

ORDINANCE NO. ORD-21-xx

AN ORDINANCE TO AMEND Section 5.16.6 of CHAPTER 55 OF THE CITY CODE – UNIFIED DEVELOPMENT CODE TO REGULATE HOME OCCUPATIONS

The City of Ann Arbor Ordains:

Section 1. That Section 5.16.6.H Home Occupation of Chapter 55 Unified Development Code be Amended as follows:

H. Home Occupation

~~1. All Residential Zoning Districts~~

- ~~a. The total Floor Area devoted to the Home Occupation in the Principal or Accessory Building shall not exceed 25% of the Floor Area of the Dwelling Unit.~~
- ~~b. Outside appearance of the Premises shall have no visible evidence of the presence of a Home Occupation.~~
- ~~c. No outdoor display of goods or outside storage of equipment or materials used in the Home Occupation shall be permitted.~~
- ~~d. No article or service shall be sold or offered for sale on the Premises except those that are produced or administered by such Home Occupation on the Premises.~~
- ~~e. The nature of the Home Occupation shall not generate more than 10 Business-related vehicle trips in any one day in the vicinity of the Home Occupation, and any need for parking generated by the conduct of such Home Occupation shall be provided off-street in accordance with the off-street parking requirements.~~
- ~~f. No equipment or process shall be used in such Home Occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the Lot Line.~~
- ~~g. 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 a use in this paragraph automatically qualify it as a Home Occupation); accountant, architect, artist, author, consultant, tailor, individual musical instrument instruction, individual academic tutoring, millinery, preserving, and home cooking.~~
- ~~h. The following uses are not permitted as Home Occupations if conducted as a Person's principal occupation and the Person's dwelling is used as the principal place of Business: vehicle repair or painting; office, medical or dental.~~

Signs for Home Occupations shall be regulated by the Sign regulations of this Code [Section 5.24.]

1. Applicability

- a. This section applies to any occupation, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change

the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.

- b. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in the unit except in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes.

2. Home Occupation Performance Standards

Home occupations shall comply with the following performance standards:

- a. The use shall be clearly incidental and secondary to the residential occupancy.
b. The use shall be conducted entirely within the interior of a building.
c. Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the Home Occupation.
d. No more than one nonresident employee shall be permitted.
e. Not more than twelve client visits per day, and nor more than 4 clients at a time, are permitted to visit home occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.
f. Storage of goods and materials shall be inside and shall not include flammable, combustible, or explosive materials.
g. Outside storage of heavy equipment shall be prohibited.
h. No truck or van with a gross vehicle weight greater than 10,000 pounds shall be parked on the site or in front of the site on a regular basis.
i. Mechanized equipment shall be used only in a completely enclosed building.
j. No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.
k. Where a Home Occupation is conducted in an accessory building, such accessory building shall not exceed the square footage of the footprint of the dwelling; or 2,000 square feet. All Home Occupation Performance Standards apply to Home Occupation located in Accessory Buildings.
l. Home Occupation shall be conducted in conformance with all applicable federal, state, and local ordinances.

3. Unsafe Home Occupations

If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, as determined by the City, the City shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or be terminated.

Section 2. That this Ordinance shall take effect 10 days after publication.

Commented [LB1]: Generalized to be inclusive of home or accessory building.

Commented [LB2]: By eliminating uses, all types of occupations are allowed. For ORC discussion: 1. Is there a desire to clarify by appointment only? 2. Or explicitly permit open customer access (e.g. retail, food service, etc.)? 3. If more flexibility in uses, should maximum client visits be adjusted?

Commented [LB3]: Removed explicit prohibition on amplified sounds. Removed limitation on deliveries (Monday through Saturday, 8 to 8).

Commented [LB4]: Removed restriction on cottage food industry. This prohibition is regulated by State Law.

Commented [LB5]: Added as some previously prohibited uses may require additional licensing: food safety, health department licensing, etc.