

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Ann Arbor Planning Commission Meeting of April 6, 2021

SUBJECT: Amendments to Chapter 55 (Unified Development Code) to Amend Home Occupation Regulations.

PROPOSED CITY PLANNING COMMISSION MOTION

An Ordinance to Amend Section 5.16.6 of Chapter 55 of The City Code – Unified Development Code to Amend Home Occupations Regulations

STAFF RECOMMENDATION:

Staff recommends that the amendments to the Unified Development Code to modify and clarify permitted and prohibited home occupations be approved.

SUMMARY:

The City has long applied regulations and limitations to Home Occupations in the City Code. Over history, the regulations have regularly sought to provide the opportunity for Home Occupation, however, to limit and regulate such uses to ensure that they do not have adverse impacts on neighboring properties, infrastructure, and safety.

Over the past year, there have been shifts in commerce, work patterns and methods, and for some, a blurring between residence and workplace. These changes have resulted in a handful of circumstances in which work was shifted to a home occupation nature, and perhaps not in full compliance with the City's current codes and standards. In response, staff is presenting proposed amendments to the City's current Home Occupation Regulations. The regulations as drafted are intended to accomplish the following:

- Specifically exempt some activities from the requirements, including: artisans, and home offices with no visitors.
- Maintain some current regulations in their existing form, including: Limiting such use to a maximum of 25% of the dwelling unit floor area; A maximum of one non-resident employee; Prohibition of outdoor activity and storage; and, Prohibition of noise, dust, odor, etc.
- Provide more specificity in the uses that are permitted and/or prohibited as Home Occupations. This change results ultimately in less flexibility as permitted Home Occupations are itemized, but provides more clarity of expectation and compliance than the current language below:

“ The following are typical examples of that which often can be conducted within the limits of these restrictions and qualify as Home Occupations. Uses that may qualify as Home Occupations are not limited to those named in this paragraph (nor does the listing of such a use automatically qualify it as a Home Occupation);. . .”

- Expand and change the regulation of trips generated by the Home Occupation. Currently the regulations prohibit “*more than 10 Business related vehicle trips*” in any one day for the Home Occupation. This limit is vague in that it does not differentiate between deliveries, clients, or other trips generated by the Home Occupation. Likewise, the regulation limits no more than 5 distinct trips to a Home Occupation (e.g. presuming two trips per visit for an appointment, or music lesson, or other instruction session.) This is restrictive for many qualifying Home Occupation types.
- Provide additional opportunity for a Home Occupation to occur in an Accessory Building, while still be subject to the performance standards of the section. This would provide an opportunity for perhaps greater than 25% of the floor area of the dwelling, but still regulated in visits, employees, and overall square foot limitations.
- Adding hours of business activity limitations to any Home Occupation use.

Based on discussion at the Ordinance Revisions Committee Meeting of March 23rd, specific references to the Michigan Cottage Food Law were added.

c: City Attorney’s Office
Community Services Area Administrator