

ORDINANCE NO. ORD-21-24

First Reading: August 2, 2021
Public Hearing: September 7, 2021

Approved: September 7, 2021
Published: September 16, 2021
Effective: September 26, 2021

AN ORDINANCE TO AMEND SECTION 5.16.6 of CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF CODE OF THE CITY OF ANN ARBOR – (HOME OCCUPATIONS)

The City of Ann Arbor Ordains:

Section 1. That Section 5.16.6 Accessory Uses and Structures of Chapter 55 Unified Development Code be Amended 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)

1. An ADU is permitted on a Lot that has one Single-Family Dwelling as the Principal Use.
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 7,200 Sq. Ft.	Up to 600 Sq. Ft. permitted [A]
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.	

3. An ADU is permitted as or within any legally conforming Accessory Building.
4. The total number of Persons residing in the primary Dwelling Unit and the ADU combined shall not exceed the limits specified in Section 5.16.6.1.A, except:
 - a. That only two unrelated Persons plus their Offspring living as a single Housekeeping Unit may occupy the ADU; or
 - b. When a Functional Family is allowed by Special Exception Use.
5. An ADU or Single-Family Dwelling that is not owner-occupied shall be subject to periodic housing inspections as required by Section 8:511.
6. Leasing or rental of the ADU for less than 30 days is prohibited.

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 Applicability

- a. 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. 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. b. No Home Occupation, except as otherwise provided in this section, may be initiated, established, or maintained in a Dwelling Unit except in conformance with the regulations and performance standards set forth in this section. A Home Occupation shall be incidental and secondary to residential use of the Dwelling Unit for residential purposes. 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]~~

2. Home Occupation Performance Standards

Home Occupations shall comply with the following performance standards:

- a. The use shall be incidental and secondary to the residential occupancy.
- b. Any storage of goods, materials, and equipment shall be entirely within the interior of a Building.
- c. A maximum of 25% of the gross floor area of the principal Dwelling Unit shall be utilized for the Home Occupation.
- d. A maximum of one nonresident employee shall be permitted.
- e. A maximum of 24 client visits per day, and a maximum of six clients at a time, are permitted to visit a Dwelling Unit or an Accessory Building with a Home Occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.

- f. 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.
- g. Mechanized equipment shall be used only in a completely enclosed Building.
- h. No generation of dust, odors, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.
- i. Where a Home Occupation is conducted in an Accessory Building, such Accessory Building shall not exceed the square footage of the footprint of the Dwelling Unit up to a maximum of 2,000 square feet. All Home Occupation Performance Standards apply to Home Occupations located in Accessory Buildings.
- j. Home Occupations shall be conducted in conformance with all applicable federal, state, and local laws.
- k. Home Occupation Performance Standards in this section shall apply to the total number of Home Occupations in a Dwelling Unit and Accessory Structure.

3. 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 Unit 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. The Dwelling Unit Owner and/or tenant shall take the necessary corrective steps or measures, but in the event of a failure to do so, after notice and a reasonable period of time, the City may take all available enforcement actions to render the Home Occupation and Dwelling Unit safe.

I. Incidental Services

1. O District

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.
- 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 District

- 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.

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)

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.
 - 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 2. That this Ordinance shall take effect 10 days after publication.

As Amended and Approved at First Reading on August 2, 2021.

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 September 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 September 16, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk

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