



TO: Mayor and Council

FROM: Tom Crawford, City Administrator

CC: Derek Delacourt, Community Services Area Administrator
John Fournier, Assistant City Administrator
Jennifer Hall, Executive Director, Ann Arbor Housing Commission
Craig Hupy, Public Services Area Administrator
Brett Lenart, Planning Manager
Molly Maciejewski, Public Works Manager
Marti Praschan, CFO

SUBJECT: April 19, 2021 Council Agenda Responses

DATE: April 15, 2021

CA- 2 - Resolution to Appropriate Funds and to Amend the Public Services Area Alternative Transportation Fund Operations and Maintenance Budget to Support increased Bike Lane Level-of-Service (\$100,000.00) (8 Votes Required)

Question: Q1. What is the current maintenance schedule of our bike lanes? Both protected and unprotected. (Councilmember Ramlawi)

Response: Unprotected bike lanes are swept monthly and protected bike lanes are maintained twice a month.

Question: Q2. What is the description of the specialized snow services required for the newly constructed protected bike lanes? Who is currently doing this maintenance? (Councilmember Ramlawi)

Response: Public Works performs winter snow weather response on bike lanes. The protected bike lanes require a smaller piece of equipment for maintenance than what is used on unprotected bike lanes. The configuration of the bike lane on William Street may require additional shoveling and ice control treatment.

Question: Q3. What are the daily bike trip counts on the newly constructed protected bike lanes? If this is not currently available, are there plans to capture this data? (Councilmember Ramlawi)

Response: Bicycle usage counts have not been conducted on the William Street or First Street cycle tracks; however, this data collection is programmed to occur later in the year. This work will assist staff in understanding safety outcomes and use, similar to what was conducted with the pilot projects this past summer. Staff will incorporate these counts into the City's annual bike/ped count report: <https://www.a2gov.org/departments/engineering/transportation/Documents/City%20of%20Ann%20Arbor%202019%20Count%20Report.pdf>

Question: Q4. What % of the total amount spent towards bike lane maintenance is allocated for the newly constructed protected bike lanes? And what % of the overall bike lane networks do protected bike lanes currently account for? (Councilmember Ramlawi)

Response: Approximately 79% of the total annual bike lane maintenance budget is spent on the existing protected bike lanes.

Protected bike lanes currently account for 1.33% of the overall bike network.

Question: Q5. Why do the protected bike lanes require twice the amount of monthly maintenance? (Councilmember Ramlawi)

Response: The protected bike lane on William Street accumulates debris around the bollards and from the road surface, so it was determined that a higher level of maintenance would be needed to minimize dirt, debris and road gravel interference for cyclists. Each installation will be assessed periodically and adjustments to frequencies will be made as needed.

Question: Q6. What is the annual cost in maintaining a mile of protected bike lane? (Councilmember Ramlawi)

Response: The annual cost to maintain a mile of protected bike lane is \$17,483.03. This number will be adjusted as more protected bike lanes are added to the network.

Question: Q7. What is the annual cost in maintaining a mile of unprotected bike lane? (Councilmember Ramlawi)

Response: The annual cost to maintain a mile of unprotected bike lane is \$877.03

Question: Q8. What is the main driver of the quadrupling in costs in maintaining our bike network since 2019? (Councilmember Ramlawi)

Response: There are several items that have caused an increase in maintenance costs. The addition of both protected and unprotected bike lanes require increased maintenance

costs. Protected bike lanes can require different winter weather response than unprotected bike lanes. Finally, the City increased bike lane maintenance to achieve a higher level of service than was previously provided. Staff's goal was to make this portion of the City's transportation network cleaner, safer and more accessible to cyclists. This proactive maintenance has dramatically reduced resident bike lane maintenance requests and is operationally more efficient than a reactive approach.

Question: Regarding the proposed \$100,000 transfer from Act 51 funds: what other City maintenance/projects are funded by Act 51 money? I.e. If not transferred for the purpose of this agenda item, what other purposes would that \$100,000 be funding? (Councilmember Nelson)

Response: Act 51 funds repairs, maintenance and capital preventative maintenance activities on the City's Major and Local Street System. These activities include traffic sign/signal maintenance, pavement markings, traffic engineering, pedestrian sign/signals, winter maintenance, pothole filling, sweeping, asset management and road surface treatments. If not transferred, the funding would be utilized to support these activities.

CA-3 – Resolution to Direct the Ann Arbor Housing Commission, and its Affiliated Legal Entities, to Complete Due Diligence to Enable Rezoning and Land Division of 721 N Main to Develop Affordable Housing on the W Summit Portion of the Property

CA-4 – Resolution to Direct the Ann Arbor Housing Commission, and its Affiliated Legal Entities, to Develop 353 S Main as Affordable Housing

CA-5 – Resolution to Direct the Ann Arbor Housing Commission, and its Affiliated Legal Entities, to Develop 1510 E Stadium as Affordable Housing

Question: Q1. These items all have resolved clauses with directions. Since these are public properties, can one of the directions be to require the final site plans come back to council for approval, and hold a public hearing on the site plan? It seems appropriate since they are public properties. (Councilmember Hayner)

Response: Council adopted ordinance defines development review processes. The City's ordinances could be amended if changes are desired to the site plan review process.

Question: Q2. What is the ownership of these properties? Can they be transferred to a type of public ownership like a community land trust or community cooperative trust? What would be the mechanism for doing so? (Councilmember Hayner)

Response: These properties are currently owned by the City of Ann Arbor. The eventual ownership structure will be dependent on the final development plan for each site and the sources of financing. The Ann Arbor Housing Commission is a public entity, which must

comply with federal, state and local laws and regulations related to being a public entity, such as the Open Meetings Act, Freedom of Information Act, procurement laws, audits, etc. Land Trusts and Cooperatives are community-based nonprofit organizations, which are not subject to the same laws and regulations that public entities are subject to. The resolutions direct the AAHC to develop the properties. If City Council wants the Housing Commission to evaluate using a specific ownership structure for the properties, City Council may provide this direction in this resolution, or a subsequent resolution.

C-1 - 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 (Accessory Dwelling Units)

Question: How many additional properties become eligible as a consequence of this change:

- If my math is correct, 4% of 15, 203= 608 + 4, 414 = 5,024 additional eligible properties
- Total of roughly 20k properties eligible (Councilmember Disch)

Response: Approximately 15,600 properties would have additional flexibility, and approximately 6,750 additional parcels would become eligible.

Question: During the Discussions had with other municipal leaders at the Affordable Housing Equity Leader meeting on April 5th of this year, the topic of recently adopted ADU ordinances in Chelsea and Dexter were brought up. Could you please ask Teresa Gillotti for the ordinances passed in Chelsea and Dexter as it relates to ADU's? (Councilmember Ramlawi)

Response: Neither community has yet adopted an ADU ordinance. Draft versions from each community are attached.

Question: Q1. These units have been described as “granny flats” - i.e. extra income to help someone afford the rising cost of home ownership or extra housing for homeowners to care for loved ones in close proximity) but the proposed amendments would now permit both units to be rentals, correct? (Councilmember Nelson)

Response: Yes, this is correct.

Question: Q2. For the purpose of calculating tiers for water usage, would an ADU and the primary home be on the same water meter? (Councilmember Nelson)

Response: This arrangement would be at the discretion of the property owner. Both the primary home and an ADU could be served by a single water meter, or by separate water meters. In either circumstance, the meters would be Tier 1.

Question: Q3. If a home is already split into two rental units adds an ADU in the backyard, does that property then qualify as a multiunit (3 units) for the purpose of calculating water fees? (Councilmember Nelson)

Response: This would not be permitted, ADUs are only permissible on single-family properties.

Question: Q4. If the 5,000 sq. ft. lot size minimum was applied, how many city parcels would be eligible for ADUs? (Councilmember Nelson)

Response: Approximately 15,600 city parcels are currently eligible (including minimum 5,000 square foot lot size).

Question: Q5. How many more parcels qualify for an ADU by removing this minimum? (Councilmember Nelson)

Response: If only the minimum lot size was removed (with no other changes to ordinance), approximately 650 additional parcels would be eligible.

Question: Q6. Please share a map illustrating where ADUs would be permitted (applying the lot size minimum vs. removing it). (Councilmember Nelson)

Response: A map is provided on the project webpage (<https://a2-mi.maps.arcgis.com/apps/View/index.html?appid=34970c9da9f140ffb63d7d61eb83b455>) which includes multiple layers for exploration: Current ADU Eligible Zoning Districts; Other Residential Zoning Districts (if proposed amendments adopted); Parcels less than 5,000 square feet; and Owner-occupied parcels.

Question: Q7. What are the side and rear setback requirements for other types of detached accessory buildings? (Councilmember Nelson)

Response: 3 feet is the minimum side and rear setback for detached accessory buildings.

Question: Q1. Excluding R6 (mobile home parks) and A (agricultural) under the proposed ADU ordinance revisions can lots in every residential zoning category have two (2) dwelling units? Can they have more than 2? (Councilmember Hayner)

Response: Generally, yes. Under the proposed amendments, every single family residential property would be eligible to add an Accessory Dwelling Unit. An accessory dwelling unit is distinct from any dwelling unit in that it has more restrictions. Only one ADU can be added to a single family home.

Question: Q2. If the answer to the above is “no”, which zoning categories cannot? (Councilmember Hayner)

Response: Please see response above.

Question: Q3. How many lots will be affected by these proposed changes? (Councilmember Hayner)

Response: Approximately 15,600 properties would have additional flexibility, and approximately 6,750 additional parcels would become eligible.

Question: Q4. Can you include links to the various revisions this ADU ordinance has gone through, either as adopted or as tracked by planning commission? (Councilmember Hayner)

Response: Below are links to previous presentations of proposed ordinance changes:

- 2/9/21
<https://www.a2gov.org/departments/planning/Documents/Planning/ADU%20Ordinance%20Amendments%20%281%29.pdf>
- 2/26/21
<http://a2gov.legistar.com/View.ashx?M=F&ID=9211417&GUID=6048579D-9C9C-46E6-8B48-00CAF2C3AD41>

C-2 - An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 9.8 Acres from TWP(Township), R1C (Single-Family) and R1A (Single-Family) to R4E With Conditions (Multiple-Family Dwelling District with Conditions), Valhalla Ann Arbor Conditional Rezoning, 31, 50, 57, 77, 97, 98, 107, 145, 147, 151, 155, 159, 163 Valhalla Drive and 2065, 2099 South Main Street (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

Question: Q1. Does this rezoning create a precedent that the City would be bound to follow if other developers request a zoning designation that is denser than allowed by the Master Plan? (Councilmember Disch)

Response: No. Rezoning is based on the attributes and consideration of the property under consideration. Staff does not see such similar, repeated characteristics of this site, compared with other sites, that would suggest any precedent.

Question: Q2. If this question is not too speculative, would the traffic impact of development at this site would be greater or less than the proposed project if it were not rezoned but, instead, developed as a single-family subdivision in accordance with the current zoning? (Councilmember Disch)

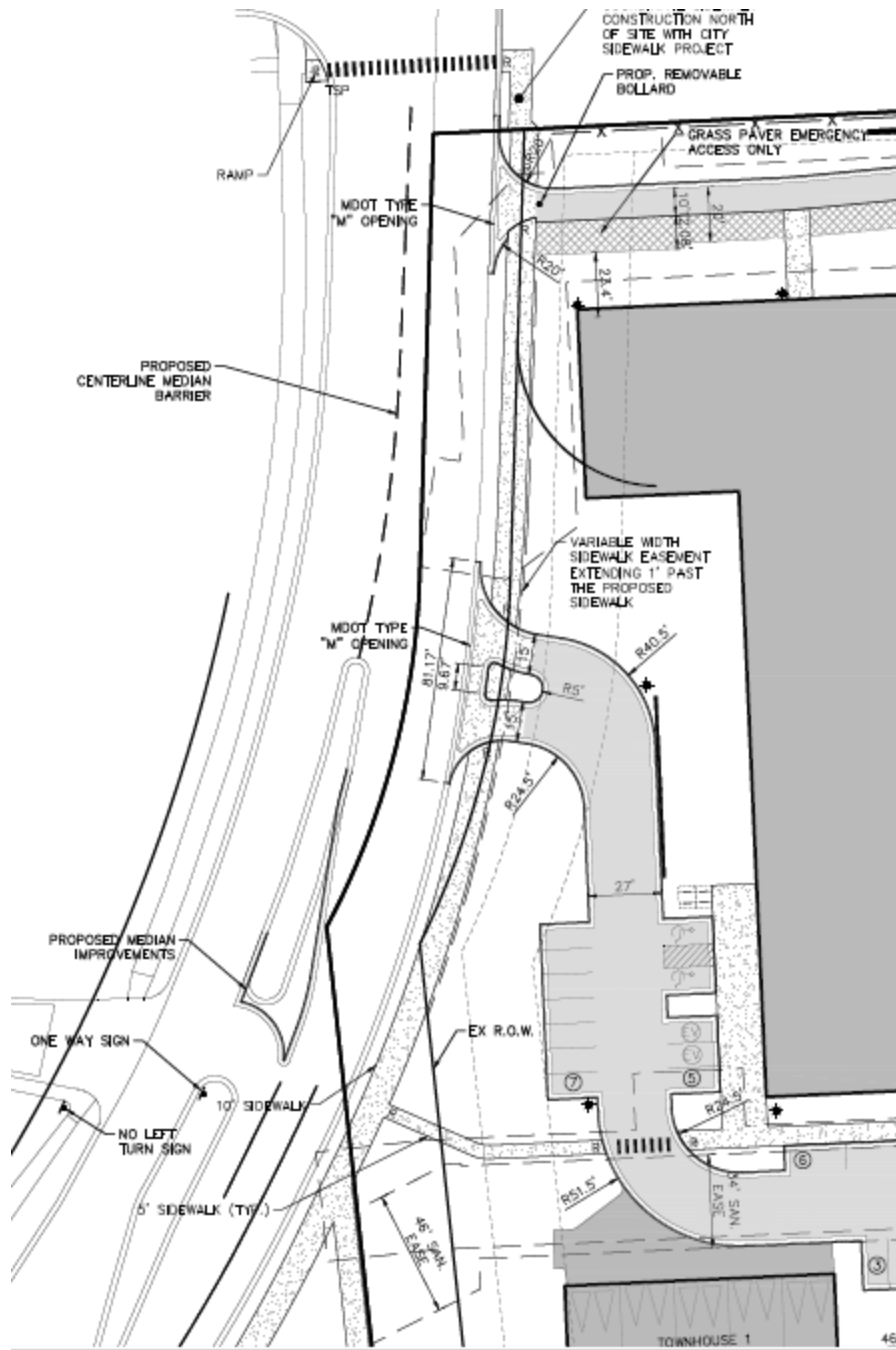
Response: The proposed traffic impact of development at this site if developed with 65 homes would be less than the proposed project. It is estimated that the difference in total trips between this hypothetical and the proposed development would be approximately 2,000 daily trips.

Question: Q3. If the project goes through as planned, will it be the largest electric-only development in Ann Arbor? (Councilmember Disch)

Response: To staff's knowledge, yes.

Question: Q4. I know that Council is not currently approving a site plan, but I would find it helpful to see a drawing of the proposed traffic mitigation--would that be possible? (Councilmember Disch)

Response: Yes. Please see below.



Question: Q1. Earlier staff stated that there would be a need for a new lift station for waste water to be installed for this proposed development. At the time, the costs were estimated to be nearly \$900k. Is there still a need for an additional waste water lift station for this development? If so, who will be financially responsible for that new lift station? What is the current cost estimate for that required waste water infrastructure need? (Councilmember Ramlawi)

Response: Yes, the lift station is still required for this development. The petitioner will be responsible for constructing the station.

Question: Q2. Given the nature of an all eclectic energy source for this proposed development, is it technically feasible with the current electrical infrastructure in that area to deliver consistent electricity to this proposed development? (Councilmember Ramlawi)

Response: From the Petitioner: "DTE has verified that with the recent upgrades to their south area substation there WILL be more than enough power available for the project and all other future development on that side of town."

Question: Q3. Do other electric customers in the area have reason to be concerned that their electric reliability will be compromised if there are no additional transmission line brought to that area because of the additional load this development will demand? (Councilmember Ramlawi)

Response: From the Petitioner: "No, DTE has existing transmission lines in the area to insure adequate supply is available to all of their customers. They point out that most of the local residential issues with electrical supply have to do with tree conflicts with the old overhead distribution systems (through-out the city) - it should be noted that the new infrastructure for the project will be underground. DTE has power distribution lines along Main Street that can carry enough power in the Main Street Corridor for this and any other needs. They only need to add transformer power distribution and drop down transformers from the existing high power distribution lines for the project."

Question: Q4. What are the storm runoff consequences of this proposed development to neighboring stakeholders? (Councilmember Ramlawi)

Response: The most likely consequence will be a slight reduction in existing stormwater runoff to neighboring properties. Storm water is detained on the subject property and released at a gradual rate, rather than some infiltration and surface runoff toward adjacent properties that may exist now. Code does not permit unrestricted runoff from a new development across adjacent property.

Question: Q5. Have there been any alternative proposals brought forward that would address the concerns many have on the awkwardness and dangerous nature of the entrance near the corner of Scio Church and Main? (Councilmember Ramlawi)

Response: Staff have directed the developer to implement changes to Main Street in order to reduce the conflict points and possible crash points.

Question: Q1. Am I reading correctly that of the 15 "affordable" units proposed, only 9 of them meet the City's definition of affordable (60% of AMI)? (Councilmember Nelson)

Response: No, the proposed development will include 15 units all targeted for households at or below 60% of Area Median Income.

Question: Q2. Please share the AMI income levels for 70% AMI and 80% AMI. (Councilmember Nelson)

Response: For a household of 2, the current Income Limits are \$51,200 at 60% AMI, \$63,950 at 80% AMI. 70% AMI is not a published/calculated income level by HUD, which we typically rely upon for such limits.

Question: Q3. This proposal permits five times more units than staff recommendation. What standard (if there is one) does Planning Commission apply to calculate the public benefit to the community and appropriate accommodation to the developer? (Councilmember Nelson)

Response: Public benefit is not a calculation applied to rezonings apart from Planned Unit Development zoning designations. In considering a rezoning, the City should consider the current zoning, the proposed zoning, changes in conditions, and consistency with the City Master Plan.

Question: Q4. Please share examples of previous PUD's that recognized a public benefit significant enough to increase the number of permitted units by a multiplier of five. (Councilmember Nelson)

Response: Below are PUD examples from the past ten years (italicized are greater than five times):

- *2195 E. Ellsworth – Lockwood; PUD approval for 154 homes/base zoning allowed 25 homes*
- 325 E. Summit – Garnet; PUD approval for 199% FAR/base zoning allowed 150% FAR
- *2270 Platt Road – Veridian; PUD approval for 149 homes/base zoning allowed none*
- 2857 Packard; PUD denied for 54 homes/base zoning allowed 54 homes
- *841 Broadway; PUD approved for 96 homes/base zoning allowed none*
- 1514 White - White/Henry/State; PUD approved for 32 homes/base zoning allowed 17

Question: Q5. If this is unprecedented, I am interested in seeing the increase in dwelling unit numbers for each PUD approved in the last ten years (i.e. how many additional housing units were permitted in each PUD, beyond what was allowable in the recommended – or already designated - zoning category)? (Councilmember Nelson)

Response: Please see response above.

Question: Q6. Confirmation: the developer is 'responsible' and will pay for construction of the sanitary sewer lift station? (Councilmember Nelson)

Response: Yes, the developer is responsible and will pay for construction of the sanitary lift station, in accordance with a design approved by the City.

Question: Q7. Who is responsible for ongoing maintenance of the sanitary sewer lift station? (Councilmember Nelson)

Response: After construction, testing, and placement into service, the City will own, operate, and maintain the lift station.

Question: Q8. What are the consequences when a sanitary sewer lift station fails? (Councilmember Nelson)

Response: If a sanitary lift station were to fail, it would prevent the sewerage from reaching the City main, which is located at a higher elevation. This could potentially result in sewerage backing up into the buildings served by the lift station and/or a discharge of sewerage if the wet well was allowed to overflow. To minimize such potential, there are 2-3 pumps in a lift station and a backup generators in case power is lost. Remote telemetry relays alarms and current lift station status to the wastewater plant where it is monitored. A remote terminal unit (RTU) turns pumps on and off based on the level set at the lift station and the reading from an ultrasonic level sensor. There are also a high and low level floats that turn the pumps on and off, if triggered as a backup to the RTU. Alarms call the supervisors phone and blink on the PICS alarm screens. In addition, we have diesel powered pumps that are used if a station has pumps go down and one can't keep up, or if both are in-operable.

Question: Q9. Please explain the need for a sanitary sewer lift station (i.e. one is not required) and whether one would be needed if this parcel was developed consistent with staff recommendation re: number of units. (Councilmember Nelson)

Response: Yes, a lift station would still be required based on the topography of the site and the elevation of the City's public sanitary sewer main.

Question: Q10. The condition related to use of electricity includes a provision allowing "generator powered by natural gas or other fuel for emergency use." What "other fuel" might this refer to? (Councilmember Nelson)

Response: From Petitioner: "Natural gas usually for the emergency back-up electrical generator (diesel fuel is also permitted by code, but we don't want tanks of that fuel stored on-site especially when natural gas is available at Main St. and it burns cleaner)."

Question: Q11. Given the condition prohibiting natural gas hookups, does the development plan include anticipated storage for whatever "natural gas or other fuel" needed for emergency use, e.g. how much is likely to be required, how much will be stored on site and how? (Councilmember Nelson)

Response: From Petitioner: "There would be one natural gas line connection from the gas main to the emergency electrical generator (required by code) No natural gas is stored on-site as there is a medium pressure gas line feed in Main Street."

Question: Q12. We recently amended building standard to reflect increasing risk of flooding—is it standard that a development like this include stormwater management for only a 100-year storm event (events which we know are happening with greater frequency)? (Councilmember Nelson)

Response: Yes, this is the standard code required stormwater management system. More specifically, City code states: for a site planned project, that contains more than 15,000 square feet of impervious surface, the following is required: retention/infiltration of the first flush, and detention of bankfull, and 100-year storm event. Detention facilities designed for the 100-year storm event shall include a Sediment forebay.

Question: Q13. When and where does this city apply a standard higher than 100-year storm events? (Councilmember Nelson)

Response: The only time storage greater than the 100-year event is required, is when the required infiltration requirements can't be met. In that case, the storage volume is assessed a 20% penalty, increasing the total volume.

C-3 – An Ordinance to Amend Section 2:69 of Chapter 29 (Stormwater Rates) of Title II of the Code of the City of Ann Arbor

Question: The resolution states that “the City’s five-year capital improvement plan contains \$32 Million in projects for the stormwater system with an estimated annual revenue requirement for operations and capital investments of \$14 Million.” This 5% increase will increase revenue only by \$606,909.00. What is the current annual revenue? Will this increase close the gap between current annual revenue and the \$14M we need? If not, how will that gap be closed? (Councilmember Disch)

Response: The current forecasted FY21 Stormwater rate is revenue is \$12.9 Million. The rate revenue increase and supplemental operating revenue total \$14 Million, the system requirement. Cash flows and current Stormwater fund balance will be utilized for planned capital investments.

Question: Can you include in the packet a list or table of the % increases in stormwater rates over the last 10 years? (Councilmember Hayner)

Response: Please see chart below.

Storm Increase	
FY 13	3.32%
FY 14	3.80%
FY 15	5.92%
FY 16	6.38%
FY 17	6.25%
FY 18	28%
FY 19	14%
FY 20	13%
FY 21	11%
FY 22	5%

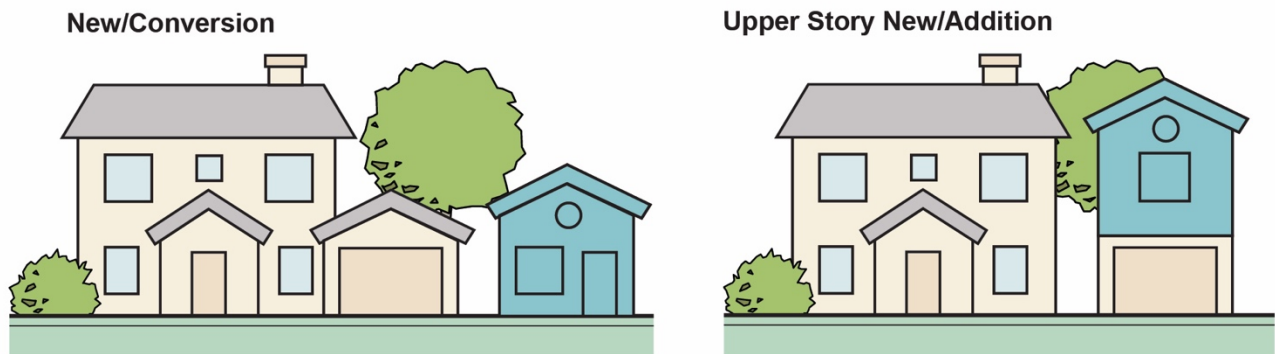
ARTICLE 4. STANDARDS FOR SPECIFIC USES

SECTION 4.01

Accessory Dwelling Units

A. Purpose. Accessory Dwelling Units (ADUs) are permitted to enable a new housing type that respects the look and scale of single-family neighborhoods while:

- (1) Supporting more efficient use of existing housing stock and infrastructure;
- (2) Providing housing that responds to changing family needs, smaller households, and increasing housing costs; and
- (3) Providing accessible housing for seniors and persons with disabilities.



Accessory Dwelling Units

B. ADUs Permitted. One (1) Accessory Dwelling Unit is permitted per parcel in the R-1, R-2, and R-3 Districts, subject to the following standards:

- (1) An ADU shall only be located on a parcel that has a single-family dwelling unit. ADUs shall not be permitted as an accessory use to a two-family dwelling.
- (2) An accessory dwelling unit must be within a new or existing detached accessory building.

C. Design. The ADU shall be designed so that the appearance of the building remains that of a detached accessory building such as a garage or carriage house. Structures shall be of high-quality, natural materials complementing the primary dwelling unit. Metal siding shall be prohibited.

D. Dimensional Requirements. ADUs shall comply with the following dimensional requirements:

Accessory Dwelling Dimensional Requirements	
Minimum Lot Size	7,500 square feet.
Minimum Unit Size	250 square feet.
Maximum Unit Size	600 square feet or 100% of ground floor area of the accessory structure for existing structures.
Setbacks	Same as accessory structures, Section 6.01.
Encroachments	Same as accessory structures, Section 6.01.
Maximum Height	24 feet.

E. Lot Coverage Bonus. For single-family lots existing or permitted as of the Effective Date of this Ordinance that have not already exceeded the permitted lot coverage, a lot coverage bonus may be granted to allow for an ADU of the maximum permitted size allowed by [Section 4.01D](#).

F. Access. Independent exterior access to the ADU is required. Entrances should be located on the side or rear of the structure; however, front entrances are permitted for ADUs located within the rear yard.

G. Water and Sewer. An ADU may be required to have a separate connection to municipal water and sewer upon determination of the Utilities Director.

H. Nonconforming Structures. A nonconforming accessory building existing prior to the Effective Date of this ordinance which is greater than 250 square feet may be converted into an ADU as long as the change in use does not increase the nonconformity of the structure, or a variance is received from the Zoning Board of Appeals. In considering such requests, the City may require the following:

- (1) *Privacy Screening.* Fencing and/or landscaped screening around the structure along neighboring property lines. The fence or landscaping shall be at least six (6) feet in height and achieve a high level of opacity to obscure views from neighboring properties.
- (2) *Letter(s) of Support.* Letters of support from adjacent residential property owners.

I. Occupancy.

- (1) The property owner shall occupy either the ADU or the single-family dwelling on the property for at least 180 days each calendar year.

- (2) An ADU shall be occupied by no more than two (2) people plus their offspring, not to exceed a total of four (4) persons.

J. Short-term Rentals. Leasing or rental of an ADU for less than 30 days is prohibited.

K. Requirements for Occupancy. The following shall be required prior to occupancy of an ADU:

- (1) A Zoning Compliance Permit and Building Permit.
- (2) A deed restriction that runs with the land to be filed with the County Register of Deeds which incorporates the following restrictions:
 - a) The ADU may not be sold separately from the single-family dwelling.
 - b) The owner occupancy requirement of [Section 4.011](#).
 - c) The deed restriction shall be in effect until the ADU is removed.
- (3) A Certificate of Occupancy issued in accordance with [Section 14.04](#).

SECTION 4.02

Adult Businesses

A. Purpose. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when concentrated or when one (1) or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this chapter are intended to prevent a concentration of these uses within any one area and to prevent deterioration or blighting of nearby residential neighborhoods.

B. Restrictions on Location. All such businesses shall be limited to the GI District. No person shall use, establish, build, operate, or allow to be operated an adult business in any building or on any lands:

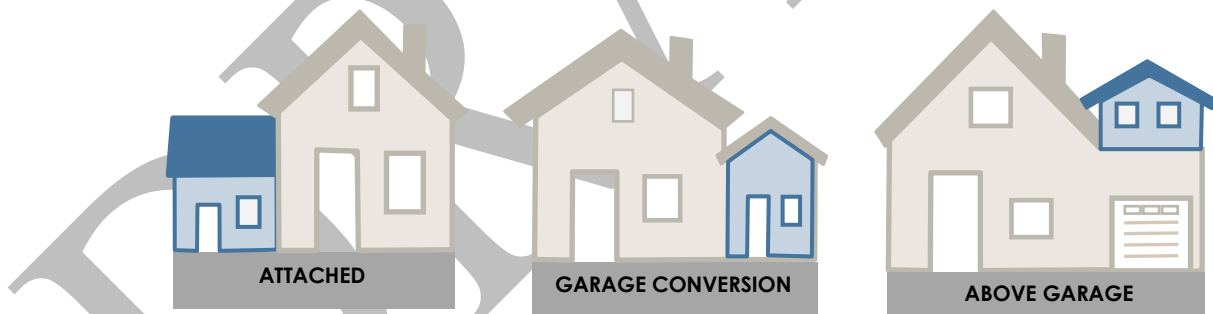
- (1) Within 1,000 feet of another adult business.
- (2) Within 500 feet from any residentially zoned lands, or single- or multi-family dwelling unit.
- (3) Within 500 feet from any church or other religious institution.
- (4) Within 500 feet of any public park or land zoned for such use.

The distance between an adult business and a church, school, public park, or a residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the adult business or building containing an adult business to the nearest property line of the protected use or residential or agricultural district.

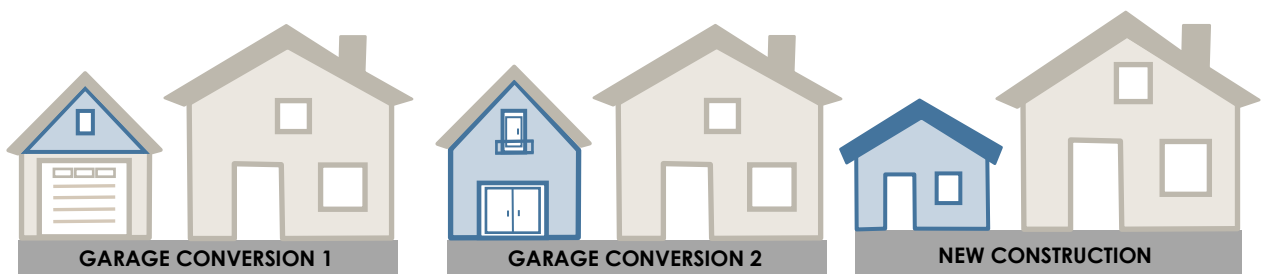
Section 3.31 Accessory Dwelling Units

A. General Provisions.

1. Purpose and Intent. It is the policy of the City of Dexter to promote and encourage the creation of legal accessory dwelling units (ADUs) in a manner that:
 - a. Supports the city's housing affordability goals;
 - b. Supports the efficient use of existing housing stock and public infrastructure;
 - c. Provides housing that responds to changing family need, smaller households, and increasing housing costs;
 - d. Meets the housing needs of residents;
 - e. Provides accessible housing for seniors and person with disabilities; and
 - f. Enhances residential neighborhoods.
2. Definition. Accessory dwelling units (ADUs), also known as accessory apartments, second units, garden apartments, mother-in-law suites, or granny flats are additional living quarters, which are located on single-family lots and are independent of the primary single-family dwelling unit, and which are for not more than one family. ADUs are separate living spaces equipped with kitchen and bathroom facilities, which depending on their location relative to the primary dwelling unit are attached to or detached from the primary dwelling unit or located within the interior of the primary dwelling unit. ADUs are classified into three categories: Attached, Detached and Interior, as follows:
 - a. Attached accessory dwelling units are living spaces that are added onto the primary dwelling. An attached accessory dwelling unit may be located to the side or rear of the primary structure, as a new addition or as a conversion of an attached garage or as a new addition constructed on top of an attached garage.



- b. Detached accessory dwelling units are living spaces that are structurally separate from the primary dwelling. They can be constructed over or within an existing accessory structure, or through the conversion of an existing detached accessory structure, such as a detached garage or as a new accessory stand-alone structure separate from the primary dwelling and any other accessory structures.



- c. Interior accessory dwelling units is another type of attached ADU and are living spaces that are located within the primary dwelling, and are typically built through the conversion an existing space within a primary dwelling, such as an attic or basement.



B. Eligibility, Permits, and Application

1. **Eligibility:** Identify the Zoning Districts in which ADUs may be Permitted and establish owner occupancy requirement.
 - a. Notwithstanding the regulations in Section 21.03.B, one accessory dwelling unit shall be permitted on a parcel that has one single-family dwelling as the principal permitted use, in any zoning district that permit a single-family dwelling on an individual lot as a principal permitted use, subject to administrative review and approval of the Zoning Administrator.
 - b. Accessory dwelling units are not subject to restrictions in Section 3.02 B and C¹.
 - c. The property owner shall occupy either the accessory dwelling unit or the single-family dwelling for which the ADU is accessory, except for temporary absences not to exceed a combined total of 6 months in a calendar year.
 - d. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a detached ADU, while simultaneously constructing a new primary dwelling on the site.
2. **Permit:** Establish that a Zoning Compliance Permit is required, how long the permit is valid, and establish a carrot and stick approach to the renewal process.
 - a. No person shall create an accessory dwelling unit without first obtaining a Zoning Compliance Permit.
 - b. All accessory dwelling units permit shall be issued for a period not longer than five years and must be renewed at the end of the first term of issuance and every such period thereafter. A permit for an accessory dwelling unit does not have to be renewed if, during the time period since the date of the last renewal or waived renewal date, no complaints of violations of the municipal code by the accessory dwelling unit are filed with the Zoning Administrator. Renewal of the permit shall require an inspection of the accessory dwelling unit premises by the Zoning Administrator.
3. **Application Requirements:**
 - a. All applications for a zoning compliance permit for an accessory dwelling unit shall be filed with the City of Dexter Zoning Administrator, on forms provided by the Zoning Administrator, subject to the requirements of Section 22.04(B).

¹ Section 3.02B limits the number of detached accessory structures on a lot and Section 3.02C prohibits the use of an accessory structure as a dwelling unit.

- b. Each applicant shall certify to the City that the proposed accessory dwelling unit included in the application is in compliance with the regulations in this ordinance. No permit shall be issued unless the completed application form is accompanied by payment of the required fee, as established by the City Council.
- c. Within 10 business days of receiving a complete application, the Zoning Administrator shall notify by mail notices all property owners within 300 feet of the property proposed for an accessory dwelling unit. The notice shall:
 - i. Describe the nature of request.
 - ii. Identify the property that is the subject of the request, including by address or parcel identification number.
 - iii. Indicate when and where written comments may be submitted concerning the request.

C. Development Regulations

1. Conversion of an existing accessory dwelling unit.

- a. An accessory dwelling unit may be permitted in a legally conforming accessory building that was constructed before December 31, 2021.
 - i. If the existing accessory building is more than 200 square feet in gross floor area, it may be replaced or modified for use as an accessory dwelling unit, provide the new or modified accessory building conforms to the standards and regulation of this ordinance.
- b. A nonconforming accessory building that was constructed after December 31, 2021, which is over 200 square feet in gross floor area shall be replaced or modified prior to use as an accessory dwelling unit, provided the new or modified accessory building conforms to this ordinance.

2. Short-term rental. Prohibit an ADU from being used as a short-term rental.

- a. Short-term rental of an accessory dwelling unit shall be prohibited.

3. Deed Restriction. 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 be incorporated the following restrictions:

- a. The accessory dwelling unit may not be sold separately from the principal dwelling unit to which it is an accessory.
- b. The owner occupancy requirement of Section II.1.c, above.

4. Minimum Lot Area.

- a. The minimum lot area required for an ADU shall be 5,000 sq. ft.
- b. Notwithstanding the provisions of Section 3.02.B and C, the maximum gross floor area (gfa) of an ADU shall be as follows:

Lot Area	ADU Max. (gfa)
5,000 sq. ft. to <7,800 sq. ft.	600 sq. ft.
7,800 sq. ft. to <12,000 sq. ft.	780 sq. ft.
≥ 12,000 sq. ft.	960 sq. ft.

5. Setbacks.

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling unit, including by a breezeway, shall be subject to the same setback requirements as the principal single-family structure.
- b. Detached ADU.
 - i. A detached ADU shall be at least 10-feet from the single-family dwelling and other accessory structures
 - ii. and at least 5 feet from any side or rear lot line, at least 50 feet from any shoreline and at least 10 feet from the boundary of a regulated wetland.

6. Lot coverage. Notwithstanding the maximum lot coverage regulations in Section 20.01 for residentially zoned lots in the R-1A, R-1B, and VR District, the maximum lot coverage for a detached ADU shall be as follows:

Zoning District	Max. Lot Coverage Detached ADU	Max. Lot Coverage All Structures on the Lot
R-1A	8%	33%
R-1B and VR	10%	40%

7. Height.

- a. Attached ADU. An ADU that is structurally attached to the single-family dwelling, including by a breezeway, shall be subject to the same height requirements, as the principal single-family structure to which it is attached. At no time shall the attached ADU exceed the height of the single-family dwelling to which it is attached.
- b. Detached ADU. The maximum building height of a detached ADU shall not exceed 16 feet, measured from the established grade of the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. At no time shall the detached ADU exceed the height of the single-family dwelling to which it is an accessory

8. Public Utilities. All ADUs must be served by public water and public sanitary sewer, but only by connecting with the lines serving the principal single-family dwelling on the same lot.

9. Design.

- a. ADUs shall be designed to enhance the residential neighborhood in which it is located.
- b. ADUs shall comply with the single-family design standards in Section 3.04 of this ordinance.
- c. The orientation of the proposed ADU shall, to the extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surround Please let staff know if you have any questions or comments. Otherwise, staff looks forward to discussing the draft ordinance with the Planning Commission.