



TO: City of Charlotte Planning Commission
FROM: Bryan Myrkle, Community Development Director
SUBJECT: Home Occupation standards
DATE: November 4, 2021

Planning Commissioners will likely remember that the City of Charlotte's Ad Hoc Committee on Code Enforcement recommended the City review several areas of the City Code, including the standards set for Home Occupations.

A review of the history of zoning for home occupations, indicates there traditionally have been three criteria for evaluating whether an occupation is appropriate to conduct from a home in a residential district. These three criteria are:

It should be customary - those occupations which have been customarily conducted in the home are the professions, such as medicine, law, and art; and domestic crafts such as cooking and sewing. While these are traditional customs, it is likely that what might be considered customary today is different than in the past. Given recent events and legal changes, modern customs could include remote employment, online enterprises or even the growing and provision of marijuana.

It should be incidental - this criterion is key, in that all home occupation regulations require that any home occupation be incidental to the use of the premises as a residence. Any use other than residential should be required to demonstrate that its existence will not negatively impact the direct or nearby residential uses. Requiring the use to be purely incidental is one way to help ensure this.

It should not be a business - for most regulations, the distinctions between a home occupation and a business include the presence of employees, the installation of non-domestic equipment, customer visits and the generation of traffic, and the presence of signage or other publicly visible evidence of the business. Businesses are nearly always prohibited in residential districts. However, some communities have chosen to prohibit home-based businesses only in dedicated single-family districts; and to allow home-based businesses with strict limits in denser residential districts. These often



include specific limits on employees (usually one), customers, traffic and signage.

Like our ordinance, many home occupation regulations rely on lists of allowed home occupations. Typically, the occupations listed as professions include architects, artists, authors and writers, clergy, dentists, engineers, lawyers, musicians, physicians, and teachers. These regulations sometimes allow 'offices' of professionals, but not visits by clients or customers. Outside the professions, there is widespread agreement on allowing various domestic crafts.

Those regulations that rely on lists commonly prohibit anything not on the list; although they may make allowance for occupations that are not specifically listed, but which are 'substantially similar' to those that are.

Another aspect of home occupations and/or home-based businesses that deserves consideration are those services that may be provided off-site, but whose storage and administration takes place at home in the residence. Examples of this could include lawn care, snow removal, event planning, or tradespeople such as building contractors. The Planning Commission should consider whether our regular commercial standard requiring business to be carried-on in a completely enclosed building should extend to the residential storage of commercial equipment.

There is a different method for regulating home occupations that many communities use, forgoing lists and instead relying on general characteristics. For a nearby example of this type of standard, consider the following regulation from the City of Hastings:

Home occupations are permitted in any zone. A home occupation is any use that:

Is conducted entirely within a principal residential building without being visible or evident in any way from the street or from any neighboring premises.

Does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.

Is carried on only by the inhabitants of the building in which conducted plus not more than one person who is not such an inhabitant.



Employs only 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.

Displays no sign not permitted in the zone where conducted and specifically displays no signs that relate to such occupation.

Provides off-street parking as required by section 90-916 et seq.

Devotes not more than 50 percent of the floor area of one story of the building to such home occupation, and does not involve keeping a stock in trade or the sale of commodities on the premises.

Conforms to all district requirements.

This regulation is substantially shorter and less proscriptive than what we have in Charlotte (below), and similar home occupation regulations can be found in the zoning ordinances for St. Johns, Marshall, Eaton Rapids, Howell, and Ionia, among others. These are communities that bear a reasonable relationship to Charlotte due to size or geography, and which we might benchmark ourselves against.

Based on this analysis, it appears that Charlotte's home occupation standards are more strict than most other communities -- including the specific lists of allowed occupations, a list of prohibited home occupations, and the descriptive standards they must adhere to.

Charlotte's standards are as follows:

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;

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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 curb side 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.

Understanding the history of zoning regulations for home occupations clarifies why certain occupations are allowed by our ordinance that may otherwise seem quaint or outdated, such as dressmaking or telephone answering.

One practical difference between our ordinance and the others is the involvement of the Planning Commission in determining whether an unlisted home occupation should be permitted. In other communities, the determination would likely be made by the Zoning Official and the resident given an opportunity to appeal that decision



to Zoning Board of Appeals.

I would ask the Planning Commission to consider whether they want to continue with the current ordinance, continue with a very proscriptive ordinance but update it, or make a move toward a less proscriptive ordinance that relies on standards and characteristics, rather than lists.