



City of Ann Arbor Planning Services

Memorandum

TO: Mayor and City Council

THROUGH: Howard S. Lazarus, City Administrator
Derek Delacourt, Community Services Administrator

FROM: Brett Lenart, Planning Manager

RE: Resolution R-18-446 Status

DATE: February 1, 2019

Resolution [R-18-446](#), enacted by City Council on November 8, 2018 directed action on three items:

1. *Direct the City Attorney to draft a template deed restriction by December 31, 2018 for use by property owners interested in adding an accessory dwelling unit (ADU) to their property.*

This is complete and the templates are attached for your reference.

2. *Direct the City Administrator and Planning Commission to evaluate amendment to the ADU provisions of the Unified Development Code that eliminates the requirement that a detached ADU only be permitted on a property where an existing accessory structure was present prior to December 31, 2016.*
3. *Direct the City Administrator and Planning Commission to evaluate other amendments to increase the opportunity for realization in the community.*

No timeframe was established for the latter two directions, however consideration of the proposed amendments has occurred at one Ordinance Revisions Committee meeting and it is anticipated that draft language will be presented for consideration in February, with a public hearing held in March. If action by the Planning Commission occurs in March, any proposed ordinance amendments would proceed to the City Council in April and May of this year.

Attachments (Deed Restriction Templates)

CC: Stephen Postema, City Attorney
Kevin McDonald, Senior Assistant City Attorney

ACCESSORY DWELLING UNIT DEED RESTRICTION

As of [DATE], [NAME], of [PROPERTY ADDRESS], the owner ("Owner") of the real property ("Property") located in the City of Ann Arbor, County of Washtenaw, described in Exhibit A and commonly known as:

[PROPERTY ADDRESS]

covenants and agrees that:

1. The Property contains a secondary dwelling unit that has been approved by the City of Ann Arbor as an Accessory Dwelling Unit as defined by, and pursuant to, the requirements of the City of Ann Arbor Unified Development Code ("Unified Development Code"), conditioned on the recording of this Accessory Dwelling Unit Deed Restriction ("Deed Restriction").
2. The Accessory Dwelling Unit on the Property ("ADU") shall not be sold separately, or divided in ownership, from the single-family dwelling unit that is the permitted principal use of the Property.
3. The Owner of the Property shall occupy either the single-family dwelling or the ADU on the Property, except for temporary absences not to exceed a combined total of six months in any calendar year.
4. The ADU shall comply with all requirements for Accessory Dwelling Units in the Unified Development Code.
5. This Deed Restriction runs with the land and shall be binding upon any heirs, successors, and assigns of the Owner of the Property.
6. This Deed Restriction shall be recorded for the benefit of the City of Ann Arbor, as required by the Unified Development Code
7. This Deed Restriction shall terminate either upon removal of the ADU, or by written release of the Accessory Dwelling Unit Deed Restriction by the City of Ann Arbor.

[SIGNATURES ON FOLLOWING PAGE]

Owner Signature: _____ Date _____

Owner Printed Name: _____

STATE OF MICHIGAN)
)
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 in Washtenaw County by _____.

_____, Notary Public
Washtenaw County, Michigan
Acting in Washtenaw County
My commission expires: _____

Drafted By and After Recording Return to:

Kevin McDonald (P61761)
City Attorney's Office
City of Ann Arbor
301 E. Huron Street
Ann Arbor, Michigan 48104

Exhibit A
Legal Description of Property

[INSERT LEGAL DESCRIPTION]

Property ID#: ____-____-____-____-____-____

ACCESSORY DWELLING UNIT DEED RESTRICTION

As of [DATE], [NAME 1] and [NAME 2], of [PROPERTY ADDRESS], the owners (collectively, the "Owner") of the real property ("Property") located in the City of Ann Arbor, County of Washtenaw, described in Exhibit A and commonly known as:

[PROPERTY ADDRESS]

covenant and agree that:

1. The Property contains a secondary dwelling unit that has been approved by the City of Ann Arbor as an Accessory Dwelling Unit as defined by, and pursuant to, the requirements of the City of Ann Arbor Unified Development Code("Unified Development Code"), conditioned on the recording of this Accessory Dwelling Unit Deed Restriction ("Deed Restriction").
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[SIGNATURES ON FOLLOWING PAGE]

Owner Signature: _____

_____ Date

Owner Printed Name: _____

Owner Signature: _____

_____ Date

Owner Printed Name: _____

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)
COUNTY OF WASHTENAW)

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Kevin McDonald (P61761)
City Attorney's Office
City of Ann Arbor
301 E. Huron Street
Ann Arbor, Michigan 48104

Exhibit A
Legal Description of Property

[INSERT LEGAL DESCRIPTION]

Property ID#: _ _ - _ - _ - _ - _ - _ - _ - _ - _ -