

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENT TO ZONING CODE: ACCESSORY BUILDINGS AND STRUCTURES
ORDINANCE NO. 4-2024**

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Article IV, Division 1, Section 426 and Chapter 74, Article IV, Division II, Sections 461-463 [new language underlined, deleted language ~~stricken~~].

CHAPTER 74, ARTICLE I, Section 13 is amended to read as follows:

Sec. 74-13. Storage Buildings in residential districts. – Reserved.

~~Storage buildings in residential districts shall be clearly accessory to the dwelling units they serve. The floor area of a storage building shall be included in the floor area used to calculate ground floor coverage and floor area ratio. Such storage buildings shall be subject to the following regulations:~~

- ~~(1) *R-1, R-2, R-3, R-4, and R-5 districts.* Not more than one storage building shall be permitted for each dwelling unit, and the floor area of the storage building shall not exceed 200 square feet.~~
- ~~(2) *R-6 district.* Not more than one storage building shall be permitted on a mobile home site, and the floor area shall not exceed 150 square feet.~~
- ~~(3) *R-7, R-8, and R-9 districts.* Not more than one storage building shall be permitted for each single-family attached dwelling unit, such floor area not to exceed 150 square feet. Individual storage buildings for dwelling units in apartment-type structures shall not be permitted; however, common storage buildings may be permitted.~~

CHAPTER 74, ARTICLE IV, Division 1, Section 426 is amended to read as follows:

- (a) *Minimum requirements.* The regulations established in this article within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each district. Wherever the requirements of this chapter are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.
- (b) *Scope of regulations.*
 - 1) Except as otherwise may be provided in article II, division 6, Zoning Board of Appeals, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of or addition to an existing use, building, or structure occurring after December 13, 1976, shall comply with all regulations which are applicable in the zoning district in which such use, building, or structure shall be located.

- 2) No part of a yard or other open space, off-street parking or loading space required about or connected with any use, building, or structure for the purpose of complying with this chapter shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
 - 3) No yard or lot existing on December 13, 1976, shall be reduced in dimensions or area below the minimum requirements set forth in this article. Yards or lots created after December 13, 1976, shall meet the minimum requirements established in this article. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
 - 4) Nonconforming lots of record may be utilized as set forth in section 74-217, nonconforming lots of record.
- (c) *Permitted uses.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. All other uses shall be prohibited unless approved as a conditional use in accordance with subsection 74-426(e).
- (d) *Accessory uses and buildings or structures.* Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district, or as described below. In all districts, accessory buildings may not be used for dwelling purposes.

Accessory uses and buildings or structures (collectively “structures” unless otherwise specified) shall be subject to the following regulations:

- 1) No accessory structure shall be used prior to the principal structure or use, except as a construction facility for the principal structure.
- 2) Accessory structures shall be supplemental and subordinate to the principal use and structure on a parcel of land, and shall be on the same parcel of land as the principal use or structure they serve.
- 3) The floor area of an accessory building shall be included in the floor area used to calculate ground floor coverage and floor area ratio.
- 4) In any zoning district other than R-1 or R-1A, the ground-floor area of an accessory building or structure shall not exceed the area of the principal building’s ground floor area of the principal building. For this standard, the area of the principal building’s ground floor of the principal building shall not include an attached garage.
- 5) Attached structures. Where the accessory building or structure is structurally attached to the principal building or structure, it shall be subject to, and must conform to, all regulations of this chapter applicable to the principal structure ~~of the district in which located.~~
- 6) Detached structures. Where the accessory structure is not structurally attached to the principal structure:
 - a. Number: There is no limit on the number of detached accessory structures on a lot or parcel (collectively “lot”). However, accessory buildings are counted toward the maximum ground floor coverage and floor area ratio on a lot.
 - b. Location:

1. In any zoning district, a detached accessory structure shall be located at least ten feet from any other principal or accessory building.
2. In any rural district (R-C, A-1, and A-R) accessory uses, ~~buildings and structures not attached to the principal building~~ shall not be located within any minimum required yard setback for the zoning district, as listed in Sec. 74-501, except for farm markets/roadside stands, as described in “(d)7” below. ~~that a farm market/roadside stand may be located within the required yard setback as long as the farm market/roadside stand complies with all of the following:~~
3. In any rural residential district (R-1, and R-1A), suburban residential district (R-2), and urban residential district (R-3A, R-3, R-4, R-5, R-6, R-7, R-8 and R-9), accessory structures shall not be located in front of the rear line of the principal building or, in the case of a corner lot, in the required corner side yard. If an accessory structure is 100 square feet or less in floor area, it shall not be located less than five feet from an interior side or rear property line. If an accessory structure is greater than 100 square feet in floor area, it shall comply with all setback regulations of the district in which it is located, as listed in Sec. 74-502 through 74-503.
4. In any business or industrial district, an accessory structure shall comply with all regulations of the district in which located, as listed in Sec. 74-504 through 74-505.
5. ~~Meets the definition of a farm market/roadside stand under section 74-2 and the GAAMPS for farm markets; and~~
6. ~~Has a maximum floor area of any structure or building of 100 square feet or less; and~~
7. ~~Is located outside of any road right-of-way; and~~
8. ~~Conforms to the provisions of section 74-8, visibility at intersections.~~
- c. Size: Accessory buildings are subject to the following size requirements.
 1. Total area: In any residential district, the combined area of the ground floor of all detached accessory buildings on a lot shall not exceed the following maximums:
 - i. For lots greater than 3-acres in size, 10% of the total lot area, or up to 10,000 s.f., whichever is less.
 - ii. For lots greater than 2-acres and up to and including 3-acres in size, up to 4,000 s.f.
 - iii. ~~For lots greater than 1-acre and up to and including 2-acres in size, up to 1,500 s.f.~~
 - iv. For lots up to and including 2-acres or less in size, up to 1,000 s.f.

- v. Accessory structures that do not meet the definition of a “building,” shall not be subject to the total area size requirements listed in c.(1) above.
 - vi. Accessory structures that are for farm operations (such as barns, silos, farm markets) are not subject to the total area size requirements listed in c.(1) above.
2. In any rural district (R-C, A-1 and A-R), and in any rural residential district (R-1, and R-1A), suburban residential district (R-2), and urban residential district (R-3A, R-3, R-4, R-5, R-6, R-7, R-8 and R-9), accessory structures shall not exceed 15 feet in height. An accessory structure may exceed this height by a maximum of five feet as long as the structure is set back one foot further from the property line than the minimum setback for every one foot of additional height.
 3. In any business or industrial district, any accessory use or structure shall comply with all regulations of the district in which located, as listed in Sec. 74-504 through 74-505.
 4. In any rural district (R-C, A-1 and A-R), farm structures used as part of a farming operation, as defined, shall not exceed 75 feet in height.
 - d. Zoning Compliance Certificate: An accessory structure 100 square feet or less does not require a building permit, but does require a zoning compliance certificate from the Building Official, or their designee.
- 7) Farm markets/roadside stands may be located within the required yard setback as long as the farm market/roadside stand complies with all of the following:
 - a. Meets the definition of a farm market/roadside stand under section 74-2 and the GAAMPS for farm markets; and
 - b. Has a maximum floor area of any structure or building of 100 square feet or less; and
 - c. Is located outside of any road right-of-way; and
 - d. Conforms to the provisions of section 74-8, visibility at intersections.
 - 8) ~~In any rural residential, suburban residential or urban residential district, accessory uses, buildings and structures not attached to the principal building shall not:~~
 - a. ~~Be located in front of the rear line of the principal building or, in the case of a corner lot, in the required corner side yard;~~
 - b. ~~Be located less than five feet from an interior side or rear property line;~~
 - c. ~~Exceed 15 feet in height.~~
 - 9) ~~In any rural, suburban or urban residential district, not more than 35 percent of the minimum required rear yard may be occupied by accessory structures.~~

- ~~10) In any business or industrial district, any accessory use, building or structure not attached to the principal building or structure shall comply with all area, placement, and height regulations of the district in which located.~~
- ~~11) In any zoning district, the ground floor area of an accessory building or structure shall not exceed the ground floor area of the principal building.~~
- ~~12) In any zoning district, a detached accessory building or structure shall be located at least ten feet from any other principal or accessory building.~~
- 13) Refer to section 74-618 regarding small-scale SES.
- 14) Refer to section 74-9 regarding home occupations.

[NO OTHER CHANGES PROPOSED IN THIS SECTION]

CHAPTER 74, ARTICLE IV, Division 2, Section 461 is amended to read as follows [NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-461. Rural districts.

The following uses are permitted in rural districts:

A = Accessory use

Uses	(1) R-C	(2) A-1	(3) A-R
Farm market/roadside stand as defined in section 74-2 and the GAAMPS for farm markets***	A	A	A
Garage, private (attached or detached)	A	A	A
Greenhouse, private	A	A	A
Home occupation ⁶	A	A	A
Accessory building (Per Sec. 74-426)	<u>A</u>	<u>A</u>	<u>A</u>
Small-Scale SES	A	A	A
Storage buildings, barns, silos	A	A	A
Swimming pool, private	A	A	A

⁶Category 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.

*** See supplementary district regulation section 74-610.

CHAPTER 74, ARTICLE IV, DIVISION 2, SECTION 462 is amended to read as follows [NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-462. Rural and suburban residential districts.

The following uses are permitted in rural and suburban residential districts:

A = Accessory use

Uses	(1) R-1	(2) R-1A	(3) R-2
Home occupation ³	A	A	A
Private garages	A	A	A
Signs	A	A	A
Small-Scale SES	A	A	A
Storage Accessory building (Per Sec. 74-426)	A	A	A
Swimming pool, private	A	A	A

³Category 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.

CHAPTER 74, ARTICLE IV, DIVISION 2, SECTION 463 is amended to read as follows
[NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-463. Urban residential districts.

The following uses are permitted in the urban residential districts:

A = Accessory use

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 ²	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Manager's residence and office	A				A	A	A	
Private garages	A	A	A	A	A	A	A	A
Private greenhouse	A	A	A	A	A	A	A	A
Accessory building (Per Sec. 74-426)	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Signs	A	A	A	A	A	A	A	A
Small-Scale SES	A	A	A	A	A	A	A	A
Storage buildings	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Swimming pool, private	A	A	A	A	A	A	A	A

² Home occupations shall be permitted only in single-family detached dwelling units. 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.

Motion By: Allison

Second By: Moran

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

NAYS: None

Abstain: n/a

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)