



# The City of *Saline*

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## Memorandum

**From:** Community Development Director Ben Harrington

**Date:** August 7, 2023

**Subject:** 23-120 Ordinance 856 - To Define, Permit, and Regulate Accessory Dwelling Units (ADUs)

**Background Brief:** For the last year, the Code Review Committee, our planners with CWA, myself, the Planning Commission, and the HDC have helped craft regulations and standards surrounding Accessory Dwelling Units.

I have attached the same memo here that I provided to the Planning Commission which contains detailed information into how we modified our code as well as the presentation given to them. If you prefer, you can watch the presentation at the 33:00:00 mark of this video - [City of Saline: Planning Commission \(07.26.2023\) - YouTube](#).

The Planning Commission ultimately recommended the ordinance for approval with the additional recommendation that the additional height allowance for detached accessory structures only be allowed in the R-2 district at this time.

The HDC had the opportunity to review this ordinance. I have added the HDC report for your reference which explains the mechanics and consequences of this ordinance in a slightly easier-to-digest way. From the HDC, the only concern was that the ordinance was *too restrictive* and that the City should allow properties in the R-1 districts to pursue these as well. Please note that this memo was written before the Planning Commission's recommendation to allow taller detached accessory structures only in the R-2 district as opposed to all residential districts.

### Here are the fundamental mechanics of the ordinance:

1. Accessory Dwelling Units are allowed by right in the R-2, two-family residential, zoning district. There is no required City approval (from the ZBA, Planning Commission, or City Council) unless the person is seeking a variance. There is no ability for folks outside the R-2 zoning residential district to have an ADU unless they applied for and were granted a use-variance. It is relatively

difficult to meet the criteria for a use-variance and in-theory, someone could apply for one now regardless of whether this ordinance is adopted.

2. Accessory Dwelling Units are held to the same rules and standards as any other attached or detached accessory structure such as a garage. They have the same area and setback restrictions. Per the Planning Commission's recommendation, only homes in the R-2 District will be allowed to have detached accessory structures at 24 feet in height or the height of the home, whichever is less. All other residential districts will be limited to the existing regulation of 14 feet.

3. Accessory Dwelling Units will be able to use existing water and sewer connections and will not be required to be on their own unless the property owner requests it and/or City engineer requires it to be so.

4. Having an Accessory Dwelling Unit on a property will require the owner to show proof of a parking spot in addition to having the proper allocation for the home proper.

**Previous Action:**

Code Review met several times throughout 2022 and again in early 2023 on this ordinance.

The Planning Commission heard this ordinance at their March 22nd meeting. It was recommended for approval by the Planning Commission on a 7-1 vote. At the direction of Council, the Planning Commission had this item again as a discussion item at their June 28th meeting and asked that it be brought back as an action item.

The HDC had the ordinance as a discussion item at their May 18th meeting. The only critique from that body was the belief that allowing ADUs only in the R-2 district is too restrictive.

The item was brought back as an action item to the Planning Commission at their July 26th meeting. The Planning Commission recommended that the proposed increase to the height of allowance of detached accessory structures be limited to just the R-2 District. This change is reflected in the text of the ordinance presented before you today.

**Economic Impact:** n/a

**Budget Line Items:** n/a

**Amendment Required:** No.

**Recommended Motion:**

MOVED

SECONDED

To **acknowledge** receipt of the memo from Community Development Director Harrington and to **approve or not approve** Ordinance 856, an ordinance to define, permit, and regulate accessory dwelling units (ADUs).

**ATTACHMENTS:**

[Recommendation Memo to Council](#)

Ord #856- Accessory Dwelling Units

REDLINE - Ord #856- Accessory Dwelling Units

7.20 CDD Memo to PC on Ordinance #856 - Accessory Dwelling Unit

PC Presentation on Ordinance 856 - ADU

CDD Memo to HDC on ADUs