

MEMORANDUM

TO: City of Ann Arbor Planning Commission
FROM: Teresa Gillotti, Washtenaw County Office of Community and Economic Development
Chris Cheng, City Planner
DATE: March 9, 2016
SUBJECT: **Proposed Amendments to Zoning Ordinance - Accessory Dwelling Units**

Last year Ann Arbor City Council requested the Planning Commission review and recommend changes to the current Accessory Apartment section of the Zoning Ordinance that would reduce/relax some of the existing barriers for homeowners to create an ADU. ADUs are considered to be one tool to provide more affordable housing in Ann Arbor, while providing other potential benefits including providing an option for aging in place, as well as housing for disabled residents. It is also considered to be a sustainable approach, utilizing existing, often underutilized structures, for housing.

The process began in [November](#) with the Ordinance Revisions Committee (ORC) who met twice to review options, best practices and experiences from [other communities](#). In [December](#), ORC reviewed draft language, and asked that at upcoming input sessions, staff get feedback from the community regarding unit size, parking, detached vs. attached ADUs, and other potential components. The ORC scheduled a meeting in [February](#), but due to illness and a new family addition, the meeting was not held.

Four input sessions were held along with a community meeting, and a session with a neighborhood board. Two additional neighborhood meetings will be held at the request of the neighborhood/condo association in the next two weeks. So far, about 100 different individuals have attended and engaged in conversation around ordinance changes. [Here's a link to the summary.](#)

Feedback from the sessions, follow-up discussions with city departments, and additional follow-up with other communities helped us refine the draft language. There are a few outstanding questions for discussion that we hope to resolve at your March 9 working session.

For discussion:

- It is proposed to allow an ADU in either a legally conforming, existing detached accessory structures or in a primary residence. Limiting detached ADUs in existing structures prevents home-owners from accommodating an ADU in a newly constructed garage or other accessory structure.
- The proposal allows a minimum lot size of 5,000 sf for ADUs regardless of the zoning designation. Staff recommends applying this to R2A with the acknowledgement that ADUs will not resolve existing lot size issues which prevent development of duplexes in some cases. The second option is to remove R2A from the list of districts allowing ADUs and work to address lot size issues separately.

Zoning	Non-conforming parcels	% conforming	Non-conforming parcels > 5,000 sf	% conforming	Total parcels
R1A	112	10.3%	5	0.5%	1084
R1B	224	8.1%	38	1.4%	2752
R1C	874	8.5%	137	1.3%	10236
R1D	395	12.0%	97	2.9%	3289
R2A	603	25.2%	187	7.8%	2394

- Staff is proposing requiring 1 additional parking space, except where the property is within $\frac{1}{4}$ mile of a bus stop. And, that one additional parking space can be a tandem parking space in the driveway as long as all required parking is not located in the front yard setback.

Next steps:

Based on the discussion, staff hopes to make final edits the revised ordinance and prepare it for a forthcoming Planning Commission Public Hearing.

Attachments:

- Comparison chart
- Draft text

TG/CC

Comparison Chart

Current requirement	Under consideration	Why?
1. Special Exemption Permit required	Change to permitted	The application cost of about \$1,750 is a barrier to development
2. Owner shall occupy either the primary residence or ADU, except for temporary absences	Add a deed restriction to maintain owner-occupancy requirement when property is sold. Define temporary absences as not to exceed 6 months	Owner-occupancy maintains neighborhood character while offering option for creating a small, single unit for family, friends and/or potential rental income
3. 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%	No change in design requirement Remove limitation on size of additions as there will be a maximum square footage for an ADU	Maintaining the appearance of a single-family district will maintain neighborhood character If property is in the Historic District, all existing guidelines would apply to the development of an ADU, such new entrances, additions, etc.
4. The accessory apartment shall not exceed 25% of the entire floor area of the structure, nor shall it be greater than 600 square feet	Change to a maximum size of 600 square feet or the size of the primary dwelling, whichever is less	The ADU should be accessory, and should not exceed the size of the primary unit
5. No rent shall be paid for the accessory apartment.	Rent can be charged.	Not charging rent is a barrier, especially when rental income helps maintain home ownership.
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.	Occupancy not limited to family members. Maximum occupancy is 2 individuals.	This allows flexibility for a homeowner who may build a unit for a family member, but later want to rent it for income or some other combination
7. Accessory buildings may not be converted for accessory apartment use.	Allow ADUs in existing detached accessory structures.	Homeowners will have greater flexibility in developing an ADU
8. Currently provided for in the following zoning districts: R1A-R1E and R2A	No change	Provides homeowners the ability to build a unit for family or renters
9. Lot sizes – use existing district standards	Allow minimum lot size to be 5,000 sf.	In some older R1 districts, lot sizes were originally smaller, with standards increasing over time. The lowest existing single-family lot size will be applied when an ADU is approved
10. Only one ADU can be provided per parcel	No change.	
11. At least 3 off-street parking spaces shall be provided	Require 1 additional off-street space if not within ¼ mile of a bus stop	The cost of developing parking is considered a barrier. It also can remove green space in residential areas.
12. Rental inspection required only when rent is paid	All ADUs would be subject to rental inspections	The intent is to maintain compliance of the ADU over time.
13. No minimum leasing period	Minimum lease of 30 days	This new requirement is intended to prevent ADUs usage for Air BnB

Working session draft of text amendments.

Black is original text. Red denotes changes to the existing zoning ordinance text.

5:10.2 R1A, R1B, R1c, R1D, R1E single-family dwelling district and R2A

Revised draft

Move:

from (3) *Special exception uses pursuant to section 5:104 €*
to (4) Permitted accessory uses (d)

Amend:

Purpose: Accessory dwelling units are allowed in certain districts to allow a new housing prototype that respects the look and scale of single-family neighborhoods while

- a. supporting more efficient use of existing housing stock and infrastructure;
- b. provide housing that responds to changing family needs, smaller households, and increasing housing costs
- c. provide accessible housing for seniors and persons with disabilities; and
- d. supports affordable housing goals

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

1. The owner ~~in which the accessory apartment is created~~ shall occupy one of the dwelling units, except for temporary absences not to exceed 6 months.
2. The accessory apartmentADU 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 apartmentADU 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, or the size of the primary dwelling, whichever is less.
- ~~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 rRent shall be paid for the accessory apartment.~~
- ~~6.4.~~ _____ The accessory apartmentADU shall not 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 by more than 2 individuals.~~

~~7.5. Legally conforming Accessory accessory buildings constructed before June 1, 2016 may ~~not~~ be converted for ADU accessory apartment use.~~

~~8.6. _____ The total number of persons residing in the primary and accessory dwelling units combined building shall not exceed the occupancy permitted by section 5:7~~

~~9.7. _____ At least 3-1 off-street parking spaces shall be provided ~~for the dwelling and accessory apartment~~ for the ADU unless the property is within ¼ mile of a AAATA fixed service bus route stop. Tandem parking in a driveway can count towards off street parking requirement, if not located in the front yard setback.~~

~~8. All ADUs are subject to regular housing inspections per section 8:511.~~

~~10.9. _____ The parcel has a minimum lot area of 5,000 square feet.~~

~~10. Leasing or rental of the ADU for less than thirty (30) days shall be prohibited.~~

~~11. A deed restriction noting all the above requirements shall be filed with the register of deeds, prior to occupancy.~~