



Legislation Text

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An Ordinance to Amend Section 5:1(1), 5:10.2, 5:10.4, 5:10.5 and 5:10.10 of Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor (Accessory Dwelling Units) (Ordinance No. ORD-16-16)

On April 19, the Planning Commission recommended approval of zoning text amendments related to Accessory Dwelling Units (ADUs). The Environmental Commission passed a resolution supporting proposed changes on March 24, 2016 and the Housing and Human Services Board passed a similar resolution on May 12, 2016.

City Council held a work session on May 9th as ADUs are one of the council priorities for 2016. At the work session City Council considered the matter. The discussion led to a few changes to the text amendment. The update has a date of 5/24/16.

Description and analysis

Chapter 55 (Zoning), Section 5:1 (Definitions) - In this section, Accessory Apartment will be renamed Accessory Dwelling Unit, and ADUs can be allowed in accessory structures. Occupancy standards are removed in the definition as they are addressed in the text of Section 5:10.2.

Chapter 55 (Zoning), Section 5:10 (R1A, R1B, R1C, R1D, R1E, single family district)

A purpose statement was added. Proposed amendments allowing ADUs in R2A, but only on parcels with a single family dwelling unit; and exclude parcels that have a duplex.

Owner-occupancy is required in either the primary or accessory dwelling unit. While an absence is allowed, it cannot exceed 6 months in a calendar year. The owner may live in either the ADU or the principal unit.

As proposed, ADUs can be developed as part of the primary unit (basement, attic, addition), or as a detached accessory structure. Legal, conforming accessory structures built before Dec. 31, 2016 can include an ADU. In addition, existing legal accessory structures constructed before December 31, 2016 and more than 200 square feet can be demolished and rebuilt to include an ADU. While this might encourage more accessory structures to come into compliance, it does not create a pathway for future new garages and carriage houses to have the option for an ADU.

The size of the ADU is intended to scale based on the lot size. A minimum lot size of 5,000 square feet is required, allowing for an ADU of up to 600 square feet. If the lot size is larger than 7,200 square feet, the ADU can be up to 800 square feet.

At least one off-street parking space is required in cases where the property is not within ¼ mile of a bus stop, or where parking cannot be provided as tandem or stacked parking in a drive that is located out of the required front yard.

There have been many community questions about enforcement. Several proposed provisions offer means to enforcement, including owner-occupancy, a minimum rental/lease period of 30 days, deed restriction, required housing inspections, and others. Most notably, applying the definition of Family

in Section 5:7 to both the primary residence and ADU, requires occupancy on the site be limited to that of a single family residence without an ADU. By limiting occupancy to two persons plus their offspring living as a single housekeeping unit, staff feels that the provision allows for limitation on intensity of use.

The deed restriction states that an ADU cannot be sold separately from the primary dwelling unit., e.g. as a condo. It also indicates that the Certificate of Occupancy is in effect for the ADU while owner-occupied (subject to allowed temporary absences). It also notes that the deed restriction shall run with the land and remain binding for successive owners. Lastly it includes a provision where the deed restriction may lapse upon removal of the accessory dwelling unit.

If adopted, staff will develop an ADU guide to help potential homeowners understand the new regulations and requirements, including cost estimates and information on relevant housing and building codes.

If adopted, staff recommends consideration of incentives that could be provided in return for specific affordability limits. Incentives could include fee waivers, work with architects on usable plans, and potential development of loan products with local banks or credit unions that can be used to provide attractive mortgages leveraged in return for affordability requirements.

Additional information can be found at

<http://www.a2gov.org/departments/planning-development/planning/Pages/Accessory-Dwelling-Units.aspx>

Attachments: 4/19/16 Staff Report
4/19/16 Planning Commission Meeting Minutes
5/24/16 Proposed Ordinance
5/24/16 Updated Memo to Council
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ORDINANCE NO. ORD-16-16

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ZONING

AN ORDINANCE TO AMEND SECTION 5:1(1), 5:10.2, 5:10.4, 5:10.5 AND 5:10.10 OF CHAPTER 55 (ZONING ORDINANCE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 5:1 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended to read as follows:

5.1. Definitions.

- (1) *Accessory dwelling unit (ADU) apartment.* A dwelling unit for not more than 1 family 2 persons which is an integral part of a 1single-family detached dwelling or is included in a detached accessory building, and that meets all of the requirements of section 5:10.2(4)(d) .
- (2) *Accessory use.* A land use which is incidental to a principal land use.
- (3) *Affordable housing.* Housing units where the occupant is paying no more than 30% of gross income for housing costs, including taxes and utilities.
- (4) *Agriculture.* The production of crops.
- (5) *Boarding house.* A dwelling, other than a hotel or dormitory, where lodging and meals are provided for more than 75% of the people in residence for compensation and by prearrangement for definite periods of 30 days or more.
- (6) *Building.* Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.
- (7) *Building, accessory.* A subordinate structure, whether attached or detached, on the same lot as the principal building.
- (8) *Building, principal.* A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.
- (9) *Building coverage.* The percentage of a lot covered by buildings, including carports and parking structures. Building coverage is measured from exterior wall to exterior wall, including all structural projections except architectural features such as cornices, eaves and chimneys.
- (10) *Building frontage.* The portion of a building facing any adjacent public street.
- (11) *Building height.* The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.
- (12) *Child care center.* A facility, receiving 1 or more children for care for periods of less than 24 hours a day.
- (13) *Church.* A building owned by a religious organization which is principally used for public worship.
- (14) *Dish antenna.* A signal-sending or receiving device for communicating with orbiting satellites.
- (15) *Distances between principal buildings on a lot.* In addition to the required setback lines, the horizontal distance between multiple-family buildings shall not be less than 20 feet.
- (16) *Drive-thru facility.* Any building or structure, or portion thereof, that is constructed or operated for the purpose of providing goods or services to customers who remain in their motor vehicle during the course of the transaction.

- (17) *Dwelling unit*. One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by 1 family.
- (18) *Dwelling, multi-family*. A building containing 3 or more dwelling units arranged either side by side or 1 above the other.
- (19) *Family*. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of section 5:7.
- (20) *Family day care home*. A private dwelling in which up to 6 minor children are received for care and supervision for periods of less than 24 hours a day.
- (21) *Fraternity or sorority house*. A building used by a college fraternity or sorority as a principal place of residence for its members.
- (22) *Funeral home*. A building used for the preparation of the deceased and for ceremonies taking place prior to burial or cremation.
- (23) *Group day care home*. A private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.
- (24) *High-water mark, ordinary*. The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.
- (25) *Home occupation*. An accessory use of a nonresidential nature which is performed within a dwelling or within an accessory building, and conducted by members of the family residing in the dwelling, and not more than 1 additional employee.
- (26) *Hotel*. A building or portion of a building containing 4 or more individual rooms, suites of rooms or dwelling units offered for transient sleeping accommodations for periods of 29 days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services and communication and fitness facilities.
- (27) *Housekeeping unit*. A dwelling unit organized as a single entity in which the members of the household share common facilities.
- (28) *Lot*. A parcel of land, not including a public or private street, which may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel of land that meets the requirements of this chapter.
- (29) *Lot, corner*. A lot or parcel of land abutting upon 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.
- (30) *Lot line*. The boundary of a lot.
- (31) *Lot line, front*. The lot line separating a lot from a street.
- (32) *Lot line, rear*. The lot line opposite and most distant from the front lot line; or in the case of irregularly-shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

- (33) *Lot line, side.* Any lot line other than a front or rear lot line.
- (34) *Lot of record.* A lot for which the deed, prior to January 1, 1963, is on record with the Washtenaw County Register of Deeds and which exists as described therein. (See section 5:61 for regulations.)
- (35) *Lot width.* The length of a straight line drawn between the points where the front setback line cuts the side lot lines.
- (36) *Lower income households.* References made collectively to low and very low income households or individuals. Encompasses all households with income levels less than 80% of City of Ann Arbor median income as defined by the United States Department of Housing and Urban Development.
- (37) *Nonconforming structure.* A lawfully-established building or structure that does not conform to the regulations of this chapter.
- (38) *Nonconforming use.* A lawfully-established use of land which does not conform to the use regulations of this chapter.
- (39) *Nursery school.* A daytime group facility which has as its main objective a developmental program for pre-school children and whose staff meets the educational qualifications as established by the State of Michigan.
- (40) *Open space, required.* The portion of a lot between the required setback line and the lot line.
- (41) *Open space, permanent.* The portion of a lot or lots, exclusive of road rights-of-way, vehicle access and utility easements, and required storm water management, soil erosion and sedimentation control facilities, which is restricted by a recorded conservation easement or similar binding instrument. Permanent open space is intended for, but shall not be limited to, the preservation and conservation of undeveloped natural resources, natural features, scenic or wooded conditions or naturally occurring water surfaces. It may also include undeveloped greenways of contiguous or linear open space providing habitats or corridors for wildlife, or links between parks, nature reserves, cultural features or historic sites for passive recreation or conservation.
- (42) *Open space.* The portion of a lot which is devoted to outdoor recreation space, greenery, and space for household activities. Open space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory structures used for recreational purposes, permanent or seasonal water surfaces and protected natural areas. It shall not include area covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.
- (43) *Open space, active.* The portion of open space devoted to and suitable for outdoor recreation and household activities measuring at least 6 feet by 10 feet if intended for common or shared use by all households and at least 4 feet by 10 feet if intended for private or individual household use. Common or shared active open space may include, but shall not be limited to, lawns, sidewalks and pathways, playgrounds, fields (baseball, soccer, etc.), courts (basketball, tennis, etc.), and swimming pools. Private or individual active open space may include, but shall not be limited to, porches, decks, balconies, patios, and accessible portions of roofs. Active open space shall not include woodlands, storm water management basins, wetlands, natural features open space, conflicting land use buffers, vehicular use area interior landscape islands or screening.

- (44) *Principal use.* The primary use of any lot.
- (45) *Private school.* A building used for the purpose of elementary or secondary education.
- (46) *Public utility.* Private enterprise with a franchise for providing a public service.
- (47) *Rooming house.* A building, other than a hotel or dormitory, where for compensation and by prearrangement for definite periods, lodging is provided for more than 3 roomers.
- (48) *Rooming unit.* Any room or group of rooms forming a single habitable unit, but which does not contain cooking facilities.
- (49) *Setback, established front.* The minimum or maximum distance at which an existing building is located from the street right-of-way line.
- (50) *Setback, required.* The minimum or maximum distance specified by this chapter which must be provided between a lot line and a structure.
- (51) *Setback line, established front.* A line parallel to the street, extending from the point at which an existing building is closest to the street right-of-way line outward to the lot lines.
- (52) *Setback line, required.* A line parallel to a property line representing the minimum required setback from that property line.
- (53) *Single-family dwelling.* A detached building containing 1 dwelling unit.
- (54) *Special exception use.* A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.
- (55) *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.
- (56) *Structure.* A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.
- (57) *Student cooperative housing.* A facility used for housing students who therein largely perform their own household maintenance and meal preparation and who have a vote in the operation, maintenance and management of their household affairs. Such housing is registered with The University of Michigan.
- (58) *Townhouse.* A building containing 3 or more dwelling units arranged side by side, separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.
- (59) *Two-family dwelling.* A detached building containing 2 dwelling units.
- (60) *Usable floor area, nonresidential.* Usable floor area for nonresidential uses shall be measured to the exterior face of the exterior walls for all floor areas that are accessible by a fixed stairway, ramp, escalator or elevator, which may be made fit for occupancy. The measurement shall include the floor area of any accessory buildings and above-grade parking structures, except those portions of a parking structure used for required premium or PUD parking. Below-grade parking cellar areas shall not be counted as usable floor area. For the purpose of this subsection, the definitions of cellar and grade contained in Chapter 98 of this Code shall apply.
- (61) *Usable floor area, residential.* The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls,

plus that area, similarly measured, of all other stories having more than 90 inches of headroom that are accessible by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of garages, accessory buildings, attics, breezeways and unenclosed porches.

- (62) *Wireless communications antenna.* An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, excluding ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.
- (63) *Wireless communications facility.* Includes wireless communications antennas or towers and all unstaffed facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving signals, usually consisting of an equipment shelter or cabinet, support structure and/or other transmission and reception devices. This definition excludes ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.
- (64) *Wireless communications tower.* A tower, including, but not limited to, self-supporting lattice, guyed, or monopole which elevates the wireless communications antenna and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

Section 2. That Section 5:10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.2. - R1A, R1B, R1C, R1D, R1E single-family dwelling district.

(1) *Intent.*

- (a) These single-family residential districts are designed to provide an environment of predominantly low-density, single-family detached dwellings, along with other related facilities which serve the residents in the district such as schools, recreational facilities, parks and churches. These districts should be convenient to commercial facilities and public transportation.
- (b) It is the purpose of these districts to encourage the preservation and the continuation of the longstanding residential fabric in existing neighborhoods of predominantly 1-family dwellings, along with other related facilities which serve the residents in these districts.
- (c) Accessory dwelling units are allowed to enable a new housing prototype that respects the look and scale of single-family neighborhoods while: supporting more efficient use of existing housing stock and infrastructure; providing housing that responds to changing family needs, smaller households, and increasing housing costs; providing accessible housing for seniors and persons with disabilities; and supporting affordable housing goals.
- (cd) Application of the R1D and R1E district in newly developing areas may require a greater degree of services than the less dense 1-family dwelling districts. To assure health, safety and welfare, any future R1D or R1E zoning in newly developing areas should be contingent upon the availability or provision of adequate services to serve such higher densities, in addition to other pertinent planning considerations.

(2) *Permitted principal uses.*

- (a) Single-family dwelling firmly attached to a permanent foundation, connected to a public sewer and water supply. Single-family dwellings in the R1E district shall not exceed 2,000 square feet of floor area.
- (b) Public schools, libraries and cemeteries.

(3) *Special exception uses pursuant to section 5:104.*

- (a) Churches and private schools.
- (b) Child care centers and nursery schools located in R1 districts and R2 districts subject to the following standards:
 - 1. The parcel must have a minimum of 7,500 square feet of gross lot area.
 - 2. One off-street parking space for each care giver required to staff the facility at its state licensed capacity must be provided.
 - 3. Adequate off-street or on-street parking spaces available for drop off and pick up use within 250 feet of the child care center parcel must be documented on the site plan. The number of drop-off and pick-up spaces shall be 2 plus 1 additional space for each 20 children that the facility is licensed to care for.
 - 4. Occupancy may not be increased without amending a previously approved special exception use permit.

(c) Private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education, subject to the following standards.

- 1. The site must contain at least 20 acres.
- 2. No building or other use of land except landscaped areas shall be situated within 100 feet of any adjacent residential property.

(d) Offices of non-profit corporations in buildings constructed prior to January 1, 1988, subject to the following standards:

- 1. The parcel must have a minimum of 80,000 square feet of lot area.
- 2. The building must contain a minimum of 3,000 square feet of usable floor area, excluding basements or cellars, constructed prior to January 1, 1988.
- 3. There shall be no more than 1 employee for each 300 square feet of usable floor area, constructed prior to January 1, 1988, excluding basements or cellars.
- 4. Off-street parking in the amount of 1 space for each 300 square feet of usable floor area, constructed prior to January 1, 1988, excluding basements or cellars, shall be provided in accordance with the standards of Chapter 59.
- 5. Signage shall be limited to 1 identification sign of no greater than 25 square feet in accordance with the provisions of Chapter 61.
- 6. One dwelling unit within the existing structure may be approved as part of this special exception use approval.
- 7. The use will result in preservation of open space and/or historic sites or structures.

8. The nature of the use will not be of such intensity as to disrupt the peaceful enjoyment of the neighborhood, specifically the use shall not generate more than 20 office-related vehicle trips (excluding employee related trips) in any 1 day from the site.
 9. No building or other use of land except landscaped areas shall be situated within 30 feet of any adjacent residential property.
- (e) One accessory apartment, subject to the following standards:
1. The owner of the dwelling in which the accessory apartment is created shall occupy 1 of the dwelling units, except for temporary absences.
 2. The accessory apartment shall be designed so that the appearance of the building remains that of a 1-family residence. Any new entrances shall be located on the side or in the rear of the building and any additions shall not increase the square footage of the original house by more than 10%.
 3. The accessory apartment shall not exceed 25% of the entire floor area of the structure, nor shall it be greater than 600 square feet in gross floor area.
 4. The dwelling to which an accessory apartment is to be added must be owner-occupied and have been owner-occupied by the current owner for the 12 calendar months preceding the date of application.
 5. No rent shall be paid for the accessory apartment.
 6. The accessory apartment shall be occupied only by persons related by blood, marriage or adoption to the family occupying the principal dwelling or by not more than 2 employees not related to the family occupying the principal dwelling.
 7. Accessory buildings may not be converted for accessory apartment use.
 8. The total number of persons residing in the building shall not exceed the occupancy permitted by section 5:7.
 9. At least 3 off-street parking spaces shall be provided for the dwelling and accessory apartment.
- (fe) Private swimming club, subject to the following standards:
1. For purposes of this section, a private swimming club is defined as property used by an association of persons, organized for the common purpose of outdoor swimming and accessory recreational activities who pay a fee for membership in a nonprofit organization established to provide outdoor swimming and accessory recreational facilities. Membership shall be open to residents of the subdivision or residential development in which the pool is located.
 - a. A private swimming club established prior to and continuing in use on August 1, 2000, and which is located in a district in which it is permitted under the terms of this ordinance shall be deemed a conforming use without further action, application or review.
 - b. Where 1 or more modifications of a private swimming club, described in subsection a., above, is desired, the requirements of this section and section 5:104 (7) shall apply.
 2. For purposes of this section, an accessory recreational facility is defined as an outdoor

playground, volleyball, basketball or tennis court, or other similar recreational facility where equipment is permanently installed.

3. A landscape buffer shall be provided to screen accessory recreational facilities and outdoor swimming pools, pool decks and spas from adjacent residential properties. The landscape buffer shall consist of the following: (1) A landscaped strip at least 15 feet wide. (2) One tree for each 20 feet or fraction thereof of abutting land. At least 50% of the trees within a conflicting land use buffer shall be evergreen. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 50 feet apart. (3) A hedge, berm, wall, fence or combination thereof forming a continuous screen at least 4 feet high. The Planning Commission may establish greater or lesser buffer or screening materials for the recreational activity based on specifics of the parcel and the surrounding land uses.
4. The required parking shall be 1 space per 200 square feet of usable floor area of the club building.
5. For purposes of this section, any permanent addition, other than a fence, to an existing club building, accessory recreational facility, or outdoor swimming pool, pool deck, or spa, or the construction of a new club, club building, accessory recreational facility, or outdoor swimming pool, pool deck, or spa shall constitute a modification of the use which requires special exception use approval.
6. For purposes of this section, any new accessory recreational facility or permanent addition to an existing accessory recreational facility at a private swimming club will require a plot plan showing the existing and proposed structures and improvements on the site, instead of a site plan, as part of the special exception use application.

(4) *Permitted accessory uses.*

- (a) Family day care homes in any dwelling if licensed by the State of Michigan Department of Social Services.
- (b) Group day care homes in 1-family dwellings only if licensed by the State of Michigan Department of Social Services and if the following standards are met:
 1. A zoning compliance permit is obtained from the building department.
 2. Located on a lot with at least 5,000 square feet of gross lot area.
 3. At least 1 offstreet parking space for each care giver not living in the dwelling is provided.
 4. Two offstreet or onstreet parking spaces are shown to be available within 250 feet of the group day care home parcel for drop off and pick up children.
- (c) Home occupation, subject to the following performance standards:
 1. Total floor area devoted to the home occupation in the principal or accessory building shall not exceed 25% of the gross floor area of the dwelling.
 2. Outside appearance of premises shall have no visible evidence of the conduct of a home occupation.
 3. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

4. No article or service shall be sold or offered for sale on the premises except those which are produced by such home occupation on the premises.
5. The nature of the home occupation shall not generate more than 10 business-related vehicle trips in any 1 day in the vicinity of the home occupation, and any need for parking generated by the conduct of such home occupation shall be provided offstreet in accordance with the offstreet parking requirements.
6. No equipment or process shall be used in such home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
7. The following are typical examples of uses which often can be conducted within the limits of these restrictions and thereby qualify as home occupations. Uses which may qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation); accountant, architect, artist, author, consultant, dressmaking, individual stringed instrument instruction, individual tutoring, millinery, preserving and home cooking.
8. The following uses are not permitted as home occupations if conducted as a person's principal occupation and the person's dwelling is used as the principal place of business: vehicle repair or painting, dental office and medical office.

(d) One accessory dwelling unit (ADU), subject to the following standards:

1. An ADU is permitted on a parcel that has one single-family dwelling as the permitted principal use.
2. The owner shall occupy either the ADU or the single-family dwelling on the property, except for temporary absences not to exceed a combined total of 6 months in a calendar year
3. The ADU shall be designed so that the appearance of the building remains that of a single-family residence or detached accessory building such as a garage or carriage house. Any new entrances shall be located on the side of the building or in the rear of the building.
4. The minimum lot area for an ADU is 5,000 square feet. For lots from 5,000 to 7,200 square feet in size, the maximum size of an ADU is 600 square feet in gross floor area or the size of the gross floor area of the ground floor of the primary dwelling, whichever is less. For lots 7,200 square feet or greater in size, the maximum size of an ADU is 800 square feet in gross floor area or the size of the gross floor area of the ground floor of the primary dwelling, whichever is less.
5. The ADU shall not be occupied by more than the number of occupants permitted by section 5:7 except that only 2 unrelated persons plus their offspring living as a single housekeeping unit may occupy the ADU.
6. An ADU is permitted in a legally conforming accessory building that was constructed before December 31, 2016. Additionally, if the existing accessory building is more than 200 square feet in gross floor area then it may be replaced or modified and used as an ADU as long as the new or modified accessory building is legally conforming. A nonconforming accessory building that was constructed before

December 31, 2016 which is over 200 square feet in gross floor area may be replaced or modified and used as an ADU as long as the new or modified accessory building is legally conforming.

7. The total number of persons residing in the primary dwelling unit and the ADU combined shall not exceed four persons plus their offspring, except when a functional family is allowed by special exception use.
8. At least 1 off-street parking space shall be provided for the ADU unless the property is within ¼ mile of a bus stop, then no additional parking space is required. Tandem or stacked parking in a driveway may count toward the off-street parking requirement if not located in the front yard setback.
9. An ADU or single-family dwelling that is not owner-occupied shall be subject to periodic housing inspections as required by section 8:511.
10. Leasing or rental of the ADU for less than 30 days is prohibited.
11. 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 incorporate the following restrictions:
 - a. The ADU may not be sold separately from the single-family dwelling.
 - b. The owner occupancy requirement of section 5:10.2(d)(2).
 - c. The deed restriction shall be in effect until the ADU is removed.

Section 3. That Section 5:10.4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.4. - R2B two-family dwelling district and student housing district.

- (1) *Intent.* Intended to permit 1- and 2-family dwellings as well as to permit in the vicinity of The University of Michigan Campus the operation of fraternities, sororities and student cooperatives affiliated with the university as well as privately-owned fraternities, sororities and student cooperatives. It is the further intent of this zoning district to preserve the unique character and quality of the physical environment in this area of the city. The area is characterized by the presence of many large and architecturally distinctive houses set on relatively large lots. Many sites housing such structures are characterized by large front yard setbacks, mature and harmonious tree growth, and a uniformity in architectural characteristics such as scale and use of materials. Any alteration to existing structures and/or construction of new facilities should harmoniously reflect the overlying character of the surrounding environs.
- (2) *Permitted principal uses.*
 - (a) Any permitted principal use or special exception use allowed in the R1C districts, subject to all the regulations that apply in that district.
 - (b) Two-family dwellings.
- (3) *Special exception uses pursuant to section 5:104.*

- (a) Fraternities, sororities and student cooperatives subject to the following standards:
1. A resident manager shall be employed or appointed. For purposes of this section, a resident manager is one who lives on-site, serving in a regular or full-time capacity.
 2. A minimum lot size of 8,500 square feet subject to a minimum of 350 square feet of lot area per occupant shall be provided.
 3. The floor area of the structure shall exceed 5,000 square feet of usable floor area. Single or 2-family structures containing 5,000 square feet or less at time of adoption of this ordinance may not be converted to fraternities, sororities or student cooperatives.
 4. A fraternity, sorority or student cooperative adjacent to a single or 2-family structure shall have a hedge, berm, fence or wall, forming a continuous screen at least 6 feet high between it and the residential units, to be located adjacent to the lot line from the front of the structure to the rear property line, except in required front open space and where restricted by other ordinance provisions. Screening which continues into the required front open space shall be consistent with Chapter 104, Fences.
 5. Density increases require a special exception use permit.
 6. Kitchen facilities, common areas for meeting and social space, or handicap accessibility may be expanded by 10% of the floor area or 1,000 square feet, whichever is less, without securing a special exception use permit if current parking ordinance standards for fraternities, sororities and student cooperatives are met.

- (b) Club headquarters subject to the following standards:

1. To be used only by members and guests.
2. Lodging is not permitted.
3. The service of meals, except as necessary for club activities, is prohibited.

- (c) Boarding houses subject to the following standards:

1. A resident manager must be employed or appointed if the owner does not reside at the house.
2. The floor area of the structure must exceed 5,000 square feet.

- (4) *Permitted accessory uses.*

- (a) Those allowed in R1 districts, **with the exception of accessory dwelling units which are not permitted.**

Section 4. That Section 5:10.5 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.5. - R3 townhouse dwelling district.

- (1) *Intent.* Multiple-family townhouse residential district intended to permit dwelling units to be arranged side by side in a low-density, multiple-family fashion. Such developments are most appropriate in the established areas for in-fill purposes and perimeter areas of the city for large new developments and should provide the physical and social amenities of open space,

recreational facilities and compatibility with other residential land uses.

(2) *Permitted principal uses.*

(a) Townhouse.

(b) Any permitted principal use or special exception use in the R2A 2-family dwelling district, subject to all the regulations that apply in that district.

(c) Child care centers and nursery schools.

(3) *Permitted accessory uses.*

(a) Maintenance and management buildings incidental to the terrace-family dwelling development provided they are also located as not to be detrimental to the residential environs.

(b) Social clubs and community recreation buildings, except where a principal activity thereof is a service customarily carried on as a business.

(c) Child care centers and nursery schools.

(d) Those allowed in R1 districts, [with the exception of accessory dwelling units which are not permitted.](#)

Section 5. That Section 5:10.10 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.10. - R6 mobile home park district.

5:10.10. - R6 mobile home park district.

(1) *Intent.* A special residential district intended to serve families and individuals who prefer living in an environment that offers detached housing alternatives. This district is intended to permit a transportable dwelling unit that is suitable for year-round occupancy and contains the same kind of water supply and water disposal system as immobile housing, in accordance with state, county and city statutes, ordinances and regulations. Such developments shall be located on sites of sufficient size that enable development to be interspersed with functional open space.

(2) *Permitted principal uses.*

(a) Mobile home parks.

(3) *Permitted accessory uses.*

(a) Those allowed in R1 districts, [with the exception of accessory dwelling units which are not permitted.](#)

Section 6. That this ordinance shall take effect on the tenth day following legal publication.

As Amended at First Reading by Ann Arbor City Council on July 7, 2016

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of August 4, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on August 11, 2016.

Jacqueline Beaudry, City Clerk