



City of Zeeland • (616) 772-6400 • FAX (616) 772-5352 • www.cityofzeeland.com

July 18, 2023

Re: City of Zeeland Planning Commission – Accessory dwelling unit study and August 3rd public hearing

Since September of 2022, the City of Zeeland Planning Commission, with the assistance of the City Planning Consultant has been studying the concept of accessory dwelling units (ADU's). An accessory dwelling unit is a small or size limited second, independent dwelling unit on owner-occupied residential property.

The Planning Commission has been studying the concept of ADU's generally, the benefits of allowing such dwelling units in a community (assists in housing affordability, addressing housing shortages, flexibility for family housing options, and secondary income for property owners), the concerns associated with ADU's (vehicle parking, density), and discussing if allowing accessory dwelling units may be right for the City of Zeeland. Through this process, draft ordinance text, which would permit and regulate accessory dwelling units in the City of Zeeland has been developed and discussed by Commissioners.

Enclosed with this letter is a September 29, 2022 report from the City Planning Consultant explaining the concept of ADU's and providing additional information about this housing type, and the draft ordinance language that has been developed and would regulate accessory dwelling units in the City.

The City Planning Commission is now seeking public input on whether accessory dwelling units are appropriate for the City of Zeeland, and the related draft ordinance language.

At 6:00pm on Thursday, August 3rd, the Planning Commission will hold a public hearing on the concept and draft language in the City Council Chambers on the second floor of City Hall (21 S Elm Street Zeeland, MI 49464) to hear resident comments regarding this matter.

Comments may be made at the meeting in person, by email prior to the meeting at buildinginspector@cityofzeeland.com or filed with the City Clerk's office at 21 S Elm Street.

Residents are welcome to contact the City Community Development Department (buildinginspector@cityofzeeland.com or (616) 772-0872) with questions regarding this letter, the upcoming public hearing, the draft ordinance text or anything else related to this matter.

The Planning Commission and City Staff look forward to hearing resident comments regarding this matter on August 3rd.

Sincerely,

Timothy Maday
Community Development Director
City of Zeeland, MI

City of Zeeland

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TO: City of Zeeland Planning Commission
FROM: Paul LeBlanc, AICP
DATE: September 29, 2022
SUBJECT: Accessory Dwelling Units

The following is a brief synopsis of considerations related to accessory dwelling units (ADUs) and how they're viewed and dealt with in other communities. ADUs are a hot topic in many communities and, where permitted, the reasons for allowing them and the scope of regulatory control varies widely. In addition to the brief highlights below, I've provided a guidebook prepared by AARP that offers additional information and examples.

Concept of ADUs

As defined by the American Planning Association, accessory dwelling units are:

“An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Internal, attached, and detached ADUs all have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods. Consequently, many cities and counties have signaled support for ADUs in their plans and adopted zoning regulations that permit ADUs in low-density residential areas.”

Difference from Short-term Rentals and Bed & Breakfasts

- **Not transient.** ADUs are units intended for residential occupancy.
- **Stable residency.** The occupancy is intended to be relatively long-term.
- **Subordinate use.** The ADU is an accessory use to the principal dwelling on the lot.
- **Owner residency.** Typically, local regulations require that the property owner live in the principal dwelling or the ADU.

Pros and Cons

The benefits of ADUs address a range of needs in one way or another, especially as they relate to housing:

- **Affordability.** In communities where housing costs are very high, ADUs can offer a less expensive option, especially for young individuals or couples, senior residents, and low wage employees.

- **Shortages.** Where housing is in demand and communities are essentially built-out, ADUs can create new opportunities to add to the housing supply.
- **Family.** Providing an ADU for a recently graduated son or daughter just starting out or an elderly relative in need of companionship offers an economic and social advantage over other choices.
- **Secondary income.** The income derived from the ADU is a substantial benefit to some property owners.

The main concerns related to ADUs are:

- **Parking.** In urban neighborhoods, on-street parking is usually at a premium and adding more dwellings may result in adding more vehicles. If off-street parking is required, it may mean loss of open space to pavement.
- **Density.** The worst-case scenario is often envisioned as if every existing lot would potentially contain a second dwelling. Fears of changing the neighborhood character, increasing traffic, and doubling the population are commonly heard. In reality, experience shows that a very low percent of lots in a community actually change.

Typical Regulations

Zoning requirements can be used effectively to mitigate actual and perceived concerns:

- **Special use approval.** By regulating ADUs as a special use, the City can attach specific requirements and review the appropriateness of the use in relation to the special use standards in the ordinance that generally relate to compatibility and impact on services. In addition, the ADUs can be limited to specific residential districts.
- **Size limits.** By their nature, ADUs are accessory to the main dwelling on the lot. Maximum size limits can be imposed to ensure that the ADU remains subordinate to the home and won't accommodate a large family.
- **Owner present.** Most often, local regulations require that the property owner live on the property, either in the primary residence or in the ADU. This helps ensure that nuisance issues are kept to a minimum.
- **Parking.** Required parking is typically addressed on-site to minimize impact on a neighborhood.
- **No STR or B&B.** In order to ensure that the ADU is used for its intended purpose, regulations may prohibit the use as a short-term rental or bed & breakfast.
- **Other requirements.** In addition to items listed here, the regulations can address qualifying conditions (districts where permitted, lot size, etc.).

PROPOSED TEXT

ARTICLE X. ZEELAND ACCESSORY DWELLING UNITS

Sec. 10.100 Definition.

An accessory dwelling unit (ADU) is a self-contained, independent living space; containing its own kitchen or kitchenette, bathroom, and sleeping area; located on a lot or parcel with a principal dwelling; and used for long-term occupancy of at least three months.

Sec. 10.200 Applicability.

ADUs are permitted as special land uses in the A-1, R-1, R-2, and R-3 zoning districts on which a single-family dwelling is located, subject to the special use requirements of Article IX of this Zoning Ordinance.

Sec. 10.300 ADU Special Use Requirements.

(a) General Requirements.

- (1) Only one (1) ADU shall be permitted on a lot or parcel.
- (2) An ADU shall be designed as an independent housekeeping unit that can be isolated from the principal dwelling space.
- (3) The owner of the property shall occupy either the principal dwelling or the ADU and that dwelling shall serve as the owner's principal place of residence.
- (4) An ADU may be created through new construction, the conversion of an existing building, or as an addition to an existing building, as follows:
 - i. Internal units are created when a portion of a detached single-family dwelling is partitioned off to become a separate dwelling unit. It is fully within and under the same roof as the principal dwelling unit, though it may have an external entrance into the unit.
 - ii. Attached units are connected to the principal dwelling unit, by a roof and at least one common wall or by a breezeway or similar covered and enclosed structure.
 - iii. Detached units stand-alone from the principal dwelling unit and include detached garage apartments and free-standing backyard cottages.
- (5) An ADU shall be at least 350 square feet in floor area; but no larger than 35 percent of the floor area (not including the basement) of the principal dwelling or 850 square feet, whichever is less.
- (6) The ADU shall not contain more than one (1) bedroom.
- (7) Trailers, tents, recreational vehicles, manufactured homes, and similar structures shall not be used as an ADU.
- (8) As a condition of special use approval, the owner shall prepare a deed restriction or other legal instrument to be reviewed and approved by the City Attorney. Following approval by the City Attorney, the instrument shall be recorded with the Ottawa County Register of Deeds, prior to issuance of a building permit for the ADU. The instrument shall include substantially the following provisions:
 - i. A statement that the principal dwelling and the ADU shall have the same owner, unless the dwellings can be separated onto individual building lots, each of which complies with all relevant lot area, setback, access, and other requirements of the zoning ordinance, subject to City approval.
 - ii. A statement that the ADU shall not be used as a short-term rental or used as a bed & breakfast facility.
 - iii. A statement that the ADU is authorized by the City as a special use subject to ownership and occupancy restrictions of this ordinance.

- iv. A statement containing other restrictions which are appropriate and which reflect conditions that are established by the Planning Commission when the special land use is approved.
- (b) Internal ADU Requirements. An internal ADU may have an exterior entrance located on the side or rear of the principal dwelling. In all other respects, the ADU shall be fully internal to the principal dwelling unit.
- (c) Attached ADU Requirements.
- (1) If attached to the principal dwelling, the ADU shall meet all height and setback requirements of the principal dwelling.
 - (2) The lot must meet the minimum required lot area for the zone district. Construction of the ADU shall not cause the maximum lot coverage requirements, as specified in the table below, to be exceeded.
- (d) Detached ADU Requirements.
- (1) The lot must meet the minimum required lot area for the zone district. Construction of the ADU shall not cause the maximum lot coverage requirements, as specified in the table below, to be exceeded.
 - (2) An ADU may be constructed above or on the side of a detached garage that already exists at the time of the adoption of this ordinance, subject to the following standards:
 - i. The existing detached garage must be in compliance with the accessory building setback requirements of this ordinance and the accessory building setback requirements shall be maintained after construction of the ADU.
 - ii. No portion of the ADU shall be closer than 10 feet to the principal dwelling and nor shall it be closer than 10 feet from any side or rear property line.
 - iii. If located above a detached garage, the maximum height of the structure shall not exceed 25 feet. If attached to the side of the detached garage, the ADU height shall not exceed 14 feet.
 - (3) A free-standing detached ADU (not attached to another building) shall meet the following dimensional requirements:
 - i. Maximum height: 25 feet
 - ii. Separation from all buildings on the lot: 10 feet
 - iii. Rear yard setback: 25 feet
 - iv. Side yard setback: 10 feet

Residential Lot Coverage Limits for Parcels with an ADU			
Lot Size (square feet)	Maximum Bldg. Coverage ¹	Maximum Impervious Surface²	Maximum Not-to- Exceed Impervious Surface (square feet)
< 5,000	35 %	50 %	2,500
5,000 – 7,199	35 %	50 %	3,240
7,200 – 11,999	35 %	45 %	4,800
≥ 12,000	35 %	40 %	??

¹ Includes principal building, accessory buildings, and roofed structures.

² Includes buildings and all paved surfaces such as driveways, walkways, patios, and other impervious surfaces. Fifty percent of permeable surfaces (pavers, decks, etc., not including driveways and parking spaces) may be excluded from the coverage calculation, if approved by the Zoning Administrator.