

**CITY OF JONESVILLE
ORDINANCE NO. 213**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO MODIFY REGULATIONS ASSOCIATED WITH BED AND BREAKFAST ESTABLISHMENTS; TO ADD REGULATIONS ASSOCIATED WITH ACCESSORY DWELLING UNITS; AND TO AMEND THE DURATION OF SITE PLAN APPROVAL.

THE CITY OF JONESVILLE ORDAINS:

Section 1. Amend Chapter 1 “Definitions” to amend “Bed and Breakfast Establishment” and to add “Dwelling Unit, Accessory,” as follows:

BED AND BREAKFAST ESTABLISHMENT: A use within a detached, owner occupied, single family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment. Such uses include traditional bed and breakfast dwellings, as well as other short-term lodging arrangements commonly referred to as AirBnBs, room sharing, house sharing, and other similar terms and uses. Such uses include those dwellings where lodging will take place more than 2 nights in any month.

DWELLING UNIT, ACCESSORY: A separate, complete housekeeping unit with a separate kitchen, sleeping area, and full bathroom facilities, and located within an existing detached single family dwelling.

Section 2. Amend Chapter 2, “General Provisions” to add Section 2.21a, as follows:

SECTION 2.21a ACCESSORY DWELLING UNITS

A. Intent and Purpose

These regulations are intended to provide an additional housing option that will preserve and enhance the character and value of residential neighborhoods. Accessory Dwelling Units are intended to increase the opportunity for owner-occupants to offset the costs associated with maintenance of their homes, allowing them to stay in place longer, and enhancing neighborhood stability. Such units will provide for additional affordable housing, as well as accommodations for extended families within existing single family neighborhoods.

B. Development Standards

An Accessory Dwelling Unit shall be located on the same premises as a single family detached dwelling in an R-1, R-2, or R-3, Residential zoning district. Accessory dwelling units shall be subject to the following conditions and requirements:

1. A property owner must reside in either the principal dwelling unit or the Accessory Dwelling Unit. The owner occupant shall meet the requirements for a principal residence tax exemption.
2. An Accessory Dwelling Unit may be placed in a principal building, or an attached accessory building.
3. The floor area of the Accessory Dwelling Unit shall not exceed 40 percent of the floor area of the principal dwelling unit, nor more than 800 square feet. The floor area shall not be less than 300 square feet. The Accessory Dwelling Unit shall not have more than 2 bedrooms.
4. Occupancy of an Accessory Dwelling Unit shall be limited to not more than 2 persons per bedroom. The Accessory Dwelling Unit shall not be leased for a period of less than twelve (12) months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease and occupants of the unit.
5. At least one (1) off-street parking space shall be provided for the Accessory Dwelling Unit, in addition to those required for a single family dwelling. No garage or driveway shall be constructed to service only the Accessory Dwelling Unit.
6. All zoning district bulk and setback requirements shall apply to the site.
7. Accessory dwelling units shall be reviewed by the Planning Commission to ensure compliance to the following standards:
 - a. Architectural design, style and appearance of the principal residential building must be maintained;
 - b. If new construction, an addition, or other exterior building alterations are proposed as part of the creation of the Accessory Dwelling Unit, the construction or alterations must be consistent with the existing facade, roof pitch, building materials and colors, and proportion, type and location of windows in the building;
 - c. Windows facing an adjoining residential property must be aligned, oriented or screened with fencing or landscaping to protect the privacy of neighboring properties.
 - d. Access to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building;
8. If public water and sewer are not available to the residence, the use of private water and septic systems for the Accessory Dwelling Unit shall be subject to the approval of the County Health Department.
9. The accessory dwelling unit shall comply with all applicable housing, building, fire and health code requirements.

C. Application Procedure

1. The applicant shall submit the following information for Planning Commission review:
 - a. A site plan drawn to scale and showing the location of the proposed Accessory Dwelling Unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements, location of structures on adjacent lots within one hundred (100) feet, abutting streets, driveways, and parking areas.
 - b. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.

- c. Interior floor plans showing the floor area of the proposed Accessory Dwelling Unit and principal dwelling unit.
2. The Planning Commission shall utilize the Review Standards listed in Section 15.05 of this Ordinance for the review of plans for Accessory Dwelling Units and may impose reasonable conditions to assure that Zoning Ordinance requirements will be met.
 3. Following approval from the Planning Commission, and prior to receiving an occupancy permit or making the Accessory Dwelling Unit available for use, the applicant shall record a deed restrictions with the Hillsdale County Register of Deeds in a form acceptable to the City Attorney incorporating the following:
 - a. Approval of the Accessory Dwelling Unit shall be in effect only so long as either the principal dwelling unit or the Accessory Dwelling Unit is occupied as the homestead residence by the property owner of record.
 - b. The Accessory Dwelling Unit is restricted to the floor area, setbacks and height reflected on the site plan and other drawings submitted by the applicant and approved by the Planning Commission.
 - c. The Accessory Dwelling Unit shall not be sold separately.
 - d. The deed restrictions shall run with the land, and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the Accessory Dwelling Unit.

D. Revocation

Approval for an Accessory Dwelling Unit issued hereunder shall be subject to revocation by the City upon a finding by the Planning Commission, that there is in fact noncompliance with the conditions of approval and/or the requirements of the Zoning Ordinance.

E. Sale of Residence

Upon sale of a residence containing an Accessory Dwelling Unit, the new owner of said residence shall file with the Zoning Administrator within thirty days of the transfer of title to such residence, a notice in a form acceptable to the City Attorney, stating whether or not such new owner intends to continue the Accessory Dwelling Unit use. Discontinuance of the use shall require the new owner to file the necessary zoning permit application to return the property to a single family detached dwelling, as well as the recording of a document at the Hillsdale County Register of Deeds extinguishing the Restrictions required by Section 2.21a(C)(3) of this Ordinance.

Section 3. Amend Section 6.02 to add the following to the list of Permitted Uses in the R-1 Residential District:

- G. Accessory Dwelling Units, in accordance with Section 2.21a.

Section 4. Amend Section 7.02 to add the following to the list of Permitted Uses in the R-2 Residential District:

G. Accessory Dwelling Units, in accordance with Section 2.21a.

Section 5. Amend Section 8.02 to add the following to the list of Permitted Uses in the R-3 Multiple Family Residential District:

I. Accessory Dwelling Units, in accordance with Section 2.21a.

Section 6. Amend Section 14.09 G. “Bed and Breakfast Establishments” to read as follows:

G. **Bed and breakfast establishments**, to include AirBnBs, room sharing, house sharing, and similar terms and uses.

1. The establishment shall be serviced by approved water and sanitary sewer services. The establishment shall be located on property with direct access to a paved public road.
2. Such uses shall only be established in a detached, single family dwelling that is the principal residence of the owner/operator. The owner/operator shall live on premises while the establishment is in operation.
3. Parking is required in accordance with Chapter 16 and shall be defined as such for guest parking and it shall be located to minimize negative impacts on adjacent properties.
4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
5. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
6. Occupancy shall be limited to only registered guests, with not more than two (2) adults per room and children permitted as space and safety permits.
7. Guest bathing and lavatory facilities shall be separate from those of the owner/operator.
8. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
9. One (1) sign shall be required for identification and/or advertising purposes. Such sign shall not be less than six (6) square feet nor exceed sixteen (16) square feet in area. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. The sign shall be visible from the street and may be wall mounted or a free standing ground sign. If a ground sign, such sign shall be set back at least one-half (½) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line; it may not exceed four (4) feet in height.

10. The length of stay for any transient guest shall not exceed thirty (30) consecutive days.
11. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
12. Meals may be served only to the operator's family, employees, and overnight guests.
13. Applicants shall provide written approval from the Hillsdale County Building Inspection Department confirming that the building complies with all applicable, building, mechanical, plumbing, fire and other codes for the intended guest occupancy.
14. Applicants are advised that use of a residence to accommodate transient guests may modify principle residence exemption status, require the collection of sales and other taxes, require additional licenses and other approvals from other agencies, and/or result in changes to homeowner insurance policies. Approval of a use by the City shall not be construed as a waiver of these and other requirements that may apply.

Section 7. Amend Section 15.04 A. 4. "Site Plan Review and Decisions" to read as follows:

4. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
 - a. The Planning Commission may grant a one (1) year extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
 - b. The extension may be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties, and there have been no substantive changes to the proposed site plan or the ordinances related to its approval.
 - c. If neither of the above provisions are fulfilled or a one (1) year extension has expired prior to construction, the site plan approval shall be null and void.

Section 8. Publication and Effective Date

This ordinance shall be in force and effect seven (7) days after its publication in a newspaper of general circulation within the City.

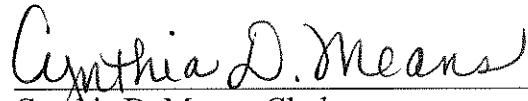
YEAS: Jerry Drake, Brenda Guyse, Ron Hayes, Andy Penrose, David Steel & Gerry Arno.

NAYS: None

ABSENT: Tim Bowman

ORDINANCE DECLARED ADOPTED ON FEBRUARY 15, 2017

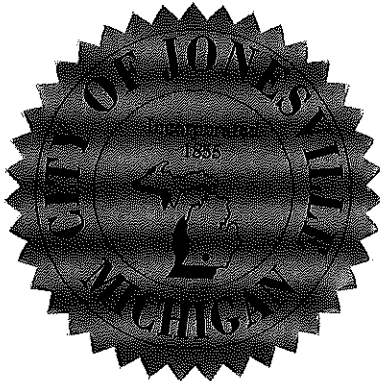

Gerald E. Arno, Mayor

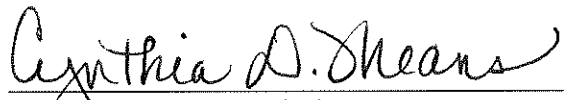

Cynthia D. Means, Clerk

CERTIFICATION

I, Cynthia D. Means, being the Clerk of the City of Jonesville, do hereby certify that the foregoing is a true and correct copy of the City of Jonesville Ordinance No. 213, passed on the 15th day of February, 2017. Further, I certify I caused the same to be published in a newspaper of general circulation within fifteen (15) days after adoption by the City Council of the City of Jonesville, County of Hillsdale and State of Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of February, 2017.




Cynthia D. Means, Clerk