

**ANN ARBOR CHARTER TOWNSHIP  
BOARD OF TRUSTEES  
AMENDMENT TO ZONING CODE: HOME OCCUPATIONS  
ORDINANCE NO. 3-2024**

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Article I, Section 74-2 and Section 74-9 [new language underlined, deleted language ~~stricken~~].

**CHAPTER 74, ARTICLE I, Section 74-2** is amended to read as follows:

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Business means any commercial enterprise involving the creation, purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services conducted for compensation, profit, or other gain on behalf of oneself or others.

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Group Living means a residential living arrangement embracing a wide range of groups of people not defined as a family. Group living is not a home occupation accessory to a single-family dwelling, two-family dwelling, or multiple-family dwelling. Group living includes, but is not limited to the following:

- Group residential facilities: including fraternity or sorority houses; dormitories or residence halls; convents, monasteries, or other religious residential facilities.
- Group homes: including child or adult foster care facilities' emergency shelters and shelters for victims of domestic violence; residential substance abuse treatment facility; residential care facilities, assisted living facilities, convalescent, nursing or rest home, or homes for the aged.
- Institutional living: including boarding school, child caring institution (not a day care center), penal or correctional institution, detention facility, pre-release adjustment center, or halfway house.

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Hobby means a pursuit or activity done in one's leisure time and outside one's regular occupation, for relaxation and/or pleasure and not for economic gain or support.

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Home Occupation means ~~an occupation~~ a business, business activity, profession, occupation, or trade activity that is conducted by one or more occupants of a dwelling for the economic gain or support of that person or residents of the dwelling and which is ~~clearly~~ conducted as a customary, incidental, and secondary subordinate accessory use to the principal residential use.

The definition of the dwelling or associated accessory building. A home occupation shall include telecommuting and other remote working but does not include clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, music studios, antique shops, dance studios, child care centers, repair or storage of vehicles, and similar uses a hobby, or uses classified as group living or public accommodations. For the purposes of this ordinance, home occupations shall be classified and regulated by category as specified in Sec. 74-9.

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Public Accommodation means an establishment providing transient sleeping or lodging accommodations to the general public for compensation including but not limited to: hotels or motels; boarding, rooming or lodging houses; tourist homes; bed and breakfasts; and short-term rentals. Public accommodations are not home occupations accessory to a single-family dwelling, two-family dwelling, or multiple-family dwelling.

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Telecommuting means an arrangement between an employer and employee for performing work at a location other than the primary work location, such as in the dwelling of an employee or in a satellite office, and sending and receiving material by phone, email, or other electronic means. A self-employed person working from his or her dwelling and sending and receiving material by phone, email, or other electronic means is also a telecommuter.

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Tourist home. See Hotel. means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

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**CHAPTER 74, ARTICLE I, Section 74-9** is amended to read as follows:

A home occupation may be permitted in a single family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- (1) No person other than the members of the family residing on the premises shall be engaged in such occupation.
  - (2) The home occupation use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes, and
- (a) Purpose of Regulations. The services offered through a home occupation are a matter closely affecting the public interest. The public interest requires that home occupations be operated properly and in a safe, fair, honest, and competent manner by qualified persons. The public interest further requires that home occupations be clearly incidental to and subordinate to the residential use of the dwelling.

The purpose of this Ordinance is:

- 1) To prevent unreasonable noise, dust, odor, light, glare, ground vibration or other nuisance impacts that if not prevented, could undermine the pleasant use and enjoyment of residential districts for dwelling purposes.
- 2) To ensure that home occupations always remain an accessory use that is subordinate to the principal residential use of the premises.
- 3) To automatically authorize telecommuting and related invisible and no impact uses without any application, review or permit approval in all dwelling units.
- 4) To ensure that home occupations are conducted so as to maintain the residential character and viability of the dwelling, not result in incompatibility with nor undue disturbance to surrounding residential properties, or constitute a detriment to the character and livability of the surrounding neighborhood.

(b) Home Occupation Regulatory Categories. Home occupations are classified and regulated in two categories as specified below, as determined by the Zoning Administrator:

- 1) Category A – Almost No Impact Potential at Property Lines. This category of home occupation recognizes that it is customary for dwelling occupants to perform office and similar work as incidental to residential use of a dwelling unit. Category A is referred to as a “no impact” or “none to low impact” home occupation because no aspects of the home occupation are visible from the property lines and there is no significant impact on adjoining property.
  - a. Permit. Category A home occupations that meet the criteria below are automatically allowed without permit application, review, or approval (no permit is required). See 74-9(c) for operational standards.
  - b. Location. Category A home occupations may be conducted inside any dwelling unit, attached accessory structure, or detached accessory structure, in any district.
  - c. Operator of home occupation. Category A home occupations must be conducted by an occupant-owner or occupant-renter of the property, or other occupant of the property with written permission of the owner.
  - d. Criteria. A Category A home occupation must meet the following additional criteria:
    - i. Non-occupants of the dwelling unit may not commute to the dwelling to work for a Category A home occupation on site.
    - ii. No customers, clients, patients, or other walk-in people may visit the home occupation to conduct business.
  - e. Telecommuting. Telecommuting is considered a Category A home occupation, and only includes activities such as receiving or initiating electronic or other video communication, telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and is:
    - i. Work performed for an employer who is in another location, or

- ii. Work by a person residing in the dwelling unit who engages in the activities or similar activities described above under the auspices of their own business.
- 2) Category B – Limited Impact Potential at Property Lines. This category of home occupation is largely indistinguishable from customary residential use of a dwelling unit, but may have space for off-street parking space that is visible from the property line.
- a. Permit. Category B home occupations are authorized by issuance of a Home Occupation Permit by the Zoning Administrator once conformance with criteria specified below are achieved. See 74-9(c) for operational standards.
  - b. Location. In any district that allows single-family and two-family dwellings, Category B home occupations are permitted in any dwelling unit or attached accessory structure, but shall not occupy a detached accessory structure.
  - c. Operator of home occupation. Category B home occupations must be conducted by an occupant-owner or occupant-renter of the property, or by other occupants of the property with the owner’s written consent.
  - d. Criteria. Category B home occupations must meet the following additional criteria:
    - i. In total, the home occupations may occupy not more than 20 percent% of the floor area of the dwelling unit may be used for the purposes of the.
    - ii. The home occupation may employ up to two non-occupant employees on site.
    - iii. Parking for each non-occupant employee must be provided on site. Parking may be provided on an existing driveway.
    - iv. Not more than two customers/clients/patients are permitted at any time for service trade. Customers/clients/patients must be able to park on site, and must receive the service by appointment only; hours of operation are between 8 AM to 8 PM.
    - v. Sale of products are prohibited, except for the incidental sales of products related to the home occupation. Examples include sale of sheet music to the students of a music teacher, or art supplies to students of an art instructor.
- 3) ~~There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore, there shall be no external or internal alterations not customary in residential areas or structures.~~
- 4) ~~A home occupation shall be conducted within the dwelling unit.~~
- 5) ~~No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or is provided as incidental to the service or profession conducted therein.~~

- 6) ~~Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in article VIII, off-street parking and loading regulations, and provided the parking spaces shall not be located in the required front yard.~~
- 7) ~~Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited.~~
- (c) Standards Applicable to Home Occupations. The following standards apply to all home occupations, in all Categories A and B, except where indicated as applying to only one category of home occupation.
- 1) Number of Home Occupations in a Single Dwelling Unit. There can be more than one home occupation in a single dwelling unit, but for Category B home occupations, the number of employees, clients, patients and other walk-in persons, and parking, cannot exceed the maximum allowed for a single home occupation.
  - 2) ~~(8)~~ Hazards or Impacts. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which ~~are nuisances to~~ negatively impact persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
  - 3) Hazardous Substances. The home occupation(s) shall not involve:
    - a. The generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 et. Seq.).
    - b. The use of materials which that are used in such quantity, or are otherwise required to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for on premises cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies, or fuel.
  - 4) Internal and External Alterations.
    - a. No home occupation in any Category shall require internal or external alterations or involve construction features not customarily found in dwellings and residential accessory buildings except where required to comply with local and state fire and building codes.
    - b. Any permanent structural alteration to the interior of the dwelling unit for purposes of conducting the home occupation which would render it unsuitable for residential use is prohibited. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. The prohibitions in this section do not apply to modifications necessary to comply with the Americans with Disabilities Act (ADA). Insofar as practicable, all modifications shall be designed and

constructed to maintain the residential character of the dwelling and its compatibility with surrounding residential uses, as determined by the Building Official.

- 5) Waste Collection & Disposal. The levels of waste and scrap generated by the home occupation for transfer as part of the municipality's residential trash collection and disposal services shall not exceed 96 gallons per week. Such waste shall be non-hazardous and shall be disposed of in a residential waste container suitable for use by the residential waste collection equipment.
- 6) Commercial Vehicle Parking. Commercial vehicles associated with the home occupation shall meet the parking requirements of Sec. 74-761.
- 7) Equipment, Machinery and Materials. No equipment, machinery, or materials other than of a type and size that are typically found in dwellings for hobby or domestic purposes shall be permitted. Storing or parking heavy equipment on residential property is prohibited. Heavy equipment is defined as backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts, or similar equipment.
- 8) Outside Storage. The home occupation shall not engage in outside storage of equipment, machinery, or materials.
- 9) Traffic Generation/Vehicle Trips. The home occupation shall not generate customer, patient, or client-related vehicular traffic in Category A home occupations. Vehicle trips related to Category B home occupations shall be limited to the resident proprietor of the home occupation and their non-occupant employees plus any customers, clients, patients, and business visitors as provided in Section 74-9(b)(2)d. above.
- 10) Commercial Deliveries. The receipt and shipment of products, merchandise or supplies by commercial carriers shall be prohibited between the hours of 8:00 PM and 8:00 AM; except for extended delivery during holiday seasons, and an infrequent situation requiring a special delivery.
- 11) ~~(9) Signs.~~ Signs for a home occupation not customarily found in residential areas shall be prohibited, provided however, that one nonilluminated name plate not more than two square feet in area, may be attached to the building, which sign shall contain only the name, occupation, and
- 12) Sale of Products or Services. No on-site sales of products or services delivered in-person on site are permitted in Category A home occupations. The provision of services delivered in-person on the premises is permitted in Category B per the terms of the Home Occupation Permit; however, no on-site retail sales of products is permitted. This prohibition does not include the incidental sales to clients or students of a home occupation of materials related to the home occupation.
- 13) Protection of Natural Resources. No use of the yard, accessory or principal dwelling unit for a home occupation shall result in deposit of substances onto the land or in surface waters that is harmful to the soil, plants, or animals, or generate additional storm water or other runoff onto adjoining properties beyond levels prior to the home occupation, or jeopardize the integrity of wetlands or other sensitive natural areas on the lot or parcel or adjacent to the lot or parcel.
- 14) Adherence to Ordinances & Permits. A dwelling unit and associated accessory structures and portions of the lot or parcel may be used for a home occupation, as

described for each home occupation category, provided the home occupation conforms with all requirements of this Section, other applicable Sections of the Zoning Ordinance, and applicable fire and construction codes.

(d) *Fine Art Lessons.* Pursuant to the Michigan Zoning Enabling Act, Section 204 (MCL 125.3204), instruction in a fine art, craft or music is a permitted home occupation by an occupant of any single-family dwelling in any district. Such instruction is permitted by electronic means, such as videoconference in Category A, and in-person at scheduled times in Category B.

(e) *Existing Nonconforming Home Occupations.* It is likely that there are home occupations that currently exist and were established under the previous ordinance provisions. Existing home occupations that met the previous ordinance requirements (i.e., were lawful) on the effective date of this Section are allowed to continue in the same manner and to the same extent as they existed on the day they became nonconforming due to adoption of this Section. Existing nonconforming occupations must meet the provisions of Article II, Division 5, Nonconformities, in the Zoning Ordinance.

Except for telecommuting, home occupations that were unlawfully in existence on the effective date of this Section (i.e., were unlawful) are considered illegal until they are brought into compliance with this Section, and obtain a permit per subsection (g) below.

(f) *Prohibited Home Occupations.* Any use that does not meet the criteria and standards in this ordinance for a home occupation, as determined by the Zoning Administrator, is prohibited as a home occupation. A general list of activities that are most likely not compliant with the ordinance by their very nature includes, but is not limited to, the following:

- 1) Uses that are considered principal land uses, such as junk yards, mini-storage, nursing home, recycling center, or warehouse.
- 2) On-site retail or wholesale sales of merchandise, and on-site eating or drinking establishments.

Uses that assemble groups of people (i.e., more than two) at one time, such as a school or private club.

- 3) Uses that generate or use hazardous materials, or use of materials in such quantities that require registration with state or federal agencies.
- 4) Hotels, motels, tourist homes, time shares, short-term rentals, and bed and breakfast inns as a home occupation. See Sec. 74-602 regarding bed and breakfast operations.
- 5) Motor vehicle, recreational vehicle, boat and equipment sales, repair, body and paint shops, welding shops, and storage or dismantling yards.
- 6) Animal processing, kennels, animal boarding, and veterinary clinics or hospitals.
- 7) Uses that require outdoor use of large equipment and machines, or outdoor storage of materials that aren't typically or safely stored indoors.
- 8) Medical or dental offices, clinics, and hospitals.

- 9) Mortuary and funeral homes.
- (g) Home Occupations Permitting Process. The following establishes the procedure for determining whether a proposed home occupation is permitted on a particular lot or parcel, and the permitting process.
- 1) Permit. Category A home occupations are not required to apply for or obtain a Home Occupations Permit. For all Category B home occupations established after the effective date of this ordinance, the property owner, or renter or other occupant of the dwelling unit with written permission from the property owner, shall submit a completed Home Occupation Permit application form to the Township specifying the characteristics of the proposed home occupation at the address proposed and involving which structures or yards at that address, and other information deemed necessary by the Zoning Administrator to establish compliance with this Section.
    - a. Application review. The Zoning Administrator will review the application. He/she shall compare the requested use to the definition of each Category and shall classify the proposed use into the appropriate category.
    - b. Category A home occupation. If in reviewing an application, the Zoning Administrator determines that the proposed operation meets the criteria for Category A home occupations and the standards of section 74-9(c), no permit is required, and no further action on the part of the applicant is needed.
    - c. Category B home occupation. If in reviewing an application, the Zoning Administrator classifies the home occupation under Category B, and determines that the proposed operation meets the criteria for Category B home occupations and the standards of Sec. 74-9(c), the Zoning Administrator shall grant approval of the proposed use and issue a Home Occupation Permit. The Zoning Administrator shall add the home occupation to the Record of Home Occupations.
    - d. Denied Home Occupation Permits. If the Zoning Administrator determines that the proposed home occupation does not meet the criteria or standards for a home occupation in this section, then the Zoning Administrator shall deny the requested Home Occupation Permit.
      - i. Permit Amendments and Appeal to Zoning Board of Appeals. Any Home Occupation Permit that is denied may be amended by the applicant and resubmitted to the Zoning Administrator. If the home occupation is subsequently not approved by the Zoning Administrator, the applicant may appeal the decision by the Zoning Administrator to the Zoning Board of Appeals, per Sec. 74-259, within 30 days of written receipt of the denial.
      - ii. Termination of home occupation. If the appeal to the Zoning Board of Appeals is unsuccessful, or the applicant chooses not to appeal the denied permit by the Zoning Administrator, the applicant shall terminate the home occupation within 30 days of the ZBA's decision or written receipt of the denial from the Zoning Administrator. If the home occupation is not terminated, the home occupation will be treated as an

Ordinance violation pursuant to Division 2, Violations, of the Zoning Ordinance.

- e. Permit duration. Home Occupation Permits shall remain effective for the person, location, and type of home occupation that was provided on the permit application for three years from the permit issuance date. The Home Occupation Permit must be renewed upon its expiration to continue operation of the home occupation.
  - f. Transferability. Approval of the Home Occupation Permit is not transferable to another person, location, or type of home occupation.
- 2) Record of Home Occupations. The Zoning Administrator shall establish and maintain a Record of all Category B Home Occupations that have received a permit. The Record shall list all of the following:
- a. Property owner's name.
  - b. Home occupation operator's name.
  - c. The property address/location of the home occupation.
  - d. A description/name of the home occupation.
  - e. Date the Home Occupation Permit was issued.

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**CHAPTER 74, ARTICLE IV, Section 74-461 – Rural districts** is amended to read as follows:

<i>Uses</i>	<i>(1) R-C</i>	<i>(2) A-1</i>	<i>(3) A-R</i>
Home occupation <sup>2</sup>	A	A	A

<sup>2</sup>Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

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**CHAPTER 74, ARTICLE IV, Section 74-462 – Rural and suburban residential districts** is amended to read as follows:

<i>Uses</i>	<i>(1) R-1</i>	<i>(2) R-1A</i>	<i>(3) R-2</i>
Home occupation <sup>3</sup>	A	A	A

<sup>3</sup>Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

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**CHAPTER 74, ARTICLE IV, Section 74-463 – Urban residential districts** is amended to read as follows:

Uses	(1)R-3	(2)R-3A	(3)R-4	(4)R-5	(5)R-6	(6)R-7	(7)R-8	(8)R-9
Home occupation <sup>2</sup>	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

<sup>2</sup>Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

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Motion By: Basch

Second By: Allison

YEAS: Allison, Basch, Colvin-Garcia, Moran, O’Connell, Olsson

NAYS: none

**ORDINANCE DECLARED ADOPTED**

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on February 19, 2024.

ANN ARBOR CHARTER TOWNSHIP

By:   
Diane O’Connell, Supervisor

By:   
Rena Basch, Clerk

Public Hearing: July 6, 2023  
 Planning Commission Recommendation: July 6, 2023  
 Approved by Board: February 19, 2024  
 Effective: March 8, 2024 (7 days after publication)