

ORDINANCE NO. ORD-21-14

First Reading: April 19, 2021
Public Hearing: June 7, 2021

Approved: June 7, 2021
Published: June 17, 2021
Effective: June 27, 2021

AMENDMENTS TO THE ACCESSORY DWELLING UNIT REQUIREMENTS

AN ORDINANCE TO AMEND SECTION 5.15 (TABLE 5.15-2) AND SECTION 5.16.6 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 5.15 (Table 5.15-2): Accessory Use Table of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

TABLE 5.15-2: ACCESSORY USE TABLE

E = SPECIAL EXCEPTION

A = PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5B, 5.13.4B, 5.13.5B RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS					
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
ACCESSORY USES																																	5.16.6
All Accessory Buildings																																	5.16.6A;
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
Community Recreation									A	A	A	A	A																				5.16.6A;
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6A.3; 5.16.6B
Drive-Through Facility																E					E	E	E	E								5.16.6A; 5.16.6A.3; 5.16.6C	
Dwelling Unit, Accessory ¹		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6D
Dwelling Unit, Manager's																														A	A	A	5.16.6A; 5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6F

¹ Ordinance No. ORD-20-34, effective February 14, 2021.

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USE CATEGORY AND TYPE	RESIDENTIAL															MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS				
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6G
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6H
Incidental Services															A									A			A					5.16.6A; 5.16.6I	
Management/Maintenance Office and Storage									A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A					5.16.6A
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Office, Administrative/Executive																											A			A	A	A	5.16.6A;
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A										5.16.6A; 5.16.6J
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A										5.16.6A; 5.16.6K

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USE CATEGORY AND TYPE	RESIDENTIAL															MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE							USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Parking Attendant Building																										A							5.16.6A;
Restaurant, Bar, Food Service ²															A										A								5.16.6A; 5.16.6L
Retail Sales, General Merchandise																												A	A	A	A	5.16.6A; 5.16.6M	
Roadside Stand	A																															5.16.6A	
Solar Energy System	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A 5.16.6N	
Solar Energy System, Personal-Scale		A	A	A	A	A	A	A	A	A																						5.16.6A 5.16.6O	
Wireless Communication Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A; 5.16.6P	

² Ordinance No. ORD-19-27, effective September 22, 2019.

Section 2. That Section 5.16.6 Accessory Uses and Structures of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

5.16.6 Accessory Uses and Structures

A. All Accessory Uses and Structures

1. General

No Accessory Building shall be used prior to the Principal Building or Principal Use, except as a construction facility for a Principal Building. Such construction facility shall not be used for residential purposes. This exception is a temporary Accessory Building which shall lapse 30 days after completion of the Principal Building or Buildings.

2. In Residential Districts and P District

Accessory Buildings in these districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

- a. Accessory Buildings shall not exceed 21 feet in height, except in the R-6 District Accessory Buildings shall not exceed 15 feet.
- b. Accessory Buildings shall not be erected in any Required Front Setback Area.
- c. Detached Accessory Buildings may occupy the Side Setback Area provided that such Buildings are set back farther from the street than any part of the Principal Building on the same Lot and any part of the Principal Building on any Lot abutting said required Side Setback Area. Accessory Buildings shall not be located closer than three feet to any Lot Line.
- d. Accessory Buildings may occupy Rear Setback Areas provided that such Buildings do not occupy more than 35% of the required Rear Setback Area and are not closer than three feet to any Lot Line.
- e. Attached Accessory Buildings shall not occupy any portion of the required Side Setback Area.

3. In Mixed Use and Nonresidential and Special Purpose Districts

Accessory Structures and Accessory Buildings are subject to the Area, Height, and Placement regulations of the zoning district in which they are located as provided in 5.17 Area, Height and Placement Regulations and 5.18 Special Dimensional and Site Layout Standards.

B. Dish Antenna

1. General

- a. No Person shall install a Dish Antenna greater than three feet in diameter without having obtained a building permit and an electrical permit.
- b. Dish Antennas in any zoning district shall be installed and maintained in compliance with applicable building and electrical codes.
- c. Not more than one Dish Antenna greater than three feet in diameter shall be allowed on any Lot unless shown on an approved site plan.
- d. Dish Antennas must be solid in color.
- e. Dish Antennas must be permanently mounted except under the following circumstances:
 - i) The Dish Antenna has been designed and sold as a portable antenna not intended for permanent installation, and the diameter of the Dish Antenna does not exceed six feet. Portable Dish Antennas shall meet the requirements of Section c through e of this Section.
 - ii) Portable Dish Antennas may be installed at locations other than required in Subsections 2, 3, and 4 for not more than seven days in any 30-day period.

2. R-1, R-2, R-3 or R-6 Districts

- a. Dish Antennas shall be ground mounted.
- b. The diameter shall not exceed ten feet.
- c. The height shall not exceed 12 feet.
- d. Dish Antennas shall be located only in the area between the rear of the principal Structure and the Rear Lot Line.
- e. Dish Antennas shall not be placed closer to any Lot Line than its height.

3. R-4 District

Dish Antennas may be erected in any R-4 zoning district in accordance with the standards of Subsection 2, but they may be mounted on a Roof if they do not exceed the height limit of the district.

4. All Districts Other Than R-1, R-2, R-3, R-4 and R-6 Districts

- a. The diameter shall not exceed 12 feet.
- b. A ground-mounted Dish Antenna shall comply with the setback requirements established for its zoning district, but shall not be located in the Front Yard.

- c. The height for a ground-mounted Dish Antenna shall not exceed 25 feet.
- d. The height of a Roof-mounted Dish Antenna shall not exceed 15 feet, nor shall it exceed the height limit established within its zoning district.

C. Drive-Through Facility

1. O District

- a. Drive-Through Facilities are only permitted for financial uses, and are subject to Special Exception Use approval pursuant to Section 5.29.5.
- b. The Drive-Through Facility may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

2. D1, D2, and C2B Districts

- a. Drive-Through Facilities are permitted for any Principal Use of property, subject to Special Exception Use approval pursuant to Section 5.29.5 .
- b. In the C2B district, the Drive-Through Facilities may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

3. C3 District

- a. The Drive-Through Facilities may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

D. Accessory Dwelling Unit (ADU)³

- 1. An ADU is permitted on a Lot that has one Single-Family Dwelling as the Principal Use.
- ~~2. The Lot owner shall occupy either the ADU or the Single-Family Dwelling on the property, except for temporary absences not to exceed a combined total of six months in a calendar year.~~
- ~~3. The ADU shall be designed so that the appearance of the Building remains that of a Single-Family residence or detached Accessory Building such as a garage or carriage house. Any new entrances~~

³ Ordinance No. ORD-20-34, effective February 14, 2021.

~~shall be located on the side of the Building or in the rear of the Building.~~

4.2. Minimum Lot Area, Floor Area Requirements for ADU

TABLE 5.16-2: LOT AREA AND FLOOR AREA REQUIREMENTS FOR ACCESSORY DWELLING UNITS	
LOT AREA	ADU FLOOR AREA
Less than 5,000 Sq. Ft.	ADU not permitted
5,000 Less than 7,200 Sq. Ft.	Up to 600 Sq. Ft. permitted [A]
Greater than 7,200 Sq. Ft. or Greater	Up to 800 Sq. Ft. permitted [A]
Notes: [A] ADU Floor Area may not exceed the Floor Area of the ground Floor of the primary dwelling unit.	

5. ~~The ADU shall not be occupied by more than the number of occupants permitted by Section 5.16.1A except that only two unrelated Persons plus their Offspring living as a single Housekeeping Unit may occupy the ADU.~~
6. ~~An ADU is permitted in a as or within any legally conforming Accessory Building that was constructed before December 31, 2016, subject to the following restrictions:~~

Table 5.16 3: Accessory building restrictions	
Condition of Accessory Building	Restrictions
Accessory Building constructed after December 31, 2016	Not eligible for an ADU
Accessory Building less than 200 sq. ft	Not eligible for an ADU
Conforming Accessory Building 200 sq. ft. or greater [A]	May be replaced or expanded for an ADU subject to Section 5.16.6.A (Accessory Uses and Structures)
Nonconforming Accessory Building 200 sq. ft. or greater [A]	Shall be replaced or modified for an ADU subject to Section 5.16.6.A

Table 5.16-3: Accessory building restrictions	
Condition of Accessory Building	Restrictions
	(Accessory Uses and Structures)
Notes: [A] When Accessory Building was constructed before December 31, 2016.	

- ~~3.~~ The total number of Persons residing in the primary Dwelling Unit and the ADU combined shall not exceed ~~four Persons plus their Offspring~~ the limits specified in Section 5.16.1.A, ~~except:~~
- ~~a.~~ That only two unrelated Persons plus their Offspring living as a single Housekeeping Unit may occupy the ADU; or
 - ~~7.b.~~ ~~except w~~When a Functional Family is allowed by Special Exception Use.
- ~~8.~~ At least one off-street Parking Space shall be provided for the ADU unless the property is within 1/4 mile of a bus stop, then no additional Parking Space is required. Tandem or stacked parking in a Driveway may count toward the off-street parking requirement if not located in the Required Front Setback Area.
- ~~9.4.~~ An ADU or Single-Family Dwelling that is not owner-occupied shall be subject to periodic housing inspections as required by Section 8:511.
- ~~10.5.~~ Leasing or rental of the ADU for less than 30 days is prohibited.
- ~~11.~~ A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Register of Deeds prior to occupancy, and it shall incorporate the following restrictions:
- ~~a.~~ The ADU may not be sold separately from the Single-Family Dwelling.
 - ~~b.~~ The owner occupancy requirement of Section 2
 - ~~c.~~ The deed restriction shall be in effect until the ADU is removed.

E. Manager's Dwelling Unit

1. M1, M1A, and M2 Districts

Limited to one Dwelling Unit, provided that it is specifically required to house a security guard or resident manager who is needed to properly

carry on the business of the permitted use, and shall be used as a dwelling only by that security guard or resident manager and members of that Person's family.

F. Family Day Care Home

1. All Residential Zoning Districts

Must be licensed by the State of Michigan Department of Licensing and Regulatory Affairs.

G. Group Day Care Home

1. All Residential Zoning Districts

- a. Shall be licensed by the State of Michigan Department of Licensing and Regulatory Affairs.
- b. A zoning permit shall be obtained from the PDSU.
- c. Shall be located on a Lot with at least 5,000 square feet of Lot Area.
- d. Shall provide at least one off-street Parking Space for each caregiver not living in the dwelling.
- e. Shall show that two off-street or on-street Parking Spaces are available within 250 feet of the parcel for drop off and pick up of children.

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.
- i. Signs for Home Occupations shall be regulated by the Sign regulations of this Code [Section 5.24]⁴

I. Incidental Services

1. O District⁵

Incidental Services other than Beauty Salons may be provided within an Office Building or Buildings for the convenience of occupants of that Building, provided the use meets the following standards:

- a. Not more than 5% of the Floor Area is used for Incidental Services.
- b. All Incidental Services shall be situated within the interior of the Building or Buildings so that no part of the Incidental Services use shall be directly accessible from the outside of the Building.

2. R5 District

All Incidental Services shall be situated within the interior of the Principal Building or Buildings.

3. ORL District

- a. Not more than 25% of the Floor Area of any one Building and not more than 5% of the total Floor Area of all Buildings within the continuous boundary of the area zoned ORL may be used for Incidental Services.

⁴ Ordinance No. ORD-20-27, effective date December 20, 2020.

⁵ Ordinance No. ORD-20-27, effective date December 20, 2020.

- b. All such services shall be situated to conveniently serve the employees of the district.

J. Outdoor Display and Vending Machines

1. The Display or Vending Machine:

- a. Shall be located within ten feet of Principal Building.
- b. Shall not be located in any Setback Area.
- c. Shall maintain adequate pedestrian access and circulation.
- d. Is only permitted in an area specifically designated for outdoor sales and display on an approved site plan.

K. Outdoor Sales, Temporary

1. Temporary Outdoor Sales:

- a. Require the issuance of a zoning permit.
- b. Are limited to a maximum of 180 days per calendar year.
- c. Shall occupy an area of 10% or less of the Floor Area of the Principal Building or Principal Use.
- d. Shall not be located in any setback area, interior vehicular landscape area, Right-of-Way buffer area or conflicting land use buffer.
- e. Shall maintain adequate pedestrian and vehicular circulation.

L. Restaurant, Bar, Food Service

1. R5 District

Must be planned, designed, developed and made an integral and unified part of a Hotel so as to not result in a separate, freestanding Building.

2. O District⁶

- a. 10% of the total Floor Area on the Site, but not to exceed 12,000 square feet, may be Restaurant, Bar, Food Service use.
- b. Drive-Through Facilities for the Restaurant, Bar, Food Service use are prohibited.
- c. Curb Cuts and Driveway Approaches to the Site shall comply with the number of Openings provided in Section 5.21.2B.
- d. For off-street parking purposes, the Restaurant, Bar, Food Service use shall be considered to be General Office use as provided in Section 5.19.2.

⁶ Ordinance No. ORD-19-27, effective September 22, 2019.

M. Retail Sales, General Merchandise

1. ORL District

- a. Retail Sales of products or services produced on the Site shall be permitted as an Accessory Use.
- b. Floor Area used for sales and display shall not exceed 5% of the total Floor Area of the Principal Use.

2. M1 and M1A Districts

- a. Limited to Retail Sales of products customarily incidental to the Principal Use;
- b. Floor Area used for sales and display shall not exceed 10% of the total Floor Area of the Principal Use.

N. Solar Energy System (SES)⁷

- 1. In Multiple-Family, Mixed Use and Nonresidential and Special Purpose Zoning Districts, a SES is permitted subject to the requirements of Section 5.16.6A Accessory Uses and Structures, except when the Principal Use is Single-Family Dwelling the standards provided in Section 5.16.6O shall apply.
- 2. A site plan is not required for an SES of any size when all of the following conditions are met:
 - a. The SES does not result in an increase of Impervious Surface of the Site.
 - b. The SES does not impact any landscaping, buffering, or screening requirements provided in Section 5.20 or any Natural Features provided in Section 5.23 .
 - c. The SES does not reduce the number of Parking Spaces to less than the requirements of Section 5.19.2 and the support structures do not reduce the width of any Parking Space to less than 8 feet.
 - d. A SES has maximum Height of 21 feet.
 - e. The Solar Collector Surface covers a minimum of 90% of the SES.
 - f. The location and dimensions of the SES does not with vehicular and non-motorized safety, circulation, and visibility.
- 3. Installation, Use, and Maintenance
 - a. The SES shall be installed, maintained, and used only in accordance with the manufacturer's specifications.

⁷ Ordinance No. ORD-20-30, effective January 10, 2021 with editing for consistency.

- b. The SES and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a SES shall not commence until all necessary permits have been issued.

O. Personal-Scale Solar Energy System

- 1. In Single-Family and Two-Family Zoning Districts, a Personal-Scale SES is permitted subject to the following standards.
 - a. Ground-Mounted SES. Ground-Mounted SES are subject to the requirements of Section 5.16.6A Accessory Uses and Structures, except may not be located in a Front Yard, and shall be screened from view from the Right-of-Way.
 - b. Building-Mounted SES. Building-Mounted SES are subject to the dimensional standards provided in Section 5.17 for the zoning district in which the Lot is located.
- 2. Installation, Use, and Maintenance
 - a. The Personal-Scale SES shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
 - b. The Personal-Scale SES and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a Personal-Scale SES shall not commence until all necessary permits have been issued.

P. Wireless Communication Antenna

The provisions of Section 5.16.6 shall apply as applicable to accessory antennas rather than freestanding Towers.

Section 3. This ordinance shall take effect and be in force on and after ten days from legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 7, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on June 17, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk