

# memorandum

**DATE:** December 6, 2021  
**TO:** Rochester Hills Planning Commission  
**FROM:** Jill Bahm & Joe Tangari, Giffels Webster  
**SUBJECT:** Zoning Issue Discussion – Home occupations

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## Introduction

The City of Rochester Hills has been facing a variety of situations that reflect a need to update ordinances related to mitigating off-site impacts of various land uses.

## Current Ordinance

The ordinance addresses home occupations in Section 138-4.415 and also in the definitions of “home occupations.” The purpose of the regulating home occupations is to ensure that business activities carried on in a home do not negatively impact neighboring residents.

## Potential impacts and considerations

As has been done previously, standards could be updated to take a more positive tone. In addition, clarification as to the standards by which home occupations are measured could be added. The Planning Commission may wish to consider the following:

- **Nuisances:** Along with updating the performance standards with measurable impacts, standards for home occupations may also refer to that section.
- **Size:** Defining a maximum area of the home for business purposes more clearly supports the goal of ensuring the business is “accessory” to the dwelling. In addition to a percentage of ground floor area, the Planning Commission may wish to discuss whether a maximum area is needed (for example, 500 square feet).
- **Traffic:** This section could be updated to reflect the change that online shopping has brought to neighborhoods in terms of delivery trucks, while also providing a more relatable standard for the other vehicular activity at a home.
- **Signs:** Signs are not currently permitted; while the draft maintains that prohibition, the Planning Commission may wish to discuss whether a small wall/name plate-type sign could be appropriate for home occupations where clients come to the home for a service (such as music lessons, photography and the like).
- **Location:** Currently, the ordinance prohibits business activities in an accessory building; however, with more people working from home since the pandemic, it may be more common to have people using backyard studios/converted garages as work areas. The Planning Commission may wish to discuss this.
- **Customers:** The ordinance is silent on whether customers purchasing goods are permitted at a dwelling, but many communities prohibit this type of activity. Additional options could permit this activity as “by-appointment.”
- **Outdoor storage:** The ordinance does not address outdoor storage, but generally, outdoor storage related to business activities should be prohibited at residential dwellings.

## Recommendation

Proposed amendments follow.

Definition:

HOME OCCUPATION. An occupation or profession customarily carried on by the occupant of a dwelling unit at the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes. Home occupation includes a bed and breakfast operation, but not state-licensed residential care facilities.

SECTION 138-4.415 - Home Occupations

A. **Required Conditions.** Home occupations are permitted, subject to the following:

1. The home occupation shall comply with Section 138-10.310 and shall not create a nuisance to the surrounding neighborhood.
2. The home occupation shall only be an incidental function of the use of the dwelling for residential purposes.
3. The home occupation shall be served by limited traffic, other than domestic trips and routine deliveries normally expected for a single dwelling in a residential area, and comply with ~~Does not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week or by trucks or vehicles allowed under~~ Section 138-10.308.
4. The home occupation shall only employ up to two non-residents of the dwelling. ~~Does not employ paid assistants or employees other than those living at the premises.~~
- ~~5. Does not cause more than a nominal increase of traffic.~~
6. Signs are not permitted. ~~Does not cause the erection or maintenance of any signs~~ other than signs allowed on vehicles under Section 138-10.308.
7. All activity related to the home occupation shall ~~Does not take place outside of the dwelling and/or accessory buildings, so as to be a nuisance or not~~ be in keeping with the residential nature of the surrounding residential area.
8. ~~Direct sales of products to individuals on the premises of a home shall not be permitted.~~
9. Storage or display of goods shall only take place within the dwelling unit and shall not be visible from outside the dwelling unit. Outdoor storage and display are prohibited.

B. **Bed and Breakfasts.** In addition to meeting all of the requirements of subsection A, above, bed and breakfast operations shall conform to the following additional requirements:

1. No more than four sleeping rooms, and no more than 25 percent of the total floor area of the dwelling unit, shall be available for rent to transient guests.
2. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector, and each floor of the premises shall have a fire extinguisher. All are to be kept in proper working order, in compliance with applicable state law.
3. Adequate off-street parking shall be provided on site.
4. The maximum stay for any transient guest shall be 14 consecutive days.

C. **Restrictions and enforcement.** Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this ordinance in a residential district is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined in this ordinance may be prosecuted in the district court, or may be enjoined in the circuit court.

As an alternative, the mayor or his or her designee may refer the matter first to the Zoning Board of Appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from a neighbor, the mayor shall make an investigation and either take action against the

violator, refer the matter to the Zoning Board of Appeals or advise the complainant there is no violation and the reason for that determination.

If a question concerning a home occupation is referred to the Zoning Board of Appeals, that board shall hold a public hearing in accordance with Section 138-1.203 and shall determine whether there is, in fact, a home occupation and, if so, whether there are any violations of the limitations in this subsection. The Zoning Board of Appeals may take no further action or may issue a permit, renewable yearly, for the continuation of such use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

(Ord. No. [179](#), § 1, 8-8-2016; [Ord. No. 186](#), pt. 7, 12-2-2019)