

UDC Amendments – Short Term Rentals – Ordinance Revisions Committee – February 23, 2021

Origin

On December 21, 2020, Ann Arbor City Council enacted Resolution R-20-473 which directed the City Administrator, and Planning Commission, if applicable, to develop and propose amendments to Chapter 97 (Short Term Rentals) and/or Chapter 55 Unified Development Code to create the appropriate regulatory structure to enable the continued operation of preexisting short term rentals.

Background

This direction comes after adoption of Ordinance 20-24 by the City of Ann Arbor which, in part, restricts short term rentals that are not the principal residence of the operator from operation in residential zoning districts. The proposed ordinance amendments are tailored to reflect this previous legislative action by the City.

Proposed Amendments

The proposed amendments to Chapter 55 in response to this direction are provided below.

Added Short Term Rental – Non-Principal Residence as a permitted use in Mixed-Use Districts:

TABLE 5.15-1: PERMITTED PRIMARY USE TABLE																																	
P= PERMITTED 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 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY																																	
USE CATEGORY AND TYPE	RESIDENTIAL															MIXED USE					NONRESIDENTIAL AND SPECIAL PURPOSE				USE-SPECIFIC STANDARDS								
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	Rs	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	Rs	P	PL	RE	ORL	M1	M1A	M2	5.16
Hotel																P	P	P	P	P	P	P	P	P									
<u>Short-Term Rental - Non-Principal Residence</u>																P	P	P	P	P	P	P	P	P									
Recreation																																	

Added Short Term Rental – Principal Residence Homestay and Whole House as accessory uses in residential districts:

TABLE 5.15-2: PERMITTED ACCESSORY USE TABLE

P= PERMITTED

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

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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	Rs	R3A	R3B	R3C	R3D	R3E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M3	5.16
Parking Attendant Building																										A							5.16.6A;
Restaurant, Bar, Food Service																										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	
<u>Short-Term Rental – Principal Residence Homestay</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									
<u>Short-Term Rental – Principal Residence Whole House</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									

Added Section to Non-Conforming provisions that enable Non-Principal Residence Short-Term Rentals that were established prior to March 1, 2021 (effective date of licensing ordinance) to continue as legal nonconforming uses:

5.33.6 Non-conforming Short-Term Rental, Non-Principal Residence

A Non-Principal Residence Short-Term Rental established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 5.32.1.

Added related definitions to UDC:

Permanent Resident

The person(s) occupying a dwelling unit as their Principal Residence.

Principal Residence

The dwelling unit where an owner of the property or a tenant of a period of greater than 30 days, has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a principal residences until another principal residence is established.

Short-Term Rental, Non-Principal Residence

Any dwelling unit that is not the owner's Principal Residence, and is rented wholly or partly for compensation for periods of 50 consecutive days or less.

Short-Term Rental – Principal Residence Homestay

Activity where Permanent Resident hosts visitors in their home, for compensation, for periods of 50 consecutive days or less, while the Permanent Resident lives on-site, in the same dwelling unit, throughout the visitor's stay.

Short-Term Rental – Principal Residence Whole House

Activity where permanent resident hosts visitors in their home, for compensation, for periods of 50 consecutive days or less, while the Permanent Resident is not present or occupied by the Permanent Resident, throughout the visitor's stay.

The full drafted ordinance is attached for reference to show the changes proposed in context of existing ordinance.

Next Steps

- Questions and/or feedback by Ordinance Revisions Committee this evening
- Public Hearing Scheduled for March 2, 2021 City Planning Commission Regular Meeting
- City Council consideration after Planning Commission recommendation