

ADOPTED ORDINANCE #480

AN ORDINANCE FOR THE EXERCISE OF MUNICIPAL ZONING OF THE VILLAGE OF ELK RAPIDS AND FOR THE HEALTH, SAFETY AND WELFARE OF THE PERSONS AND PROPERTY IN THE VILLAGE OF ELK RAPIDS.

ADD to DEFINITIONS §202.

Accessory Dwelling Unit (ADU). A second residential dwelling unit that may be contained within an existing single-family home, detached garage, or carriage house, and that meets all of the requirements of Section 431., of this Code.

Carriage House. A small building, usually part of an estate or adjacent to a main house, used for housing coaches, carriages, and other vehicles.

ADOPT:

§431. ACCESSORY DWELLING UNITS.

A. Intent.

1. It is the intent of this Section to permit Accessory Dwelling Units in all single-family residential zoning districts to enable a new housing alternative 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.

B. Requirements.

1. A land use permit for an Accessory Dwelling Unit (ADU) may be issued provided the following conditions are met and continue to be met during the life of the Accessory Dwelling Unit:
 - a. The existing site and use are substantially in compliance with this Zoning Code.
 - b. Only one (1) ADU per parcel is allowed with a maximum of two (2) dwelling units per parcel, subject to lot coverage requirements.
 - c. The owner of record shall occupy either the ADU or the primary dwelling unit on the property, except for temporary absences not to exceed a combined total of 6 months in a calendar year. The owner of record shall provide to the Village the name, address and telephone number of the responsible person or other entity for overseeing the property during their absence.

- d. The ADU shall be designed so that the appearance of the building remains that of a single-family residence or detached accessory structure such as a garage or carriage house. No alteration to the exterior of the residential dwelling, accessory structure or yard that alters the single-family residential character of the premises is permissible.
- e. If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be made less visible from the street view than the main entrance of the principal dwelling unit. Access to an upper story ADU must be internal to the building structure.
- f. For detached ADU's, the minimum lot area ADU is 5,500 square feet and the maximum size of an ADU with that lot area is 650 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. If the lot area is 7,260 square feet or greater, 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.
- g. The ADU shall not be occupied by more than 2 persons plus their offspring living as a single housekeeping unit.
- h. Front Yard Prohibited. The ADU may not be located within the front yard.
- i. Off-street parking shall be provided for the ADU. Tandem or stacked parking in a driveway may count toward the off-street parking requirement if not located in the front yard setback.
- j. All utilities for detached ADU's shall be installed underground. All ADU's shall have separate utility meters from the primary residence unless a single meter is authorized by the Superintendent, Department of Public Works.
- k. Leasing or rental of the ADU for less than one hundred eighty (180) days shall be prohibited.
- l. Prior to occupancy, a deed restriction that runs with the land, shall be filed with the Antrim County Register of Deeds containing a reference to the deed under which the property was acquired by the owner. Such deed restriction shall state:
 - i. The ADU shall not be sold separately from the primary unit;
 - ii. The requirements as stated in this Section; and,
 - iii. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
- m. The ADU approval shall be contingent upon the issuance of a final occupancy permit issued by Antrim County, Construction Codes Department. The approved Conditional Use Permit shall be valid for a period of one (1) year from the date of issue unless an extension of not more than 365 days is approved by the Planning and Zoning Administrator.

C. Existing ADU's.

1. Legal, non-conforming ADU's, (those established prior to adoption of this Ordinance), shall be given sixty (60) days after publication of the adoption of this ordinance to apply for a Conditional Land Use Permit and register their ADU with the Village. During this time period, they will not be considered part of the maximum number of new ADU registrations established in Section D.1., below, and the non-conforming ADU will maintain its non-conforming status subject to all the non-conforming regulations in Sec. 706., (Non-Conforming Situations) of this Zoning Code.
2. If a land use permit is issued for a non-conforming ADU, that meets the above requirements, then the ADU shall no longer be considered non-conforming and shall be subject to all the regulations of this Chapter.

D. Registration of Accessory Dwelling Units.

1. There shall be a maximum limit of five (5) newly registered Accessory Dwelling Units per calendar year or as may be amended by Resolution of the Village Council.
2. Registration and application for a land use permit for ADU's will be submitted to the Planning and Zoning Administrator on a first come, first served basis.
3. Complete applications will be reviewed by the Planning and Zoning Administrator for Zoning Code compliance.
4. Upon confirmation of Zoning Code compliance, the Planning and Zoning Administrator, shall issue a land use permit and notify the Village Clerk, Assessor, and emergency response personnel of the registration.
5. Once the five (5) new registrations and land use permits referenced herein are issued, additional applications will be kept on file by the Village Clerk in the order they were received for processing the next calendar year.

- E. This Ordinance shall be deemed in full force and effective ninety (90) days from the date of its adoption and approval by the Village Council.

(Ord. passed 11-20-17)