

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. Exempt Home Occupations

The activities listed in subsections (A) through (D), below, are not subject to this section, provided that all persons engaged in such activities reside on the premises:

- a. Artists, sculptors, and composers not selling their artistic product to the public on the premises;
- b. Craft work, with no sales permitted on the premises;
- c. Home offices with no client visits to the home permitted; and
- d. Telephone answering and message services.

## 3. Permitted Home Occupations

The home occupations permitted in subsection (B), below, are allowed in any Residential Zoning District because they do not generate excessive traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- a. Accounting, tax preparation, bookkeeping, and payroll services
- b. Occupations compliant with the Michigan Cottage Food Law (PA 113 of 2010, as amended)
- c. Computer repair, training, systems design and related services
- d. Drafting, engineering, architecture, landscape architecture, and interior decorating
- e. Financial planning and investment services
- f. Fine arts studio (creation of individual works only, no mass production)
- g. Hair salon, barbering, hairdressing, and other personal care services
- h. Information and data processing services
- i. Insurance sales
- j. Machine shop/metal working
- k. Mail order and/or online sales business
- l. Medical Marijuana Cultivation, subject to applicable standards in Section 5.16.3.G
- m. Musical instruction, voice, or instrument; musical instrument tuning and repair
- n. Offices for professional, scientific, administrative, or technical services
- o. Photographic services
- p. Professional services, including the practice of law and legal services
- q. Psychotherapy and counseling
- r. Real estate services and appraisal
- s. Recording studios

**Commented [LB1]:** Moved from prohibited to permitted use.

**Commented [LB2]:** Moved from prohibited to permitted use.

- t. Tailoring services
- u. Teaching of crafts and incidental sale of supplies to students
- v. Tutoring
- w. Personal fitness training

#### 4. Prohibited Home Occupations

The following uses are not permitted as home occupations:

- a. Medical/dental office
- b. Motor vehicle and engine repair
- c. Furniture refinishing
- d. Gymnastic facilities
- e. Outdoor recreation activities
- f. Medical/cosmetic facilities for animals, including animal care or boarding facilities
- g. Retail sales
- h. Commercial food preparation
- i. Mortuaries
- j. Medical procedures
- k. Body piercing and/or painting, tattoos, or any type of physical therapy
- l. Any other use not allowed in accordance with 5.16.6.H.5 Performance Standards.

#### 5. 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 the residence.
- 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

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

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.

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

#### 6. 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.