provided they do not violate any of the provisions of subsection (4)(a) of this section:

1. Dressmaking, sewing and tailoring;
2. Painting, sculpturing or writing;
3. Telephone answering;
4. Home crafts, such as model making, rug weaving and lapidary work;
5. Tutoring, limited to 4 students at a time;

6. Computer programming;
 7. Salesperson's office or home office of a professional person, not including treatment of patients or the visit of clients;
 8. Laundering and ironing;
 9. Repair of clocks, instruments or other small appliances which do not create a nuisance;
 10.
 - a. No services other than home hair care shall be provided. For the purposes of this section, home hair care shall include: the cutting, styling, and general maintenance of hair.
 - b. No more than 1 chair for customers to sit in while receiving hair care shall exist on the premises.
 - c. No goods shall be sold or offered for sale as part of the home hair care.
 - d. No signs or displays on the property may advertise the home hair care services on site, except for lettering on the 1 permitted nameplate as described in § [82-461](#)(B).
 - e. The home hair care facility shall be licensed when necessary by the State of Michigan.
 - f. Parking for customers shall be provided on a paved surface. The location of customer parking shall be approved by the Planning Commission.
 - g. A conditional use permit shall be secured for the home hair care, using § [82-34](#)(F)(1) through (3) as evaluating criteria, and § [82-34](#)(G)(1)(a) through (c) to place conditions as warranted.
- (c) The following are prohibited as home occupations:
1. Barber shops and beauty parlors;
 2. Dance studios;
 3. Private clubs;
 4. Restaurants;
 5. Stables or kennels;
 6. Tourist homes;
 7. Automobile repair or paint shops.

(d) Any proposed home occupation that is neither specifically permitted by subsection (4)(b) of this section nor specifically prohibited by subsection (4)(c) of this section shall be considered a conditional use and be granted or denied upon consideration of those standards contained in subsection (4)(a) of this section and under the procedures specified in § [82-108](#).

(e) Home occupation permits shall be limited to the applicant who legally resides in the residence.

(f) Home occupation shall be based on a 2 year permit for such home occupation.

(5) State registered family day care homes for children.

(6) Day care homes for elderly adults subject to the following conditions:

(a) Not more than 6 persons other than the full-time occupants of the dwelling may be cared for in any 1 dwelling;

(b) No overnight accommodations shall be provided;

(c) Such facility shall not provide nursing or medical care.

Proposed Amendments

(NO CHANGE) 82-4 Definitions

HOME OCCUPATION. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

82-107 Permitted Principal Uses

(4) It is the intent of this section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all residential districts in the City.

(A) Home occupations shall be permitted subject to the following conditions:

1. The use is conducted entirely within a building without being visible or evident from the street or neighboring premises.

2. There is no change to the character of the building in which it is conducted and the use does not constitute or create a nuisance, including but not limited to noise, vibration, glare, fumes or odors, or electrical interference.

3. There is no outside storage or outdoor displays of materials, goods, or any other items.

5. The occupation is only carried out by the inhabitants of the residence, plus not more than one person who is not an inhabitant.

6. The occupation only employs mechanical equipment similar in power and type usual and permissible for household purposes and hobbies and does not affect the insurance rates on premises other than where employed.

7. The use occupies not more than 25% of the ground floor area of the dwelling or 50% of a detached garage.

8. Parking for customers can be accommodated on the site and/or at curbside on the street and there shall be no significant traffic volume increase associated with the occupation.

9. The occupation does not require the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.

10. Signage is in compliance with Zone District regulations and is accessory to the home occupation.

11. Persons carrying out the occupation are in compliance with all required licenses, certificates, or similar requirements.

12. The property is in conformance with all applicable district regulations.

(B) The following are prohibited as home occupations:

1. Barber shops and beauty parlors;
2. Dance studios;
3. Private clubs;
4. Restaurants;
5. Stables or kennels;
6. Tourist homes;
7. Automobile repair or paint shops.

(C) Medical marihuana home occupation regulations.

1) Intent. It is the intent of this section to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. (hereinafter "Act") as approved by the electors. These provisions are designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the Act's purpose of ensuring that a registered primary caregiver is not assisting more than the five qualifying patients permitted in the Act with their medical use of marihuana, and a registered primary caregiver does not unlawfully expand its operations beyond five qualified patients, so as to become an illegal commercial operation in the nature of a marihuana collective, cooperative, or dispensary.

2) Remainder of article; effect of permit approval. In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in paragraph (A) above for home occupations shall not be applicable to medical marihuana home occupations.

3) Regulations. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver.

a. The medical use of marihuana shall comply at all times with the MMMA and the MMMA General Rules, as amended.

b. A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.

c. Not more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.

d. The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.

e. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.

g. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana.

h. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.

i. No one under the age of 18 years shall have access to medical marihuana.

j. No on-site consumption or smoking of marihuana shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.

k. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.

l. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.

m. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.

n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marihuana.

o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official.

p. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.

4) Permit Required. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a City of Charlotte permit.

a. A complete and accurate application shall be submitted on a form provided by the City and an application fee in an amount determined by resolution of the City Council shall be paid.

b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the

use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance, the MMMA and the MMMA General Rules. A permit shall be granted if the application demonstrates compliance with this Ordinance, the MMMA and the MMMA General Rules.

c. The use shall be maintained in compliance with the requirements of this Ordinance the MMMA and the MMMA General Rules. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.

d. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the City, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

e. It is unlawful to establish or operate a for-profit or nonprofit marijuana dispensary, collective or cooperative within the City, even if such use is intended for the medical use of marijuana.

f. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable state and City ordinance requirements must be met.

g. The provisions of this subsection do not apply to the personal use and/or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

5) Enforcement. Any violation of this section shall be considered a civil infraction.