Code of Ordinances
City of Ann Arbor, Michigan
Chapter 55

Unified Development Code

Approved July 16, 2018, Effective September 22, 2018

Second Edition, Amendments through Ordinance No. 19-27, Effective July 21, 2019
Third Edition, Amendments through Ordinance No. 19-26, Effective September 22, 2019
Fourth Edition, Amendments through Ordinance No. 19-34, Effective November 17, 2019
Fifth Edition, Amendments through Ordinance No. 19-35, Effective February 14, 2021
Sixth Edition, Amendments through Ordinance No. 21-29, Effective November 21, 2021
Seventh Edition, Amendments through Ordinance No. 21-37, Effective January 30, 2022
Eighth Edition, Amendments through Ordinance No. 23-02, Effective February 26, 2023
Ninth Edition, Amendments through Ordinance No. 24-06, Effective May 26, 2024
Tenth Edition, Amendments through Ordinance No. 24-31, Effective February 6, 2025
Eleventh Edition, Amendments through Ordinance No. 25-25, Effective August 10, 2025
Twelfth Edition, Amendments through Ordinance No. 26-18, Effective August 23, 2026.

Amendment History

First Edition

1. Ordinance No. ORD-18-08; Unified Development Code; approved July 16, 2018, effective September 22, 2018.
2. Ordinance No. ORD-18-06; Fraternity and Sorority Definition and Use Specific Standards; approved July 16, 2018, effective July 26, 2018.

Second Edition, amendments through Ordinance No. 19-17

3. Ordinance No. ORD-18-20; Special Exception Use as Type 1 Citizen Participation Application; approved August 23, 2018, effective October 31, 2018.
4. Ordinance No. ORD-18-22; Marijuana-Infused Product Processor; approved August 23, 2018, effective November 4, 2018.
5. Ordinance No. ORD-19-15; Temporary Outdoor Activity, Short Term Car Storage, Medium Term Car Storage; approved June 3, 2019, effective June 16, 2019.
6. Ordinance No. ORD-19-16; Establishment of Mobile Food Vending Service; approved June 3, 2019, effective June 16, 2019.
7. Ordinance No. ORD-19-17; Front Porch Exception From Front Yard Setback; approved July 1, 2019, effective July 21, 2019.

Third Edition, amendments through Ordinance No. 19-26

8. Ordinance No. ORD-19-26; Permitted Use Table, Parkland Donations, Dimensional Standards Table, Front Lot Line; approved August 19, 2019, effective September 22, 2019.
9. Ordinance No. ORD-19-27; Office District Permitted Uses, Accessory Restaurant/Bar/Food Service Use Specific Standards; approved September 3, 2019, effective September 22, 2019.
10. Ordinance No. ORD-19-28; Dimensional Standards Table; approved September 3, 2019, effective September 22, 2019.
11. Ordinance No. ORD-19-32; Marijuana Retailer, Designated Marijuana Consumption Facility, Marijuana Microbusiness; approved October 7, 2019, effective October 27, 2019.
12. Ordinance No. ORD-19-34; Premium Options, Affordable Housing Dwelling Units, Reimbursements; approved November 4, 2019, effective November 17, 2019.

Fourth Edition, amendments through Ordinance 19-34

13. Ordinance No. ORD-20-18; Consolidation of Area Plan and Site Plan Required Information; approved June 6, 2020, effective July 19, 2020.
14. Ordinance No. ORD-20-27; Signs; approved December 7, 2020, effective December 20, 2020.
15. Ordinance No. ORD-20-30; Solar Energy Systems; approved December 21, 2020, effective January 10, 2021.
16. Ordinance No. ORD-20-33; Floodplain Management Overlay District and Regulations; approved January 4, 2021, effective January 31, 2021.

17. Ordinance No. ORD-20-34; Permitted Use Tables, Marijuana Processor, Accessory Dwelling Units, Security for Completion of Improvements, Building Materials, FAR Determination, Fences Graphic, Dimensional Standards Table; approved January 19, 2021, effective February 14, 2021.

Fifth Edition, amendments through Ordinance No. 20-35

18. Ordinance No. ORD-20-35; Electric Vehicle Parking; approved January 19, 2021, effective February 14, 2021.

Sixth Edition, amendments through Ordinance No. ORD-21-29

19. Ordinance No. ORD-21-12; Short Term Rentals; approved May 3, 2021, effective May 23, 2021.
20. Ordinance No. ORD-21-14; Accessory Dwelling Unit Requirements; approved June 7, 2021, effective June 27, 2021.
21. Ordinance No. ORD-21-19; New Zoning District TC1 Transit Corridor; approved July 6, 2021, effective July 25, 2021.
22. Ordinance No. ORD-21-20; Planned Project Site Plan Modifications; approved July 6, effective July 25, 2021.
23. Ordinance No. ORD-21-23; Outdoor Lighting; approved September 7, 2021, effective September 26, 2021.
24. Ordinance No. ORD-21-24; Home Occupations; approved September 7, 2021, effective September 26, 2021.
25. Ordinance No. ORD-21-29; Warehousing and Storage in C2B District; approved October 18, 2021, effective November 21, 2021.

Seventh Edition, amendments through Ordinance No. ORD-21-37

26. Ordinance No. ORD-21-37; Storm Water Management and Soil Erosion and Site Plans; approved January 3, 2022, effective January 30, 2022.

Eighth Edition, amendments through Ordinance No. ORD-23-02

27. Ordinance No. ORD-22-11; M1 Permitted Uses and R2A Dimensional Standards; approved August 4, 2022, effective August 21, 2022.
28. Ordinance No. ORD-22-12; Marijuana Licenses, Trees in Right-of-Way, Landscape Modifications; approved August 15, 2022, effective September 4, 2022.
29. Ordinance No. ORD-22-13; Amend Parking Standards; approved August 15, 2022, effective September 4, 2022.
30. Ordinance No. ORD-23-02; Storm-water Management Systems; approved February 6, 2023, effective February 26, 2023.

Ninth Edition, amendments through Ordinance No. ORD-24-06

31. Ordinance No. ORD-23-25; TC1 Uses and Additional Standards; approved September 5, 2023, effective September 24, 2023.
32. Ordinance No. ORD-23-32; Premiums, D1 and D2 FAR; approved December 4, 2023, effective December 24, 2023.

33. Ordinance No. ORD-23-33; TC1 Front Setbacks; approved December 4, 2023, effective December 24, 2023.
34. Ordinance No. ORD-23-37; Banquet Hall, Personal Services, Veterinary Uses; approved January 22, 2024, effective February 11, 2024.
35. Ordinance No. ORD-23-38; Personal Scale SES; approved January 22, 2024, effective February 11, 2024.
36. Ordinance No. ORD-24-02; Conflicting Land Use Buffer; approved February 20, 2024, effective March 10, 2024.
37. Ordinance No. ORD-24-06; Multimodal Transportation Impact Analysis; approved May 6, 2024, effective May 26, 2024.

Tenth Edition, amendments through Ordinance No. ORD-24-31

38. Ordinance No. ORD-24-17; Vehicular Use Area Buffer; approved September 16, 2024, effective October 6, 2024.
39. Ordinance No. ORD-24-19; Transit Corridor Additional Standards, Parking Structures; approved October 7, 2024, effective October 27, 2024.
40. Ordinance No. ORD-24-20; Height Exceptions, Stormwater Reviews, Development Approvals, Finished Grade; approved October 21, 2024, effective November 10, 2024.
41. Ordinance No. ORD-24-29; Child Care Centers, Private Schools; approved December 16, 2024, effective January 5, 2025.
42. Ordinance No. ORD-24-31; Fences, Reimbursements, Public and Private Utilities; approved January 6, 2025, effective February 9, 2025.

Eleventh Edition, amendments through Ordinance No. ORD-25-25

43. Ordinance No. ORD-25-05; Nonconforming Structures; approved April 7, 2025, effective April 27, 2025.
44. Ordinance No. ORD-25-08; General Entertainment Uses; approved April 21, 2025, effective May 11, 2025.
45. Ordinance No. ORD-25-09; Design Review; approved April 21, 2025, effective May 11, 2025.
46. Ordinance No. ORD-25-19; PUD Modifications; approved June 2, 2025, effective June 22, 2025.
47. Ordinance No. ORD-25-20; Land Divisions; approved June 16, 2025, effective July 6, 2025.
48. Ordinance No. ORD-25-24; Public Notices and Hearings; approved July 21, 2025, effective August 10, 2025.
49. Ordinance No. ORD-25-25; Citizen Participation; approved July 21, 2025, effective August 10, 2025.

Twelfth Edition, amendments through Ordinance No. ORD-

50. Ordinance No. ORD-25-33; Marijuana Facilities School Separation Distance Removal; approved November 17, 2025, effective December 14, 2025.
51. Ordinance No. ORD-26-02; Community Participation Posted Signs; approved February 19,

2026, effective July 1, 2026.

52. Ordinance No. ORD-26-11; Solid Waste Terms; approved June 11, 2026, effective June 21, 2026.
53. Ordinance No. ORD-26-12; Stormwater Management Review; approved June 11, 2026, effective June 21, 2026.
54. Ordinance No. ORD-26-18; Exceptions to Height Limits; approved July 20, 2026, effective August 9, 2026.
55. Ordinance No. ORD-26-01; Bicycle and Vehicle Parking; approved August 6, 2026, effective August 23, 2026.

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Chapter 55

Ann Arbor Unified Development Code

Article I: General Provisions

5.1 Authority

This ordinance is enacted pursuant to the powers granted by the laws of the State of Michigan including the statutory authority granted in the Michigan Zoning Enabling Act (P.A. 110 of 2006) as amended, MCL 125.3101 et. seq., the Natural Resources and Environmental Protection Act (Part 91 of P.A. 451 of 1994) as amended, MCL 324.9101 et. seq., the Land Division Act (P.A. 288 of 1967) as amended, MCL 560.101 et seq., and other relevant laws of the state. In addition, the City has been granted authority, by the State of Michigan, as a Municipal Enforcement Agency to issue *soil erosion and sedimentation control* permits under the Natural Resources and Environmental Protection Act (Part 91 of P.A. 451 of 1994) as amended, MCL 324.101 et. seq.

5.2 Title

This ordinance may be cited as the Ann Arbor Unified Development Code and as Chapter 55 of Ann Arbor City Code.

5.3 Effective Date

This ordinance was approved by City Council on July 16, 2018 and became effective on July 29, 2018.

5.4 Purpose

This ordinance is intended to require City review and approval of the *development* of certain *buildings*, *structures*, land uses, and the creation of new *lots*, all of which can a have significant economic, social, and environmental impact on the community as a whole and on adjacent parcels and land uses. It is further the intent of this ordinance to provide for the preservation and management of significant *natural features*, ensure safe and efficient traffic patterns, and to achieve harmonious relationships between *buildings*, *structures*, infrastructure, and land uses, to implement the adopted master plan of the City, and to comply with all applicable federal and state laws.

5.5 Applicability

5.5.1 Required Conformity to District Regulations

A. After the effective date of this chapter, no *structure* or land shall be used or occupied, and no *structure* or part of a *structure* shall be erected, moved or altered, except in conformity with the regulations in this chapter for the zoning district and overlay zoning district, if any, in which the *structure* or land is located, except as otherwise provided in this chapter.

B. Without limiting the generality of the previous sentence, no site plan, final

preliminary plat, or PUD site plan shall be approved unless the site plan, final preliminary plat, or PUD site plan includes *soil erosion and sedimentation control measures*, and *stormwater management systems* in compliance with the requirements of this chapter, and the Rules of the WCWRC.

C. No certificate of occupancy for any *building* will be issued under Chapter 100 of City Code unless the *applicant* for the certificate shall have complied with the requirements of this chapter, stabilized all disturbed soils, and completed any *soil erosion and sedimentation control measures* and *stormwater management systems* contained in any site plan, final preliminary plat, or PUD site plan approved for the *applicant*.

5.5.2 Exceptions

A. The provisions of this chapter shall apply to all *development* and the use of all land and *structures* within the City, including land owned by government agencies or public educational institutions to the extent permitted by law, with the exception of the City and the Ann Arbor Downtown Development Authority, which are exempt from this chapter except as provided in Subsection B below.

B. Essential services or *buildings* or *structures* containing essential services are only required to comply with the *soil erosion and sedimentation control* requirements Section 5.22 (Stormwater Management and Soil Erosion), and are not required to comply with other provisions of this chapter, but those uses and *structures* shall be permitted as authorized and regulated by other applicable law and City Code.

C. The provisions of this chapter do not apply to private *wireless communications facilities* licensed or otherwise authorized by a governmental unit or agency, or by a public educational institution, during the time that the land or public *structure* upon which it is placed is owned or used by such unit, agency or institution.

D. Land and *structures* sold or otherwise disposed of by a governmental unit or agency, or by a public educational institution, exempt from requirements of this chapter by state law, other than to another such unit, agency or institution, shall be subject to the provisions of this chapter to the same extent as if never owned by such unit, agency or institution.

5.5.3 Liability

Neither the issuance of permits under the provisions of this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by the Planning Manager under this chapter, shall relieve any Person from the responsibility for damage to any Persons or property otherwise imposed by law, nor impose any liability upon the City for damages to Persons or property.

5.6 Applicability of Other Regulations

5.6.1 Intent

This chapter is intended to complement other municipal, state, and federal regulations that affect land use, but is not intended to revoke or repeal any other law, ordinance, regulation, or permit.

5.6.2 Other Applicable Codes

Other codes that are applicable to *development* in the City include but are not limited to:

A. Michigan Building Code 2015.

B. Michigan Rehabilitation Code For Existing Buildings 2015.

C. Michigan Plumbing Code 2021.

D. Michigan Mechanical Code 2021.

E. Michigan Electrical Code based on the 2023 National Electrical Code with Part 8 State Amendments.

F. ICC / ANSI A117.1 – 2009 & Michigan Barrier Free Design Law of Public Act 1 Of 1966 as amended.

G. Michigan Uniform Energy Code 2015 with Rules 10 and 10a.

H. International Fire Code 2021.

I. International Fuel Gas Code 2015.

J. Michigan Residential Code 2015.

K. Rules of the WCWRC.

Editor's Note: References to Michigan Plumbing Code, Michigan Mechanical Code, Michigan Electrical Code, and International Fire Code updated in 9th edition publishing. Reference to International Fire Code updated in 11th edition.

5.6.3 Conflicts

Where conditions, standards, or requirements imposed by any provision of this chapter are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern. Where there is a conflict under this section, the Planning Manager shall determine which district or provision is more restrictive.

5.6.4 Authorization

No approval of any plan, plat or division pursuant to this chapter shall be construed as authorizing any improvement or action not in compliance with all provisions of this Code. If such a conflict appears, permits may be issued only in accordance with the applicable Code provisions. However, plans may be approved that are subject to approval of variances or other action of appeal boards.

5.7 Relationship to Private Agreements

It is not the intent of this chapter to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties concerning any property or activity regulated by this chapter. Where the provisions of this chapter impose a greater restriction than that imposed by a private agreement, the provisions of this chapter will control. Where the provisions of a private agreement impose a greater restriction than this chapter, the provisions of the private agreement may be enforced between private parties notwithstanding the provisions of this chapter. The existence of a private agreement shall not excuse any failure to comply with this chapter. The City shall not be responsible for monitoring or enforcing private agreements.

5.8 Severability

It is the legislative intent of the City Council in adopting this chapter that all provisions and sections of this chapter shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of the City and that if any provision, portion, section or subsection of this chapter is held to be unconstitutional or invalid, that holding shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the City Council that this chapter shall stand, notwithstanding the invalidity of all or part of any provision or section.

5.9 Repeal of Previous Regulations

5.9.1 Repealed Regulations

The following ordinances and regulations of the City as amended are hereby repealed.

A. Sections 4:16 through 4:20, and 4:30 of Chapter 47: Streets and Curb Cuts

B. Chapter 55: Zoning Ordinance

C. Chapter 56: Prohibited Land Uses

D. Chapter 57: Subdivision and Land Use Controls

E. Chapter 59: Off-Street Parking

F. Chapter 60: Wetlands Preservation

G. Chapter 61: Signs and Outdoor Advertising

H. Chapter 62: Landscaping and Screening

I. Chapter 63: Soil Erosion and Sedimentation Control

J. Chapter 104: Fences

K. Land Development Regulations and Attachments A, B, C, and D.

5.9.2 Violations of Previous Regulations

The adoption of this chapter shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of Chapter 55, as amended before the effective date of this chapter, if that violation is also a violation of the provisions of this chapter.

Article II: Zoning Districts

5.10 General

5.10.1 Classification of Districts

Ann Arbor is hereby divided into zoning districts and overlay zoning districts listed in this Article II.

5.10.2 Zoning District Boundaries Shown on the Zoning Map

The boundaries of the zoning districts and overlay zoning districts are hereby established as shown on the Zoning Map that accompanies this chapter and that, with all notations, references and other information shown on that map, shall be as much a part of this chapter as if fully described in this chapter. The street type designations for Downtown Character Overlay Zoning Districts and the TC1 Transit Corridor district are hereby established as shown on the Street Type Designation Map that accompanies this chapter and that, with all notations, references and other information shown on that map, shall be as much a part of this chapter as if fully described in this chapter. The electronic version of the Zoning Map and Street Type Designation Map reflecting all amendments approved by City Council shall be certified as the official copies by the City Clerk. Maps and descriptions accompanying enacted amendments shall be displayed adjacent to the official copy until such time as the official copy is corrected.

Ordinance No. ORD-23-33, December 24, 2023.

5.10.3 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this chapter, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown on that map, the Zoning Board of Appeals shall make an interpretation concerning the exact location of the zoning district boundary. The Board, in arriving at a decision on these matters, shall apply the following standards:

A. Zoning district boundary lines are intended to follow *lot lines*, or be parallel or perpendicular to *lot lines*, or along the center lines of Alleys, Streets, *rights-of-way* or *watercourses*, unless the zoning district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where zoning district boundaries approximately follow *lot lines*, the *lot lines* shall be construed to be the boundaries.

C. In unsubdivided property, or where a zoning district boundary divides a *lot*, and no dimensions are shown on the Zoning Map the location of any boundary shall be determined by the use of the map scale shown on the map.

D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Board of Appeals shall determine and fix the location of the line in a reasonable manner.

5.10.4 Relationship of Base and Overlay Zoning Districts

If a property is included in an overlay district listed in Section 5.14 , the standards of the overlay district shall apply in addition to the standards of the underlying base zoning district.

In the event of an express conflict between the two sets of standards, the standards for the base zoning district shall control.

5.11 Residential Zoning Districts

5.11.1 AG Agricultural-Open Space District

This district is intended to preserve open areas and to provide a desirable environment in the City and to ensure that the benefits of open areas, light, air, and private recreational activities can exist in well-planned locations throughout the City; to provide areas where farming can exist in the City both as an industry and to preserve, for the residents of the City, examples of a lifestyle that is rapidly disappearing; and to control the proximity of these uses to other uses.

5.11.2 R1A, R1B, R1C, R1D and R1E Single-Family Dwelling District

A. These Single-Family Zoning Districts are intended to provide an environment of detached *single-family dwellings*, along with other related facilities that serve the residents in the district such as schools, recreational facilities, parks, and *religious assembly*. These districts should be convenient to commercial facilities in other zoning districts and to public transportation.

B. These districts are intended to encourage the preservation and continuation of the longstanding residential fabric in existing neighborhoods of predominantly *single-family dwellings*, along with other related facilities that serve the residents in these districts.

C. *Accessory dwelling units* are allowed to enable a new housing prototype that respects the look and character 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.

D. Application of the R1D and R1E district may require a greater degree of services than the less dense Single-Family Zoning Districts. To assure health, safety and welfare, any future R1D and R1E zoning areas should be contingent upon the availability or provision of adequate public services to serve the higher densities permitted by that district, in addition to other pertinent planning considerations.

5.11.3 R2A Two-Family Dwelling District

This district is intended to provide residential areas in the City that are suitable for *two-family dwellings*. The district is intended to create areas of essentially single-family residential character utilizing two *single family dwelling units* that are attached either side to side or vertically. The district is intended to be similar to the higher density Single-Family Zoning Districts, except for the different type and slightly higher density of *dwelling units*. Location criteria for the application of this district should include the availability or provision of adequate public services to serve such higher densities. It may be used as a transition zone between single-family areas and other areas.

5.11.4 R2B Two-Family Dwelling and Student Housing District

This district is intended to permit *single-family dwellings* and *two-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 other fraternities, sororities and student cooperatives. A further intent of this zoning district is 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 *lots* containing those houses are characterized by large front yard setbacks, mature and harmonious tree growth, and uniformity in architectural characteristics such as scale and use of materials. Any additions to existing houses and/or construction of new facilities should harmoniously reflect the overlying character of the surrounding environs.

5.11.5 R3 Townhouse Dwelling District

In addition to types of *dwelling units* permitted in the R1 and R2 districts, this district is intended to permit attached *dwelling units* to be arranged side by side in a low-density, *multiple-family dwelling* fashion. These developments are most appropriate in the established areas of the City for infill 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.

5.11.6 R4A Multiple-Family Dwelling District

In addition to types of *dwelling units* permitted in the R1, R2, and R3 districts, this district is intended to permit attached *dwelling units* to be arranged either side by side or one above the other in a low-density, *multiple-family dwelling* fashion. These developments are most appropriate in perimeter areas of the City. *Developments* shall provide sufficient open land area to make them compatible with surrounding land uses and to provide for their residents an environment that is more than merely physically safe and healthy.

5.11.7 R4B, R4C, R4D, and R4E Multiple-Family Dwelling Districts

A. General Purpose Statement

In addition to the types of *dwelling units* permitted in the R1, R2, R3, and R4A districts, these Multiple-Family Zoning Districts are intended to permit attached *dwelling units* to be arranged one above the other or side by side.

B. Specific Purpose Statements

1. The R4B Multiple-Family Dwelling District is intended to allow small tracts of land in established areas for infill purposes or medium sized tracts of land for moderate-sized developments.
2. The R4C Multiple-Family Dwelling District is intended to be located in the central area of the City in close proximity to the central business district and the University of Michigan campus.
3. The R4D Multiple-Family Dwelling District is intended to permit higher density in the form of high-rise *buildings* on substantial tracts of land located in areas other than downtown. Land use planning and site design should minimize the impact of the permitted intensity of land use on

adjacent property and on the community as a whole. Some of the criteria used in determining the location of this zoning district include:

a. The presence of natural land features that may be used to advantage in scaling down the potential impact on surrounding areas.

b. The location would enhance the bypasses and entrance ways to the City and provide a community focal or identity point.

c. The location would provide housing opportunities near outlying commercial, service, or employment centers.

4. The R4E Multiple-Family Dwelling District is intended to permit high-density, Multiple-Family development along signature transit corridors, as identified in the City's Master Plan, with nearby access to public land, schools, shops, and *personal services* outside the DDA boundary. The elements of land use planning and site design should ensure that the impact of such intensity of land use on adjacent property and on the community as a whole is minimized.

5.11.8 R6 Mobile Home Park District

This district is intended to permit a transportable *dwelling unit* that is suitable for year-round occupancy and contains the same type of *public utilities* as immobile housing, in accordance with state, county and City statutes, ordinances and regulations, including but not limited to the National Manufactured Housing Construction & Safety Standards Act of 1974 (42 U.S.C.A. 5401 *et seq.*, as amended). These developments shall be located on *sites* of sufficient size that enable development to be interspersed with functional *open space.*

5.12 Mixed-Use Zoning Districts

5.12.1 O Office District

This district is intended primarily for office buildings. The Office district classification will be applied as a transitional use buffer between residential uses and nonresidential and special purpose uses which would be incompatible in direct contact with Residential Zoning Districts.

5.12.2 C1 Local Business District

This district is intended solely to serve the needs of the surrounding residential neighborhood, providing goods that are day-to-day needs and are classed by merchants as "convenience goods and services." The normal spacing between these shopping districts is approximately one mile, and the total land area averages two acres. Businesses that might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land. The regulations establish standards comparable to the standards for Residential Zoning Districts to result in similar area, height, and *building* placement.

5.12.3 C1A Campus Business District

This district is intended primarily to serve as a neighborhood shopping area for the university-oriented population that is concentrated around it, providing goods that are day-to-day needs, specialty shops, and recreation. While the primary function of this district is to serve as a neighborhood shopping area for the student/faculty population concentrated around it, it also has a community-wide orientation due to its unique and distinctive commercial function peculiar to university-oriented population. These districts shall be located in close proximity to the central area of the City.

5.12.4 C1B Community Convenience Center

This district is intended primarily to serve the needs of the surrounding community. This includes establishments that although they primarily serve a surrounding neighborhood, could also serve a larger trade or service area. These districts tend to create greater environmental stresses than those uses permitted under C1, even though the goods or services offered might be in the convenience category or classification. Most people entering this district will come by automobile and typically park once. The economic welfare of merchandising activities in these districts depends on moderate development of comparison shopping. Office *building* activities are compatible with the purpose of the district as long as adequate and convenient automobile parking can be provided for both the office and the retail merchandising activity.

5.12.5 C1A/R Campus Business Residential District

A. Purpose Statement

This district is intended to encourage the orderly clustering and placement of high-density residential and complementary commercial development near the campus business district.

B. Special Standards

All commercial uses except *office* uses shall not be permitted above the third *story*.

5.12.6 D1 and D2 Downtown Districts

A. General Purpose Statement

These districts, in coordination with the character overlay zoning districts in Section 5.14 , are intended to support the downtown as the City's traditional center. The downtown serves both the region and local residents as a place to live, work, and take advantage of civic, cultural, educational, shopping, and entertainment opportunities. The downtown districts are intended to allow a mixture of land uses, dense urban development, pedestrian orientation, unique residential opportunities, and a compatible and attractive mix of historic and contemporary *building* design. *Development* in these districts is designed to be accessible by a variety of modes of transportation.

B. Specific Purpose Statements

1. D1 Downtown Core District

This district is intended to contain the downtown's greatest concentration of development and serves as a focus for intensive pedestrian use. This district is appropriate for high-density mixed residential, office, and commercial

development.

2. D2 Downtown Interface District

This district is intended to be an area of transition between the D1 and surrounding residential neighborhoods. This district is appropriate for medium density residential and mixed-use development.

C. Relationship to Downtown Character Overlay Zoning Districts

The D1 and D2 downtown zoning districts shall be further regulated by the character overlay zoning districts in Section 5.14 . Unless otherwise specified in this chapter, regulations identified for both the downtown district and the applicable character overlay zoning district shall apply.

5.12.7 C2B Business Service District

This district is designed to provide for certain types of commercial activities that have functional and economic relationships to downtown core or downtown interface commercial district. In this district the customer may come to the particular establishment either by automobile or as an extension of downtown pedestrian shopping activity. Since there is little essential interdependence of activities, each establishment should have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers. The uses permitted, because of their required contact with auto and truck traffic, would be incompatible in the downtown.

5.12.8 C3 Fringe Commercial District

This district is intended to provide for certain types of commercial activities that have characteristics in common. In this district, the customer usually comes directly to the particular establishment by automobile, making a separate stop for each errand. Comparison shopping activity is less than in the downtown area. Since there is little essential interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own automobile parking. Good automobile accessibility is essential to these districts. The uses permitted, because of their lack of intense pedestrian activity and their required contact with auto access would be incompatible in the downtown area.

5.12.9 TC1 Transit Corridor

A. General Intent Statement

This district is intended along existing transit corridors with regular fixed service provided by the Ann Arbor Area Transportation Authority primarily on established commercial and office sites, often with deep front setbacks, vast surface *parking lots* and lower *floor area ratios* than the previous zoning designation allowed. This district has been created to facilitate, encourage, and support redevelopment and infill development to realize mixed-use developments and achieve mixed-use corridors that support and sustain transit service as well as encourage affordable housing, enable more housing choices, more sustainable forms of development, with reduced resource and energy needs. Pedestrian-friendly designs are critically important in this district as all transit users of any mode begin and end their trips as pedestrians. Application of this district will further the goals expressed in all elements of the City's master plan, particularly the Sustainability Framework, the Land Use Element, the Climate Action Plan, and the

Comprehensive Transportation Plan.

B. Specific Purpose Statements

When approving a petition to rezone a site from its current designation to TC1, the Planning Commission and City Council should consider the following specific purpose statements:

1. This district may replace the O, RE, ORL, C2B, C3, P, R5 and M1 districts. It should only replace other zoning designations in unique and rare instances where another zoning district is entirely surrounded by the specifically mentioned districts.
2. This district should be located proximate to a transit corridor, meaning a Street with existing fixed transit service. All areas of parcels zoned TC1 should be no more than ½ mile from a transit stop.

Ordinance No. ORD-21-19, July 25, 2021.

5.13 Nonresidential and Special Purpose Zoning Districts

5.13.1 R5 Hotel District

This district is intended to permit *hotels* and certain institutional housing uses that provide nursing care for convalescence from illness or special care for the elderly.

5.13.2 P Parking District

This district is intended for off-street storage of noncommercial vehicles where no repair, sales, or services are rendered from the *parking lot*.

5.13.3 PL Public Land District

This district is intended to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services.

5.13.4 RE Research District

A. Purpose Statement

This district is intended for research facilities to serve the needs of commerce, industry, business, and education. The prime characteristics of this district are the low intensity of land coverage, campus-like developments, preservation of significant *natural features*, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.

B. Special Standards

All uses established in the RE district must comply with the following requirements:

1. *Outdoor storage* of equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.
2. All automobile ingress and egress shall be screened from Residential Zoning Districts and no parking shall be allowed within a *required setback area* that abuts a Residential Zoning District.

3. No process carried on within a *building* shall cause noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the *lot lines*, nor any production of heat, glare, dust, vibration, light, or odor discernible at the *lot lines*.
4. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
5. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.5 ORL Office/Research/Limited Industrial District

A. Purpose Statement

This district is intended to provide for a mixture of research, office and light industrial uses whose external effects are restricted to the *site* and do not adversely impact surrounding districts. The ORL district is structured to permit the manufacturing, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared materials. The preservation of significant *natural features* and the encouragement of low-density, campus-like layouts are objectives for the establishment of such zones.

B. Special Standards

All uses established in the ORL District must comply with the following requirements:

1. *Outdoor storage* of equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.
2. Loading facilities shall be provided. Truck storage areas shall be provided in addition to the parking required by Section 5.19 where such storage is necessary for the operation of the use. Truck storage areas shall meet the parking lot standards of Section 5.19 . Loading facilities and truck storage areas shall be screened from abutting residential uses and public Street *rights-of-way* according to Section 5.20.3
3. All automobile ingress and egress shall be screened from Residential Zoning Districts and no parking shall be allowed within a *required setback area* that abuts a Residential Zoning District.
4. No process carried on within a *building* or *structure* shall cause noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the *lot lines*, nor any production of heat, glare, dust, vibration, light, or odor discernible at the *lot lines*.
5. All *hazardous* materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of abutting areas.
6. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.6 M1 Limited Industrial District

This district is intended to provide land for various types of industrial and manufacturing uses that are compatible with one another. Properties included in this district are suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large setbacks, attractive architecture and large, landscaped park-like areas. The purpose of the district is to provide suitable *sites* for such uses while making certain that the allowed uses will be compatible with adjacent or surrounding districts. *Development* is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic, or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses shall be designed, constructed and operated so that there is no production of noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the *lot lines*, nor any production of heat or glare discernible at the *lot lines*.

5.13.7 M1A Limited Light Industrial District.

This district is intended to provide land for various types of industrial manufacturing and certain low intensity commercial activity uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large, landscaped, park-like areas. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses located within this district shall be designed, constructed and operated so that there is no production of noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the lines, nor any production of heat or glare discernible at the *lot lines*.

5.13.8 M2 Heavy Industrial District

This district is intended to provide land for more intense types of industrial and manufacturing uses that are usually located deep within the industrial areas of the City and downwind from residential and business areas. Regulations to minimize their incompatibility with other Residential Zoning Districts are the minimum required for mutual protection of the industrial areas. The district should not be adjacent to any Residential or Mixed-Use Zoning Districts if that can possibly be avoided.

5.13.9 PUD Planned Unit Development District

A. Purpose Statement

The purpose of this district is to permit flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of *structures* constructed; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage provision of *open space* and protection of *natural features*; to provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City; to expand the supply of *affordable housing dwelling units* and to

encourage the use, reuse, and improvement of existing *sites* and *buildings* that will be developed in a compatible way with surrounding uses, but where the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the *site* or surrounding area. The district is intended to accommodate developments with one or more land uses, *sites* with unusual topography or unique settings within the community, or *sites* that exhibit difficult or costly development problems or any combination of these factors. This zoning district shall not be allowed where it is sought primarily to avoid the imposition of standards and requirements of other zoning classifications or other City regulations rather than to achieve the stated purposes above.

Ordinance No. ORD-19-34, November 17, 2019.

5.14 Overlay Zoning Districts

5.14.1 Downtown Character Overlay Zoning Districts

A. General Purpose Statement

The purpose of these overlay zoning districts is to supplement the regulations for the D1 and D2 districts to reflect the diversity of historical and built environments within the downtown. These character overlay zoning districts account for differences in the existing Street pattern, density, massing, and design features that exist throughout the downtown, in addition to the intent of the City for the future development of each area.

B. Specific Purpose Statements

1. South University

The South University overlay district lies along the southeastern edge of the University of Michigan central campus, which separates it from the other Mixed-Use Zoning Districts of downtown. This is an area characterized by a mix of *building* types and sizes, with retail uses at the Street level and relatively narrow *lot widths*. The intent for this district is to maintain a variety in scale, with design that reflects the small-scale widths and heights of *buildings* in the area at the *streetwall* and locates taller portions toward the interior of the *lot*. The South University D2 Character District lies just outside the DDA boundaries, adjacent to nearby residential neighborhoods. The intent for this district is to maintain a variety of small-scale commercial and retail enterprises mixed with some residential uses, minimizing the impact on nearby residential Streets.

2. State Street

The State Street overlay district frames the northwest corner of the University of Michigan central campus and defines the edge of the commercial core of the downtown. This area is characterized by a mixture of entertainment and retail uses with strong connections to the campus. The intent for this district is preservation of the integrity of the historic district properties and the overall historic character of the area, with design that includes features of the traditional commercial storefronts at the Sidewalk edge.

3. Liberty/Division

The Liberty/Division overlay district is located in the core of downtown, yet retains a small-scale residential character. A significant portion of this district coincides with the East William Historic District, and for this reason, preservation of the integrity of these resources is a high priority, as is the retention of the overall sense of scale. While increased *building* mass can be accommodated in this district, it is the intent to maintain the traditional scale and rhythm of residential *buildings*.

4. East Huron 1

The East Huron 1 overlay district is located on the north side of East Huron Street including North Fifth Avenue and South State Street, on a major transportation corridor through downtown and the address of many civic *buildings*, institutions and well-known landmarks of the downtown skyline. Most of its properties have free-standing *buildings* surrounded by *open space*, or have front courtyards or plazas, several of which are open to the public. There is a significant contrast between the massing and scale of the *structures* within this character district and the residential scale of the *structures* within this character district and the residential scale of the adjacent historic neighborhoods which surround the district on the north, east, and west sides. East Huron 1 lies between the Old Fourth Ward, Division Street and Ann Street historic districts and a business loop. This context is its defining feature and, therefore, calls for a higher degree of sensitivity in design and massing to strike a balance between the downtown core and adjacent historic residential neighborhoods.

5. East Huron 2

The East Huron 2 overlay district is located on the south side of East Huron Street between South Division and North State Streets, on a major transportation corridor through downtown. From east to west, this block's character moves from campus-like settings with iconic, free-standing *buildings* surrounded by lawns seen "in the round" to historic, utilitarian commercial *buildings* at the Sidewalk edge, matching the character district's placement between the University of Michigan Central Campus and downtown's civic core. North of this character district lies its sister character area, East Huron 1. To the south, East Huron 2 parallels an area of downtown's core that retains a small-scale residential character.

6. Midtown

The Midtown overlay district is framed on all sides by other downtown character Residential Zoning Districts and contains the Fifth Avenue civic corridor. At present, this district lacks a strong sense of identity and is a place where creation of a new context should occur. The intent for this district is higher density development with a strongly defined Street edge and active open spaces.

7. Main Street

The Main Street overlay district is the traditional heart of downtown, with a

regional entertainment and business focus. The center of the district contains the Main Street Historic District, and preservation of these resources is a high priority. The intent for this district is design that maintains the traditional rhythm of existing storefronts along the Street edge and varying parapet lines.

8. Kerrytown

The Kerrytown overlay district frames the north end of downtown and is characterized by a mix of small-scale commercial *buildings* and houses that have been adapted to different uses. The eastern part of the district is part of the Old Fourth Ward Historic District, while the southeast corner of the district is located in the Fourth/Ann Historic District. The intent for this district is retaining traditional existing *building* patterns, with lower-scale *building* modules and residential shapes.

9. First Street

The First Street overlay district runs north-south along the Ann Arbor Railroad and Allen Creek *floodplain*. This area is characterized by oddly-shaped blocks and a mixture of commercial storefronts, industrial *buildings* and single-family homes. Many of these *buildings* are located in the Old West Side historic district, which makes up much of the character area. The intent for this district is for infill development that preserves historic *buildings'* assets, supports downtown activities, and provides non-motorized connections through preservation of a system of public and common *open spaces*. New development along the Allen Creek *floodplain* should be sited to provide green space on *site* and be located in such a way that it will connect with green space on abutting properties.

C. Applicability

The Downtown Character Overlay Zoning Districts provide additional regulations to the D1 and D2 districts. Unless otherwise specified in this chapter, regulations identified for both the downtown district and the applicable downtown character overlay zoning district shall apply. In the case of a direct conflict between base zoning districts and overlay zoning district, the base zoning district provisions shall apply.

D. Building Massing Standards

Special *building* massing standards for the Downtown Character Overlay Zoning Districts are shown in Section 5.17.6A.

E. Building Front Setback Standards

Special *building* front setback standards for the Downtown Character Overlay Zoning Districts are shown in Section 5.17.6B.

5.14.2 Floodplain Management Overlay Zoning District

A. Purpose and Intent

The purpose of this overlay zoning district is to regulate *development* in the *flood hazard areas* of the City of Ann Arbor. These *flood hazard areas* are subject to periodic inundation, which may result in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures

for *flood* protection, relief and emergency response; and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

This overlay zoning district is intended to preserve the natural characteristics and functions of watercourses and *floodplains* in order to moderate *flood* and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

B. National Flood Insurance Program Compliance

These regulations are adopted to comply with the rules and regulations of the National Flood Insurance Program (codified as 44 Code of Federal Regulations Parts 59—78) so as to maintain eligibility in the National Flood Insurance Program.

C. Applicability

The Floodplain Management Overlay Zoning District shall apply to all *development* within and extending 50 feet from *flood hazard areas* in the City of Ann Arbor. The Floodplain Management Overlay Zoning District is divided into a *Floodway* Zone and *Flood Fringe* Zone.

1. Floodway Zone

The *Floodway* Zone includes those areas designated as *floodway* on the *Flood Insurance Rate Map* adopted in Section 5.14.2D.

2. Flood Fringe Zone

The *Flood Fringe* Zone includes those areas designated as Flood Hazard on the *Flood Insurance Rate Map* adopted in Section 5.14.2D, including Zones A and AE but being located outside of the *floodway*.

D. Incorporation of Maps by Reference

The following maps together with all attached material are hereby adopted by reference and declared to be a part of the City of Ann Arbor Zoning Map and this ordinance. The attached material includes the *Flood Insurance Study* for Washtenaw County, Michigan, and Incorporated Areas, and the *Flood Insurance Rate Map* panels enumerated below, dated April 3, 2012, prepared by the Federal Emergency Management Agency. These materials are on file with the City.

Flood Insurance Rate Maps panel number(s) of 26161C0234E, 26161C0235E, 26161C0241E, 26161C0242E, 26161C0244E, 26161C0253E, 26161C0261E, 26161C0262E, 26161C0263E, 26161C0264E, 26161C0266E, 26161C0268E, 26161C0382E, 26161C0401E, 26161C0402E, 26161C0406E.

E. Interpretation of Boundaries

The boundaries of the *Floodway* Zone are determined by the scaling distances on the *Flood Insurance Rate Map*. The boundaries of the *Flood Fringe* Zone are determined by the *flood* elevations shown on the *Flood Insurance Study*.

1. Where a conflict exists between the *floodplain* limits illustrated on the *Flood Insurance Rate Map* and actual field conditions, the *flood* elevations shown on the *Flood Insurance Study* shall be the governing factor. The Floodplain Administrator shall interpret the boundary location based on the ground elevations that existed before construction and the *flood* elevations shown on the *Flood Insurance Study* for Washtenaw County, Michigan.

F. Warning and Disclaimer of Liability

These regulations do not imply that areas outside the Floodplain overlay district or land uses permitted within the district will be free from *flooding* or *flood* damages. These regulations do not create liability on the part of the City of Ann Arbor or its officers or employees for any *flood* damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

G. Using The Floodplain Management Overlay District

1. Existing Regulation in Underlying Zones

Uses otherwise permitted in underlying zones shall not be allowed unless also permitted in, and developed in accordance with, the provisions of the Floodplain Management overlay district.

2. When the Floodplain Management Overlay District Applies

If the *applicant* is seeking site plan approval or a building or *Grading Permit*, and any part of the *development* is within the Floodplain Management overlay district, as defined in Section 5.14.2C, then the ordinance applies and the *applicant* must furnish the required materials listed in Section 5.29.1D and adhere to the relevant provisions.

3. Compliance with State Law for Watercourse Alteration

For any activities involving *filling* or otherwise occupying a riverine *floodplain* or altering the channel of any watercourse, the *applicant* must comply with applicable sections of Michigan's Natural Resources and Environmental Protection Act (MCL § 324.30101-§ 324.31713.)

4. Determination of Zone and Applicable Standards

Using the process described in Section5.14.2E, the *applicant* determines whether the proposed *development* will occur in the *Floodway* Zone or *Flood Fringe* Zone. Where field surveyed topography indicates that ground elevations are below the *base flood elevation*, even in areas not delineated as a Special Flood Hazard Area on a FIRM, the area shall be considered as *Flood Fringe* Zone and subject to the requirements of these regulations. If the proposed *development* will occur in the *Floodway* Zone, the requirements of Section5.14.2E apply; if the *development* will occur in the *Flood Fringe* Zone, then the requirements of Section 5.14.2I apply.

5. Exemption to Applicability

An *applicant* may be exempt from the requirements of the Floodplain Management overlay district and subject only to the normal site plan approval

standards or building or *Grading Permit* process where:

a. The project is not a new *development* or an expansion of existing construction, does not include any new prohibited uses or improvements, does not change the grades, and is not a *substantial improvement*; or

b. The Floodplain Administrator can determine, without any additional information provided by the *applicant*, that the *development* is not within the *floodplain* based on the *Flood Insurance Rate Map* and the actual elevations of the property; or

c. The *applicant* is able to demonstrate that the *development* is not in the *floodplain* based on the *Flood Insurance Rate Map* and actual survey elevations, after undertaking the process described in Section 5.14.2E.

6. Letter of Map Amendment.

An *applicant* may apply to FEMA for a Letter of Map Amendment if, using the process outlined in Section 5.14.2E, the actual survey elevations demonstrate that the *development* is outside the *floodplain*, but *Flood Insurance Rate Map* shows the *development* to be within the *floodplain*. The *applicant* may be exempt from this ordinance if a Letter of Map Amendment, that removes the *development* area from the *floodplain*, is obtained and submitted to the City, prior to the issuance of permits.

7. General Requirements for New Construction and Substantial Improvement.

In conformity with the Michigan Building Code and Michigan Residential Code, if the proposed *development* is within the *Flood Fringe* Zone or *Floodway* Zone, all new construction and *substantial improvements* shall be:

a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the *structure* resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Constructed with materials and utility equipment resistant to *flood* damage;

c. Constructed by methods and practices that minimize *flood* damage

H. Floodway Zone

1. Prohibited Uses.

The following uses and Artificial Obstructions are prohibited in the *floodway*:

a. Critical facilities.

b. New or expanded residential uses.

c. New *buildings*, except in the case of *redevelopment* that meets the criteria in Section 5.14.2H.4.

d. Additions that expand the *building* footprint of any existing *structure* if any portion of the *structure* is to remain in the *floodway*.

e. Modifications to an existing *building* that would increase the enclosed *floor area* of the *building*.

f. Creating habitable space below the *flood protection elevation* in existing *structures*, such as *basement* conversions.

g. Egress windows and doors below the *flood protection elevation*.

h. New *accessory buildings*, garages, sheds, dumpsters, and fences.

i. *Structures* without a foundation such as: *house trailers*, construction trailers, cell on wheels, and temporary facilities.

j. Toilets connected to the sanitary sewer system, with an elevation below the *flood protection elevation*.

k. *Fill* within the *floodway*, unless it can be demonstrate that the change will improve the *flood* conveyance and *floodplain* function.

l. *Principal use parking lots* built at grade where the depth of flooding at the *base flood* event will exceed 2.0 feet.

m. *Parking lots* accessory to residential uses built at grade where the depth of flooding at the *base flood* event will exceed 2.0 feet.

n. Construction or permanent storage of an object subject to floatation or movement during flooding.

o. Storage of toxic, flammable, hazardous, or explosive materials.

p. New solid or hazardous waste disposal facilities.

2. Floodway Zone Permitted Uses.

Subject to the standards set forth in Sections 5.14.2H.3 and 5.14.2H.4, all uses not prohibited in Section 5.14.2H.1 are permitted uses if otherwise allowed in the underlying zoning district and any applicable overlay district.

3. Standards for Floodway Permitted Uses.

A permitted use is one that complies with the following criteria. The Floodplain Administrator determines whether a particular use is a permitted use.

a. The use shall not obstruct *flood* flows or increase *flood* elevations.

b. The volume of space which will be occupied by the authorized fill or *structure* below the *base flood elevation* shall be compensated for and balanced by a hydraulically equivalent *excavation* taken from below the *base flood elevation*.

c. Lost *floodway* storage must be compensated in the *floodway* and the *applicant* shall demonstrate that the change will improve the *flood* conveyance.

d. There shall be no reduction in *floodway* surface area as a result of a *floodway* modification, unless such modification is necessary to reduce overall flooding.

e. If the compensatory storage will not be placed at the location of the proposed construction, the *applicant's* engineer shall demonstrate through a determination of *flood* discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

4. Standards for Floodway Zone Redevelopment.

Existing *structures* in the *floodway* may be replaced or *substantially improved* if the following criteria are met in addition to the other requirements of Section 5.14.2H.

a. The new or *substantially improved structure* contains no residential use.

b. The new or substantially improved structure is not a critical facility.

c. The footprint of the new or *substantially improved structure*, within the *floodway* may not be larger than the footprint of the existing *structure* within the *floodway*.

d. Buildings and structures must have the lowest floor of the entire structure elevated to, or above, the flood protection elevation.

e. The new *structure* is placed on the *lot* in a manner that minimizes the *floodway* and *floodplain* encroachment.

f. A hydrologic study shows that the overall *development* will result in no increase in the *base flood elevation*, and will not reduce the conveyance of the *floodway*.

I. Flood Fringe Overlay Zone

1. Prohibited Uses.

The following uses and obstructions are prohibited in the *flood fringe*:

a. Critical facilities.

b. New solid and hazardous waste disposal facilities.

c. Nonresidential storage of highly toxic, flammable, hazardous, or explosive materials.

d. New *structures* without a foundation such as *house trailers*, construction trailers, cell on wheels, and temporary facilities.

e. Egress windows and doors below the *flood protection elevation*.

f. Toilets connected to the sanitary sewer system, with an elevation below the *flood protection elevation*.

g. Construction or permanent storage of an object subject to floatation or movement during flooding.

h. *Structures* or fill prohibited by any other statute, regulation, or underlying zone.

2. Permitted Uses.

Subject to the standards set forth in Section5.14.2I.3, all uses not prohibited in Section 5.14.2I.1 are permitted uses if otherwise allowed in the underlying zoning district and any applicable overlay district.

3. Standards for Flood Fringe Permitted Uses.

a. Residential *structures* and all related heating, cooling, or other mechanical equipment shall be elevated so that the *lowest floor* is at or above the *flood protection elevation.*

b. All nonresidential structures, including accessory buildings, shall be elevated so that the lowest floor is at or above the flood protection elevation, or floodproofed to the flood protection elevation.

c. *Accessory buildings* such as sheds, *barns*, shelters, gazebos and garages shall be adequately anchored to prevent floatation, include the required *flood* openings, and all electrical facilities shall be placed above the *flood protection elevation.*

d. If a *structure* is elevated on fill, the finished fill elevation for *structures* shall be no lower than the *flood protection elevation* and the fill shall extend at the same elevation at least 15 feet beyond the outside limits of the *structure.*

e. The use shall not obstruct *flood* flows or increase *flood* elevations.

i) The volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent excavation taken from below the base flood elevation.

ii) If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

f. *Fill* material placed in the *floodplain* shall be stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material, and appropriate for the purpose of supporting the intended use and/or permanent *structure.*

Ordinance No. ORD-20-33, January 31, 2021.

Article III: Use Regulations

5.15 Permitted Use Tables

Abbreviations in Tables 5.15-1, 5.15-2, and 5.15-3 shall have the following meanings:

P -- Permitted Uses
These uses are permitted by right in the district. Permitted uses are identified with a "P".

E -- Special Exception Uses
These uses may be allowed in a district subject to review and approval by the Planning Commission. *Special exception uses* are identified with an "E". A *special exception use* is subject not only to the minimum requirements for that use in the zoning district in which it is located, but also to the applicable standards and requirements found in Section 5.29.5. Special conditions may be imposed by the Planning Commission in order to make the use compatible with the uses permitted by right in that zoning district.

A -- Accessory Uses
Any *accessory use* incidental to the permitted *principal use* is permitted, unless otherwise permitted or restricted by this chapter. *Accessory uses* are identified with an "A".

Blank Cell -- Prohibited Uses
These uses are not permitted in the district. Prohibited uses are identified with a blank cell. Any use not expressly permitted is prohibited.

Ordinance No. ORD-19-26, September 22, 2019.

5.15.1 Primary Uses

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (All)	R2A	R2B	R3	R4 (All)	R6	O	C1 (All)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (All)	M2	
Residential																						5.16.1
Household Living																						
Adult Foster Care		P	P	P	P	P		P	P	P	P	P	P	P			P					
Dwelling, Assisted Living						P		P	P	P	P	P	P	P			P					5.16.1B
Dwelling, Multi-Family						P		P	P	P	P	P	P	P			P	E				5.16.1A; 5.16.1D
Dwelling, Single-Family	P	P	P	P	P	P		P	P	P	P	P	P				P					5.16.1A; 5.16.1C
Dwelling, Townhouse					P	P		P	P	P	P	P	P	P			P					5.16.1A
Dwelling, Two-Family			P	P	P	P		P	P	P	P	P	P				P					5.16.1A
House Trailer/Mobile Home Park							P															5.16.1A
Group Living																						
Emergency Shelter						P[1]		P	P	P	P	P	P	P								
Fraternities, Sororities, and Student Cooperative Housing				E		E		E	P	P	P	P	P	P								5.16.1A; 5.16.1E
Group Housing				E		E		P	P	P	P	P	P	P								5.16.1A; 5.16.1F
Guest House						P		P	P	P	P	P	P	P								5.16.1A; 5.16.1G

[1] Except R4A. Emergency shelter use not permitted in R4A district.

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
Public/ Institutional																						**5.16.2**
Community and Cultural																						
Cemetery	P																					
Club Headquarters or Community Center				E		E		P	P	P	P	P	P	P								5.16.2C
Conference Center										E									E			
Correctional Facility																	P					
Museum, Art Gallery										P	P	P	P	P			P					
Funeral Services								P	P	P	P	P	P	P						P	P	
Government Offices and Courts								P	P	P	P	P	P	P			P			P		
Library		P	P	P	P	P		P	P	P	P	P	P	P			P			P		
Parks, Recreation, and Open Space																	P					5.16.2G
Religious Assembly	P	E	E	E	E	E		P	P	P	P	P	P	P						P[2]		
Day Care																						
Adult Day Care Center		E	E	E	P	P		P	P	P	P	P	P	P					E	P	P	5.16.2A
Child Care Center		P	P	P	P	P		P	P	P	P	P	P	P				P	P	P	P	5.16.2B
Educational																						
Institution of Higher Learning, Private		E	E	E	E	E		P	P	P	P	P	P	P						P	P	5.16.2E
Institution of Higher Learning, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Private		E	E	E	E	E		P	P	P	P	P	P	P				E	E			

[2] Except M1A. Religious assembly use is not permitted in the M1A district.

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Trade/Industrial								P	P	P	P	P	P	P			P		P	P	P	
Health Care																						
Hospital						E		E	E					P			P			E		5.16.2D
Nursing Care Facility						P		P	P	P	P	P	P	P	P					P	P	5.16.2F
Commercial																						5.16.3
Hospitality																						
Banquet Hall								P	P	P	P	P	P	P								
Designated Marijuana Consumption Facility									E[3]	E	E	E	E	E								
Restaurant, Bar, Food Service								P	P	P	P	P	P	P								
Lodging																						
Bed and Breakfast, Principal										P	P	P	P	P	P							
Hotel								P	P	P	P	P	P	P	P							
Short-Term Rental – Non-Principal Residence								P	P	P	P	P	P									
Recreation, Entertainment, and Arts																						
Adult Entertainment Business																				P[4]	P	5.16.3A

[3] Except C1. Designated Marijuana Consumption Facility use is not permitted in the C1 district.
[4] Except M1A. Adult Entertainment Business use is not permitted in the M1A district.

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
Artist Studio								P	P	P	P	P	P	P						P	P	5.16.3B
General Entertainment									P	P	E	P	P	P								
Indoor Recreation								P	P	P	P	P	P	P			P		E	E	E	
Outdoor Recreation	P	E	E	E	E	E						P	P				P		E			5.16.3I
Sales																						
Automobile, Motorcycle, Recreational Vehicle, Equipment Sales and Rental										E	E	P	P	E						P		5.16.3C
Fueling Station										E	E	E	P								P	5.16.3D
Outdoor Sales, Permanent									P	P	P	P	P	P								5.16.3J
Marijuana Provisioning Center									E	E	E	E	E	E						E	E	5.16.3F
Mobile Food Vending Service								P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.16.3G
Retail Sales, General Merchandise									P	P	P	P	P	P								
Wholesale, Resale, Building Material and Supplies												P	P							P	P	
Services and Repair																						
Automobile, Truck, Construction Equipment Repair										E	E	P	P	E						P	P	5.16.3C
Contractors, General Construction, and Residential Building											P	P	P							P	P	
Laundry, Cleaning, and Garment Services									P	P	P	P	P	P						P	P	
Parking Lot, Parking Structure										E	E					P	P					5.16.3K
Personal Services								P	P	P	P	P	P	P								
Vehicle Wash										E	E	E	P									

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
Kennels and Animal Boarding								E	E	P	P	P	P							P	P	5.16.3N
Office and Research																						5.16.4
Office																						
Bank, Credit Union, Financial Services								P	P	P	P	P	P	P						P		
General								P	P	P	P	P	P	P				P	P	P		5.16.4C
Medical/Dental								P	P	P	P	P	P	P						P		5.16.4C
Veterinary								P	P	P	P	P	P	P								
Nonprofit Corporations		E	E	E	E	E		P	P	P	P	P	P	P				P	P	P		5.16.4B
Research and Development																						
Laboratory														P				P	P	P	P	5.16.4A
Marijuana Safety Compliance Facility																		P	P	P		5.16.3F
Medical Laboratory										P	P	P	P	P				P	P	P	P	
Research/Development														P				P	P	P	P	
Transportation																						
Marijuana Secure Transporter												P	P							P		5.16.3F
Railroad and Public Transportation Rights-of-Way										P	P	P	P				P			P	P	
Transit Center, Station, or Depot										P	P	P	P	P			P			P	P	
Transportation Facilities																	P					

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
INDUSTRIAL																						5.16.5
AGRICULTURAL																						
Agriculture/Greenhouse	P																					
Barns	P																					
Borrow Pit	E																					
Marijuana Microbusiness													E					E	E	E	E	5.16.3F
Marijuana Grower																		E	E	P	P	5.16.3F
MANUFACTURING, PROCESSING, ASSEMBLY, AND FABRICATION																						
Asphalt and Concrete Mixing Plant, Sand and Gravel Pit																					E	
Coal and Coke Dealer																					P	
Food and Beverages																				P	P	
Heavy Manufacturing																					P	5.16.5A
Laundry and Dry Cleaning Plant																				P	P	
Light Manufacturing																			P	P		5.16.5B
Marijuana Processor																		E	E	P		5.16.3F
Marijuana-Infused Product Processor												E	E									5.16.3F
Oil and Gas Wells																						5.16.5C
Pilot Manufacturing																		P	P	P	P	
Scrap and Waste Material																					E	
Slaughterhouse																					E	

TABLE 5.15-1: PRIMARY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: P = permitted | E = special exception | Blank = prohibited.**

Uses (by Category and Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
Utilities and Communications																						
Broadcasting Facility										P	P	P	P	P						P	P	
Data Processing and Computer Centers								P	P	P	P	P	P	P				P	P	P	P	
Electric, Gas, and Sanitary Services																				P	P	
Power and Fuel Rights-of-Way																					P	
Wireless Communication Facilities	P							P	P[5]	E	E	P	P	E	E		P	P	P	P	P	5.16.5D
Warehousing and Storage																						
Medium-Term Car Storage																E						5.16.3H
Short-Term Car Storage																P						5.16.3M
Outdoor Storage																				P	P	
Warehousing and Indoor Storage													P							P	P	

Table Notes:
See Section 5.15 for full table key.
All properties are subject to the additional standards indicated for that use in the right column (Use Specific Standards).
All properties in overlay districts are subject to the additional use regulations in Section 5.14
Specific uses in the C1A/R, RE, and ORL districts are subject to the additional standards found in Sections 5.12.5B, 5.13.4B, and 5.13.5B respectively.
All uses in the TC1 district are subject to the additional standards found in Section 5.17.7

Ordinance No. ORD-18-22, November 4, 2018; Ordinance No. ORD-19-15, June 16, 2019; Ordinance No. ORD-19-16; June 16, 2019; Ordinance No. ORD-19-26, September 22, 2019; Ordinance No. ORD-19-27, September 22, 2019; Ordinance No. ORD-19-32, October 27, 2019; Ordinance No. ORD-20-34, February 14, 2021; Ordinance No. ORD-21-12, May 23, 2021; Ordinance No. ORD-21-19, July 25, 2021; Ordinance No. ORD-21-29, November 21, 2021; Ordinance No. ORD-22-11,

[5] Except C1 and C1A. Wireless Communication Facilities use is not permitted in C1 and C1A districts.

August 21, 2022; Ordinance No. 23-25, September 24, 2023; Ordinance No. ORD-23-37, February 11, 2024; Ordinance No. ORD-24-29, January 5, 2025; Ordinance No. ORD-25-08, May 11, 2025.

5.15.2 Accessory Uses

TABLE 5.15-2: ACCESSORY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: A = accessory | E = special exception | Blank = prohibited**

Uses (by Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
All Accessory Buildings																						**5.16.6A**
Bed and Breakfast, Accessory		A	A	A	A	A																
Community Recreation					A	A																
Dish Antenna		A	A	A	A	A	A															5.16.6B
Drive-Through Facility								E		E	E	E	E									5.16.6C
Dwelling Unit, Accessory		A	A	A	A	A																5.16.6D
Dwelling Unit, Manager's																				A	A	5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A								5.16.6F
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6G
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A								5.16.6H
Incidental Sales and Services								A							A				A			5.16.6I
Management/Maintenance Office and Storage					A	A	A	A	A	A	A	A	A				A	A	A			
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A								5.16.3F
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A								5.16.3F
Office, Administrative/Executive																	A			A	A	

TABLE 5.15-2: ACCESSORY USE TABLE

See Table Notes (at bottom) for Important Information. **Key: A = accessory | E = special exception | Blank = prohibited**

USES (BY TYPE)	RESIDENTIAL DISTRICTS							MIXED-USE DISTRICTS							NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS							USE SPECIFIC STANDARDS
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
ALL ACCESSORY BUILDINGS																						**5.16.6A**
Outdoor Display and Vending Machines									A	A	A	A	A	A								5.16.6J
Outdoor Sales, Temporary								A	A	A	A	A	A									5.16.6K
Parking Attendant Building																A						
Parking Structure														A								5.16.6L
Restaurant, Bar, Food Service															A							5.16.6L
Retail Sales, General Merchandise																			A	A	A	5.16.6M
Roadside Stand	A																					
Short-Term Rental – Principal Residence Homestay	A	A	A	A	A	A	A	A	A	A	A	A	A									
Short-Term Rental – Principal Residence Whole House	A	A	A	A	A	A	A	A	A	A	A	A	A									
Solar Energy System	A				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6N
Solar Energy System, Personal-Scale		A	A	A	A	A																5.16.6O
Wireless Communication Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6P

Table Notes:
See Section 5.15 for full table key.
All properties are subject to the additional standards indicated for that use in the right column (Use Specific Standards).
All properties in overlay districts are subject to the additional use regulations in Section 5.14
Specific uses in the C1A/R, RE, and ORL districts are subject to the additional standards found in Sections 5.12.5B, 5.13.4B, and 5.13.5B respectively.
All uses in the TC1 district are subject to the additional standards found in Section 5.17.7

Ordinance No. ORD-20-34, February 14, 2021; Ordinance No. ORD-21-12, May 23, 2021; Ordinance No. ORD-21-14, June 27, 2021; Ordinance No. ORD-21-19, July 25, 2021; Ordinance No. ORD-23-37, February 11, 2024.

5.15.3 Temporary Uses

TABLE 5.15-3: TEMPORARY USE TABLE

See Table Notes (at bottom) for Important Information
P = permitted as primary | E = special exception | A = permitted as accessory | Blank = prohibited

Uses (by Type)	Residential Districts							Mixed-Use Districts							Nonresidential and Special Purpose Districts							Use Specific Standards
	AG	R1 (ALL)	R2A	R2B	R3	R4 (ALL)	R6	O	C1 (ALL)	D1	D2	C2B	C3	TC1	R5	P	PL	RE	ORL	M1 (ALL)	M2	
All Temporary Uses																						**5.16.7**
Christmas Tree Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	**5.16.7A**
Outdoor Sales, Temporary by Others									E	E	E	E	E	E	E	E	E					**5.16.7B**
Special Event Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	**5.16.7C**
Temporary Outdoor Activity																P/E						**5.16.7D**

Table Notes:
See Section 5.15 for full table key.
All properties are subject to the additional standards indicated for that use in the right column (Use Specific Standards).
All properties in overlay districts are subject to the additional use regulations in Section 5.14
Specific uses in the C1A/R, RE, and ORL districts are subject to the additional standards found in Sections 5.12.5B, 5.13.4B, and 5.13.5B respectively.
All uses in the TC1 district are subject to the additional standards found in Section 5.17.7

Ordinance No. ORD-19-15, June 16, 2019. Ordinance No. ORD-20-34, February 14, 2021. Ordinance No. ORD-21-19, July 5, 2021.

5.16 Use Specific Standards

5.16.1 Residential Uses

A. Residential Occupancy

1. Purpose

This section is intended to reasonably regulate the number of Persons who can live in a residential *dwelling unit*. The City finds that occupancy limits are needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate *lot area* to accommodate the residents of each *dwelling unit* without impairing the character of the neighborhood. The City also finds there are a number of residential living arrangements other than the traditional biological *family* arrangement. This section is intended also to accommodate those alternative living arrangements.

2. Limits on Occupancy of Dwelling Unit

A *dwelling unit* may be occupied by one of the following *family* living arrangements:

a. One or more Persons related by blood, marriage, adoption, or guardianship living as a single *housekeeping unit*, in all districts.

b. A maximum of four Persons plus their *offspring* living as a single *housekeeping unit*, in all districts.

c. A maximum of six Persons living as a single *housekeeping unit* in Multiple-Family and Mixed-Use Zoning Districts only.

d. A *functional family* living as a single *housekeeping unit* that has received a *special exception use* permit pursuant to Section 5.29.5.

3. Additional Standards for Functional Family

In addition to meeting the definition in Article VIII of this chapter and the *special exception use* standards of Section 5.29.5, a permit for a *functional family* is subject to the following standards and regulations:

a. Limited to Approved Functional Family Type

The permit shall apply only to the *functional family* type which obtained the permit and shall be limited to the number of Persons specified in the permit.

b. Contact Person

A contact Person shall be provided who will act as head of household in relating to the City.

4. Variance for Handicapped Person

The Zoning Board of Appeals may grant a variance from the standards of this

section if it is reasonably necessary to give a handicapped Person (as defined in 42 USC Section 3602) equal opportunity to use and enjoy a *dwelling unit*.

5. Exceptions

The occupancy limits of this section do not apply to *group housing*, *fraternity or sorority houses*, *student cooperative housing*, *emergency shelters*, or convalescent homes.

Ordinance No. ORD-22-13, September 4, 2022.

B. Dwelling, Assisted Living

1. R4A, R4B, R4C, R4D, R4E Districts

Subject to providing a minimum of 400 square feet of *lot area* per occupant.

C. Dwelling, Single-Family

1. All Zoning Districts

No Person shall park or permit the parking of a *house trailer* for occupancy on any private property within the City, except in an authorized trailer camp licensed under the provisions of Act 143, Public Acts of 1939, State of Michigan, as amended.

2. R1E District

The *principal building* on the *lot* shall not exceed 2,000 square feet of *floor area*.

D. Dwelling, Multi-Family

1. RE District

Multiple-family dwellings are subject to the density and dimensional standards of the R4B district, in accordance with Table 5.17-3.

E. Fraternity or Sorority House, and Student Cooperative Housing

1. R2B and Multiple-Family Zoning Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards apply:

a. 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.

b. A minimum *lot area* of 8,500 square feet subject to a minimum of 350 square feet of *lot area* per occupant shall be provided.

c. The *floor area* of the *principal building* shall have a minimum of 5,000 square feet. *Single-family* or *two-family dwelling* containing 5,000 square feet or less may not be converted to a *fraternity or sorority house*, or *student cooperative housing*.

d. A *fraternity or sorority house*, or *student cooperative housing* adjacent to a *single-family* or *two-family dwelling* shall have a hedge, berm,

fence, or wall, forming a continuous screen at least six feet high along the entire length of each *lot line* where the adjacency with the *single-family* or *two-family dwelling* occurs, except in the *front required setback area* or as restricted by other ordinance. Screening that continues into the *front required setback area* shall be consistent with Section 5.26 Fences.

e. The maximum number of occupants shall be established by the special exception use, and any increase in occupancy shall require a new special exception use permit.

f. Density increases and other modifications to existing *fraternity or sorority houses*, and *student cooperative housing* may be allowed pursuant to Section 5.30 except as provided in Subsection f below.

g. 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 or modifying a *special exception use* permit if current parking ordinance standards for *fraternity or sorority houses*, and *student cooperative housing* are met.

Ordinance No. ORD-18-06, July 29, 2018.

F. Group Housing

1. R2B and R4A Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards apply:

a. A resident manager must be employed or appointed if the owner does not reside at the *principal building*.

b. The *floor area* of the *principal building* must exceed 5,000 square feet.

c. Common kitchen facilities, including a dining area or room, must be provided within the *principal building*.

G. Guest House

A minimum of 400 square feet of *lot area* per occupant shall be provided.

5.16.2 Public/Institutional Uses

A. Adult Day Care Center

1. All Single-Family and Two-Family Residential Zoning Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards apply:

a. The parcel must have a minimum of 7,500 square feet of *lot area*.

b. Occupancy may not be increased without amending a previously approved *special exception use* permit.

Ordinance No. ORD-22-13, September 4, 2022.

B. Child Care Center

1. All Single-Family and Two-Family Residential Zoning Districts

The parcel must have a minimum of 7,500 square feet and the *child care center* must be licensed by the State of Michigan.

Ordinance No. ORD-24-29, January 5, 2025.

C. Club Headquarters or Community Center

1. R2B and Multiple-Family Zoning Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards shall apply:

a. The facility shall only be used by members and guests.

b. Lodging is not permitted.

c. The service of meals, except as necessary for club activities, is prohibited.

D. Hospital

1. R4B, R4C, R4D, R4E Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards apply:

a. Minimum of 1,500 square feet *lot area* per bed.

E. Institutions of Higher Learning, Private

1. All Residential Zoning Districts

In addition to the *special exception use* standards in Section 5.29.5, the following standards apply:

a. The *lot* must contain at least 20 acres.

b. No *building* or other use of land, except landscaped areas, shall be situated within 100 feet of any adjacent residential property.

F. Nursing Care Facility

1. R4A, R4B, R4C, R4D Multiple-Family, O, R5 Districts

a. At least 400 square feet of *lot area* per occupant must be provided.

2. C1 District

At least 400 square feet of *lot area* per occupant must be provided.

G. Parks, Recreation, and Open Space

No *structure* shall be erected or maintained upon dedicated park land that is not customarily incidental to the *principal use* of the land.

5.16.3 Commercial Uses

A. Adult Entertainment Business

1. Locations of Adult Entertainment Businesses

An *adult entertainment business* shall be located only in accordance with the following restrictions:

a. No *adult entertainment business* shall be located on a *lot* within 700 feet of (i) any Residential Zoning District, or (ii) Planned Unit Developments with residential uses, or (iii) land zoned residential in a township.

b. No *adult entertainment business* shall be established within 700 feet of another *adult entertainment business.*

2. Use Regulations

a. No Person shall reside in or permit any Person to reside in the *premises* of an *adult entertainment business.*

b. No Person shall operate an *adult personal service business* unless there is conspicuously posted in each room where such *business* is carried on a notice indicating the prices for all services performed by said *business.* No Person operating or working at such a place of *business* shall solicit or accept any fees except those indicated on any such notice.

c. No Person operating an *adult entertainment business* shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.

d. No Person shall operate an *adult personal service business* without obtaining a current code compliance license. Licenses shall be issued by the City Administrator following an inspection to determine compliance with City Code and upon payment of a license fee as set by resolution of City Council. Such a license shall be subject to the regulations contained in Chapter 76 of Title VII of this Code.

e. No Person operating an *adult entertainment business* shall permit any Person under the age of 18 to be on the *premises* either as an employee or customer.

f. No Person shall become the lessee or sublessee of any property for the purpose of using said property for an *adult entertainment*

business without the express written permission of the owner of the property for such use.

g. No lessee or sublessee of any property shall convert that property from any other use to an *adult entertainment business* without the express written permission of the owner of the property for such use.

B. Artist Studio

1. O District

No more than 25% of the total *floor area* of the studio shall be used for the display and sale of articles that are produced in the studio.

C. Automobile, Truck, and Construction Equipment Repair

1. C2B and TC1 Districts

Automobile, truck, and construction equipment repair must be located in an enclosed *building*.

Ordinance No. ORD-23-25, September 24, 2023.

D. Fueling Station

A *fueling station* shall employ berms or 30 inch high opaque walls between the *vehicular use area* and the *public right-of-way* unless the landscape buffer strip provided is 15 feet in width or greater. If the landscape buffer strip provided is 15 feet in width, then a landform berm, hedge and/or dense planting combination at least 30 inches in total height is acceptable. If a wall is used, it shall be set back at least four feet from the *lot line* with one 30 inch high shrub provided for every four linear feet, planted on the Street side of the wall. The *site* design, planting scheme, and materials used in these areas shall comply with the requirements set forth in this chapter.

E. Indoor Recreation

1. C1 District

Special exception use approval pursuant to Section 5.29.5 shall be required when adjacent to any R district.

2. C1A, C1A/R, C1B Districts

Special exception use approval pursuant to Section 5.29.5 shall be required when adjacent to any R district.

F. Marijuana Facilities

1. Intent

a. It is the intent of this section to provide appropriate locations and reasonable restrictions for *marijuana facilities* allowed by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* These are unique land uses with

ramifications not addressed by more traditional zoning district regulations.

b. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of *marijuana* allowed by the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.* and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* These are unique land uses with ramifications not addressed by more traditional zoning district and *home occupation* regulations.

c. It is the intent of this section to protect the health, safety, and general welfare of Persons and property by limiting land uses related to *marijuana* to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of Persons in the district, or other uses allowed in each district.

2. Words and Phrases

Words and phrases contained in the Michigan Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 *et seq.*, the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 *et seq.*, or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* ("MRTMA"), shall have the same meanings in this code, as applicable. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA, the MMMA, or the MRTMA, but if any definition in Article VIII conflicts with the definition in the MMFLA, MMMA, or MRTMA, then the definition in the applicable state act shall apply.

3. All Marijuana Facilities

a. No approvals under this chapter shall be granted for any *marijuana facility* in excess of any limits on permits for *facilities* in the City established by Chapter 96 of the City Code or other actions of the City.

b. No Person shall reside in or permit any Person to reside in a *marijuana facility*, except as allowed in the M1 and M2 zoning districts.

c. No smoking, inhalation, or consumption of *marijuana* shall take place on the *premises* of any *marijuana facility*.

i) Exception: A *designated marijuana consumption facility* may permit smoking, inhalation, or consumption of *marijuana* on the *premises*.

d. All activities of a *marijuana facility* shall be conducted indoors.

i) Exception: Curbside pickup may be provided for any *marijuana provisioning center*, *marijuana retailer*, or

marijuana microbusiness.

e. No equipment or process shall be used in any *marijuana facility* which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the *premises.*

4. Any Marijuana Facility Special Exception Use

In addition to the requirements in Section 5.29.5, the following information shall be provided to the Planning Commission for consideration of an application for *special exception use.* Additional information from what is listed below may be requested by staff or Planning Commission.

a. A description of how deliveries are handled, methods of storage, a *business* floor plan, or other pertinent information.

b. A detailed safety and security plan that addresses *marijuana*, customers, employees, and neighboring residents, offices or *businesses.*

c. A description of methods used to contain all odors within the *building.*

d. A waste disposal plan specific to *marijuana*, *marijuana plant* waste, and *marijuana-infused products.*

e. Days and hours of operation.

5. Marijuana Provisioning Centers/Marijuana Retailers

a. A *marijuana retailer* is a permitted use at a location where a *medical marijuana provisioning center special exception use* permit has been approved, with or without the continued *medical marijuana provisioning center* use. Any operation of the *medical marijuana provisioning center*, *marijuana retailer*, or combination of the two, shall comply with all conditions of the *special exception use* approval for the *lot.*

b. A lot containing a medical marijuana provisioning center and/or a marijuana retailer shall be located at least 600 feet from any lot on which either a medical marijuana provisioning center, marijuana microbusiness, or marijuana retailer is located.

c. A *lot* containing a *medical marijuana provisioning center* and/or a *marijuana retailer* shall be located at least 100 feet from a *lot* on which a pre-existing *public school* or *private school*, but excluding dance or art schools, is located.

d. A *medical marijuana provisioning center* or *marijuana retailer* may only be located within a PUD in compliance with the standards in this Section 5.16.3F and when retail use is permitted in the PUD *Supplemental Regulations.*

e. An application for a *medical marijuana provisioning center* and/or a *marijuana retailer* in the M1, M1A, or M2 zoning districts may only be approved if the *medical marijuana provisioning center* and/or *marijuana retailer* is incidental to the *principal activity* or *principal use* and the *floor area* devoted to the *medical marijuana provisioning center* and/or *marijuana retailer* does not exceed 10% of the *floor area* of the *principal marijuana facility*.

6. Marijuana Growers

a. A *lot* containing a *marijuana grower* shall be located at least 100 feet from any *lot* on which a pre-existing *public school* or *private school*, but excluding dance or art schools, is located.

b. Applications shall also include a description of the expected volume of water to be used.

c. Applications shall also include a description of the volume, on-site treatment, and any permits required for wastewater for the maximum number of plants at the *marijuana grower*.

d. Applications shall also include a description and plan of the energy needs of the *marijuana grower* where a minimum of 10% of the energy usage will be provided by a *solar energy system*, along with any necessary planned improvements to implement the plan.

e. Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the *marijuana grower* shall be submitted to the City Clerk, upon request.

7. Marijuana Microbusiness

a. A *lot* containing a *marijuana microbusiness* shall be located at least 600 feet away from any *lot* containing a *provisioning center/retailer*, or *marijuana microbusiness*.

b. A *lot* containing a *marijuana microbusiness* shall be located at least 100 feet from any *lot* on which a pre-existing *public school* or *private school*, but excluding dance or art schools, is located.

c. Applications shall also include a description of the expected volume of water to be used.

d. Applications shall also include a description of the volume, on-site treatment, and any permits required for wastewater for the maximum number of plants at the *marijuana microbusiness*.

e. Applications shall also include a description and plan of the energy needs of the *marijuana microbusiness* where a minimum of 10% of the energy usage will be provided by a *solar energy system*, along with any necessary planned improvements to implement the plan.

f. Annual reporting requirement: A written report or documentation of the energy used, water used, and sanitary sewer discharge from the *marijuana grower* shall be submitted to the City Clerk, upon request.

8. Designated Marijuana Consumption Facility

A *lot* containing a *designated marijuana consumption facility* shall be located at least 100 feet from any *lot* on which a pre-existing *public school* or *private school*, but excluding dance or art schools, is located.

9. Medical Marijuana Home Occupations

Cultivation or other *medical use of marijuana* as a *medical marijuana home occupation* in *single-family dwellings* shall comply with the following standards:

a. Medical marijuana home occupations are not permitted in *two-family dwellings* or other *multiple-family dwellings*.

b. In a *single-family dwelling* in any zoning district, no more than 72 *marijuana plants* shall be grown on the *premises*, regardless of the number of *primary caregivers* and/or registered *qualifying patient*s residing in the *dwelling unit*. The *principal use* of the *single-family dwelling* shall be *residential occupancy* and shall be in actual use as such.

c. All other performance standards for *home occupations* as provided in Section 5.16.6H shall be required.

d. A zoning permit per Section 5.29.1 shall be required.

10. Medical Marijuana Use or Cultivation

When the cultivation or other *medical use of marijuana* in *dwelling units* is not a *medical marijuana home occupation*, it shall comply with the following standards.

a. The *principal use* of the *dwelling unit* shall be *residential occupancy* and shall be in actual use as such.

b. No more than 12 plants for each registered *qualifying patient* who resides in the *dwelling unit* shall be grown.

c. No equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.

d. All aspects of the *medical use of marijuana* shall comply at all times with the provisions of the MMMA.

ORD-19-32, effective Oct. 27, 2019; ORD-22-12, effective Sept. 4, 2022; ORD-25-33, effective Dec.14, 2025.

G. Mobile Food Vending Services

Mobile food vending services shall meet the following requirements:

1. The *mobile food vending service* and associated fixtures shall not be located less than 10 feet from any *public right-of-way* or within any required sight distance triangle. A *mobile food vending service* is permitted in any Mixed-Use Zoning District or Nonresidential and Special Purpose Zoning District.
2. On a property adjacent to any Residential Zoning District, a *mobile food vending service* shall not be located within the *required setback* established by the zoning district immediately adjacent to the Residential Zoning District.
3. Any operator of a *mobile food vending service* must receive a Zoning Compliance Permit annually and display at service. All applications for Zoning Compliance Permit shall include documentation of property owner permission for any proposed location, which may be amended over course of permit term, and Washtenaw County or other applicable Health Department approval.
4. The *mobile food vending service* shall provide trash and recycling receptacles for customers to dispose of waste. Such receptacle shall be located no more than ten feet from the *mobile food vending service.*
5. The *mobile food vending service* is responsible for removing all associated trash, litter, and refuse from the site at the end of each day. This includes food wrappers, food utensils, paper products, cans, bottles, food, and other such waste discarded improperly by customers.
6. One *mobile food vending service* may occupy a property with an improved parking area of 20 or fewer parking spaces. A *mobile food vending service* may occupy other properties at a rate not to exceed one *mobile food vending service* per 20 parking Spaces, or fraction thereof, at a single time.
7. A *mobile food vending service* shall not cause any parking, traffic, vehicular accessibility or pedestrian or other non-motorized conflicts or impediments on the property. A *mobile food vending service* shall not block or obstruct any fire lanes. A *mobile food vending service* shall not violate any provisions of City or State Building Codes.

Ordinance No. ORD-19-16, June 16, 2019.

H. Medium-Term Car Storage

1. The *site* must have at least 87,120 square feet (2 acres) of *vehicular use area* within the P district on an approved site plan.
2. The *site* must have a conforming buffers and screening.
3. *Special exception use* approval pursuant to Section 5.29.5 is required and it shall specify the area within the *vehicular use area* where vehicles may be stored, the maximum number of vehicles that may be stored, and the

maximum length of time vehicles may be stored, in addition to any other conditions the Planning Commission may approve.

Ordinance No. ORD-19-15, June 16, 2019.

I. Outdoor Recreation

1. All Residential Zoning Districts

a. The only *outdoor recreation* use allowed in Residential Zoning Districts are accessory *outdoor residential recreation facilities*, subject to the *special exception use* standards in Section 5.29.5 and the following standards. Membership shall be open to residents of the subdivision or residential development in which the *outdoor residential recreation facility* is located.

b. Any permanent addition, other than a *fence*, to an outdoor recreation use, including an accessory *outdoor residential recreation facility* shall constitute a modification of the use that requires *special exception use* approval.

c. For purposes of this section, any new accessory *outdoor residential recreation facility* or permanent addition to an existing accessory *outdoor residential recreation facility* will require a scaled drawing showing the existing and proposed *structures* and improvements on the *site*, instead of a site plan, as part of the *special exception use* application.

d. Buffers per Section 5.20.4 shall be provided to screen the facility from adjacent residential properties.

2. C1, C1A, C1A/R, C1B Districts

Special exception use approval pursuant to Section 5.29.5 shall be required when adjacent to any Residential Zoning District.

3. AG District

Special exception use approval is required for any *outdoor recreation* that is not a golf course, park, or athletic field.

4. Outdoor Theatre

Special exception use approval pursuant to Section 5.29.5 is required in all districts.

Ordinance No. 22-13, September 4, 2022.

J. Outdoor Sales, Permanent

Only permitted if the sales or display is in an area specifically designated for outdoor sales and display as shown on an approved site plan.

K. Parking Structure

1. D1 and TC1 Districts

In the D1 and TC1 districts, an off-street *parking structure* is not permitted at the level of an adjacent Street designated as primary or transit corridor on the Street Type Designation Map as referenced in Section 5.10.2 unless separated from the primary or transit corridor Street by a portion of the *building* that is occupied by a permitted use or uses, with the exception of the portion of a *parking structure* that provides vehicular or pedestrian access to the Street. Permitted uses shall be located within the *building* and have a minimum depth of 25 feet from the exterior of the front wall.

2. D2 District

In the D2 district, an off-street *parking structure* shall be located a minimum of ten feet from the *front lot line* at the level of the adjacent Street and provide a landscape buffer or screening wall between the *building* and the *front lot line*.

3. All Districts

In all districts, any wall of an off-street *parking structure* that abuts a Residential Zoning District shall not contain openings, or if it contains openings shall be separated from the *lot line* by a *building* other than a *parking structure* occupied by a permitted primary use or uses.

Ordinance No. ORD-21-19, July 25, 2021; Ordinance No. ORD-24-19, October 27, 2024.

L. Restaurant, Bar, Food Service

1. C1 District

Each *restaurant*, *bar*, *food service* use shall have a maximum seating capacity of 50 seats.

M. Short-Term Car Storage

1. The *site* must have at least 87,120 square feet (2 acres) of *vehicular use area* within the P district on an approved site plan.
2. The *site* must have conforming buffers and screening.

Ordinance No. ORD-19-15, June 16, 2019.

N. Kennels and Animal Boarding

All facilities must be completely enclosed in a soundproof *building* in such a way as to produce no objectionable noises or odors at the *lot lines*.

Section 5.16.3.P amended by Ordinance No. ORD-22-13, September 4, 2022; Section 5.16.3.P repealed by Ordinance No. ORD-23-25, September 24, 2023; Section 5.16.3.M repealed by Ordinance No. ORD-23-37, February 11, 2024; Section 5.16.3.D repealed by Ordinance No. ORD-25-08, May 11, 2025.

5.16.4 Office/Research Uses

A. Laboratory

1. RE District

Permitted for the research, development, and testing of, including but not limited to medical, optical, dental, and pharmaceutical products.

2. ORL District

Permitted for the research, development, and testing of medical, optical, dental, and pharmaceutical products.

B. Nonprofit Corporations

1. All Residential Zoning Districts

a. Parcels must have a minimum of 80,000 square feet of *lot area*.

b. The *principal building* must contain a minimum of 3,000 square feet of *floor area*, excluding *basements* or cellars, constructed prior to January 1, 1988.

c. There shall be no more than one employee for each 300 square feet of *floor area*, constructed prior to January 1, 1988, excluding *basements* or cellars.

d. One *dwelling unit* within the existing *structure* may be approved as part of this *special exception use* approval.

e. The use will result in preservation of *open space* and/or historic *sites* or *structures*.

f. 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 one day from the *site*.

g. No *building* or other use of land, except landscaped areas, shall be situated within 30 feet of any adjacent residential property.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-20-28, December 20, 2020. Ordinance No. ORD-22-13, September 4, 2022.

C. Office

1. RE District

Limited to *executive/administrative office*, and *general office*, including engineering and engineering sales; *medical and dental offices* are not permitted.

2. ORL District

Limited to *general office*. *Medical or dental office* is not allowed in this district.

5.16.5 Industrial Uses

A. Heavy Manufacturing

1. *Heavy manufacturing* uses shall emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation and odor.
2. Shall be so designed, constructed and operated that there is no production of noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the *lot lines*, nor any production of heat or glare discernible at the *lot lines*.
3. No more than 10% of *floor area* may be used for display and *retail sales* of the products that are assembled, manufactured, fabricated, or processed by the *principal use*.
4. All area occupied by outdoor storage of goods or materials used in the assembly, manufacturing, fabrication, or processing shall not exceed 25% the *floor area*.

B. Light Manufacturing

1. M1 and M1A Districts

a. Limited to a low concentration, external effects are minimized and permitted uses are limited to those which are adapted to an environment of this nature.

b. Excludes uses which would have a detrimental effect upon the orderly *development* and functioning of the district.

c. *Light manufacturing* uses shall emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation.

d. Shall be so designed, constructed and operated that there is no production of noise discernible at the *lot lines* in excess of the average intensity of Street and traffic noise at the *lot lines*, nor any production of heat or glare discernible at the *lot lines*.

e. All area occupied by outdoor storage of goods or materials used in the assembly, manufacturing, fabrication, or processing shall not exceed 25% of the *floor area*.

f. No more than 10% of *floor area* may be used for display and *retail sales* of the products that are assembled, manufactured, fabricated, or processed by the *principal use*.

C. Oil and Gas Wells

The locating, sinking, drilling, casing, deepening, or operating of *oil wells*, *gas wells*, and *oil and gas wells* and test holes for the location of natural crude oil or natural dry gas, or both, is prohibited throughout the City.

D. Wireless Communications Facilities

1. All Districts

a. General Standards

i) To assist the City in accommodating wireless communication facilities, each applicant shall provide an inventory of its existing and planned wireless communications facilities that are within the City and within one mile of the City's boundaries, including their location, height, and design. The City, by sharing such information with a third party, does not in any way represent or warrant that such sites are available or suitable.

ii) Wireless communications antennas shall comply with applicable federal standards for non-ionizing electromagnetic radiation, as they may from time to time be amended. Documentation shall be submitted to the PDSU verifying compliance with the FCC standards prior to the issuance of any permit.

iii) Each applicant shall exercise due diligence to determine the availability of a location for its wireless communications antenna on all existing wireless communications towers, approved wireless communications towers, and other suitable structures within a half-mile radius of the proposed site. Due diligence shall consist of documented evidence that owners of all existing or approved wireless communications towers, wireless communications towers, or other suitable structures were contacted by certified mail or overnight courier, and that these sites cannot accommodate the requested wireless communications antennas for reasons other than economic reasons. Applicants shall provide detailed radio frequency (RF) coverage and capacity maps for all proposed wireless service providers for the proposed site, showing coverage and capacity of the carriers' surrounding network with both existing and planned sites. The Planning Commission may deny a proposed wireless communication facility if it determines that another existing or approved site can reasonably accommodate the proposed facility and provide generally equivalent service.

iv) Certification from the Ann Arbor Airport Manager that the height of a proposed wireless communications tower will not interfere with airport operations is required from applicant at the time of site plan submission.

v) Unless otherwise specifically approved by the Planning Commission, all wireless communications towers shall be monopoles, designed for co-location, which is the provision of more than one antenna array, usually belonging to more than one licensed carrier, on a single monopole. Wireless communications towers 125 feet in height or less shall be designed for co-location of at least two antenna arrays or carriers. Wireless communications towers greater than 125 feet or less than or equal to 155 feet in height shall be designed for co-location of at least three antenna arrays or carriers.

vi) No wireless communications tower shall be greater than 155 feet in height. Wireless communications towers greater than 155 feet in height shall require a variance as specified elsewhere in Section 5.29.13 and the wireless communications tower shall be designed for co-location of at least four antenna arrays or carriers.

vii) Sites proposed for wireless communications facilities shall not have a separate curb cut access proposed for the wireless communications towers unless no reasonable alternative exists. Such on-site driveways need not be paved, but must have a stable, improved surface adequate to support occasional maintenance vehicles, and comply with all regulations pertaining to curb cuts provided in this chapter.

viii) The right-of-way buffer requirement of Section 5.20 must be complied with if the lower portion of the wireless communications tower is visible from the public right-of-way, unless the lower 30 feet of the wireless communications tower is adequately screened by an existing building.

ix) Vinyl-coated security fencing, a minimum of six feet tall and adequate landscaping around the base of the wireless communications tower and any equipment buildings or cabinets is required unless an opaque decorative security wall, a minimum of six feet tall, is provided. Barbed wire or razor wire is not permitted. Landscaping shall consist of a combination of deciduous and evergreen landscape materials that meet the screening materials standards in Section 5.20 .

x) Signs, except for emergency notification of the owner of the facility, are not permitted on wireless communications facilities.

xi) Artificial illumination of wireless communications towers is not permitted unless required by federal or state regulations or to protect public safety, as determined by

the Planning Commission. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding properties.

xii) Wireless communications towers shall be a low or no maintenance non-contrasting blue or gray in order to be as unobtrusive as possible, unless another color or design is deemed by the Planning Commission to be less obtrusive under the existing circumstances.

xiii) No natural feature may be removed or disturbed to accommodate the placement of a wireless communications facility.

xiv) All transmission lines related to and serving any antenna or facility shall be placed underground.

xv) Wireless communications facilities may be placed on sites with legally nonconforming structures or uses without being considered to be expansions of such nonconformities.

b. Placement Standards

i) *Wireless communications towers* shall not be located in a *front yard*, provided, however, that a *wireless communications tower* may be located along a freeway, as long as the *wireless communications tower* is set back from the edge of the *right-of-way* a minimum of half the height of the *wireless communications tower*. *Wireless communications tower* height includes the antenna.

ii) Setbacks shall be measured from *lot lines* to the *base* of the *wireless communications tower*.

iii) The minimum *front required setback* shall be that *side required setback* specified in Tables 5.17-1 through 5.17-5 and Section 5.18 as applicable to that zoning district plus one foot for each five feet, or fraction of five feet, of *wireless communications tower* height.

iv) The minimum *rear required setback* shall be that *rear required setback* specified in Tables 5.17-1 through 5.17-5 and Section 5.18 as applicable to that zoning district plus one foot for each ten feet, or fraction of ten feet, of *wireless communications tower* height.

v) On any *site* where *side* or *rear lot lines* border Residential Zoning District, the *side* or *rear required setback* shall be equal to the *wireless communications tower* height and buffer, as specified in Section 5.20.4, shall be required adjacent to the residential *lot line*.

vi) *Accessory structures* and equipment, if any, shall meet setbacks for *accessory structures* in the district or ten feet, whichever is greater.

c. Compliance

i) *Wireless communications towers* shall meet the City Building Code and other applicable structural standards. Prior to construction, a licensed professional structural engineer's certificate certifying that the *wireless communications tower* meets all applicable Building Code and other structural standards shall be provided to the Building Official.

ii) A cash bond or certified check in an amount established by resolution of City Council upon recommendation of the City Administrator shall be posted at the time of building permit application to cover the cost of removal and shall be maintained for the life of the *wireless communications tower*.

iii) Abandoned *wireless communications towers* must be removed by the owner of the *wireless communications tower* and/or the operator of the *wireless communications tower*. Any *wireless communications tower* that does not have at least one antenna operating for a continuous period of 180 days shall be deemed abandoned. Determination of the date of abandonment shall be made by the Planning Manager, who shall have the right to request documentation or affidavits from the *wireless communications tower* owner or operator of the *wireless communications tower* regarding *wireless communications tower* usage and other pertinent information. Failure or refusal for any reason by the *wireless communications tower* owner or operator of the *wireless communications tower* to respond within 30 days to such a request shall constitute prima facie evidence that the *wireless communications tower* has been abandoned. Upon determination of abandonment and the appropriate notice thereof to the *wireless communications tower* owner and/or operator of the *wireless communications tower*, the *wireless communications tower* owner and/or operator of the *wireless communications tower* shall have 120 days within which to either reactivate the use of the *wireless communications tower*, or dismantle and remove the *wireless communications tower* and footings to five feet below grade. The *wireless communications tower* owner and/or operator of the *wireless communications tower* shall restore the property to the condition which existed prior to the construction of the *wireless communications tower*.

iv) If the *wireless communications tower* owner and/or operator of the *wireless communications tower* fail to remove the

wireless communications tower within the appropriate time period, the City shall have the right to remove the *wireless communications tower* and collect on the cash bond or certified check on file with the City. The City shall bill the *wireless communications tower* owner and/or operator of the *wireless communications tower* all the costs and/or expenses associated with the removal of the *wireless communications tower* in excess of the cash bond and/or certified check. If the *wireless communications tower* owner and/or operator fails to pay the costs and/or expenses associated with the *wireless communications tower* removal which are in excess of the cash bond and/or certified check within 45 days from the date of the bill, then, in addition to any other remedy in law or in equity, the City shall have the right to place a lien on the property for all costs and expenses associated with the removal of the *wireless communications tower*, less the amount of the cash bond or certified check which is on file with the City.

5.16.6 Accessory Uses and Structures

A. All Accessory Uses and Structures

1. General

No *accessory building* shall be used prior to the *principal building* or *principal use*, except as a construction facility for a *principal building*. Such construction facility shall not be used for residential purposes. This exception is a temporary *accessory building* which shall lapse 30 days after completion of the *principal building* or *buildings*.

2. In Residential Zoning Districts and P District

Accessory buildings in these districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

a. *Accessory buildings* shall not exceed 21 feet in *height*, except in the R-6 District *accessory buildings* shall not exceed 15 feet.

b. Accessory buildings shall not be erected in any *front required setback area*.

c. Detached *accessory buildings* may occupy the *side required setback area* provided that such *buildings* are set back farther from the Street than any part of the *principal building* on the same *lot* and any part of the *principal building* on any *lot* abutting said *side required setback area*. *Accessory buildings* shall not be located closer than three feet to any *lot line*.

d. *Accessory buildings* may occupy *rear required setback areas* provided that such *buildings* do not occupy more than 35% of the *rear*

required setback area and are not closer than three feet to any *lot line.*

e. Attached *accessory buildings* shall not occupy any portion of the *side required setback area.*

3. In Mixed-Use and Nonresidential and Special Purpose Districts

Accessory structures and *accessory buildings* are subject to the Area, Height, and Placement regulations of the zoning district in which they are located as provided in 5.17 Area, Height and Placement Regulations and 5.18 Special Dimensional and Site Layout Standards.

B. Dish Antenna

1. General

a. No Person shall install a *dish antenna* greater than three feet in diameter without having obtained a building permit and an electrical permit.

b. *Dish antennas* in any zoning district shall be installed and maintained in compliance with applicable building and electrical codes.

c. Not more than one *dish antenna* greater than three feet in diameter shall be allowed on any *lot* unless shown on an approved site plan.

d. *Dish antennas* must be solid in color.

e. *Dish antennas* must be permanently mounted except under the following circumstances:

i) The dish antenna has been designed and sold as a portable antenna not intended for permanent installation, and the diameter of the dish antenna does not exceed six feet. Portable dish antennas shall meet the requirements of Section c through e of this section.

ii) Portable dish antennas may be installed at locations other than required in Subsections 2, 3, and 4 for not more than seven days in any 30-day period.

2. R-1, R-2, R-3 or R-6 Districts

a. *Dish antennas* shall be ground mounted.

b. The diameter shall not exceed ten feet.

c. The height shall not exceed 12 feet.

d. *Dish antennas* shall be located only in the area between the rear of the principal *structure* and the *rear lot line.*

e. *Dish antennas* shall not be placed closer to any *lot line* than its height.

3. R-4 District

Dish antennas may be erected in any R-4 zoning district in accordance with the standards of Subsection 2, but they may be mounted on a *roof* if they do not exceed the height limit of the district.

4. All Districts Other Than R-1, R-2, R-3, R-4 and R-6 Districts

a. The diameter shall not exceed 12 feet.

b. A ground-mounted *dish antenna* shall comply with the *required setback* requirements established for its zoning district, but shall not be located in the *front yard*.

c. The height for a ground-mounted *dish antenna* shall not exceed 25 feet.

d. The height of a *roof*-mounted *dish antenna* shall not exceed 15 feet, nor shall it exceed the height limit established within its zoning district.

C. Drive-Through Facility

1. General

a. A *drive-through facility* may not be located between a Street and the *principal building*.

b. Placement of the *drive-through facility* and its queuing lanes may not impair pedestrian circulation or general vehicular circulation on and off the *site*.

c. *Driveways* located in the *front yard* that serve *drive-through facilities* shall meet the following standards:

i) The width of the *driveway* shall not exceed 12 feet.

ii) A minimum five-foot wide raised Sidewalk shall be provided across the *driveway* connecting the public Sidewalk to the main entrance of the *building* and designed in a manner than clearly identifies it as a pedestrian crossing.

iii) At least four bollards shall be provided near each corner where the raised Sidewalk crosses the *driveway* to alert drivers of the pedestrian crossing.

iv) Required *right-of-way* screening shall not obscure the view between motorists and pedestrians approaching and using the raised Sidewalk pedestrian crossing.

v) For at least one *front lot line*, if more than one *driveway* is proposed from the same Street, the *driveways* may not be connected in the *front yard*.

2. O District

a. *Drive-through facilities* are only permitted for financial uses, and are subject to *special exception use* approval pursuant to Section 5.29.5.

3. D1, D2, and C2B Districts

a. *Drive-through facilities* are permitted for any *principal use*, subject to *special exception use* approval pursuant to Section 5.29.5.

4. C3 District

a. *Drive-through facilities* are permitted for any *principal use*, subject to *special exception use* approval pursuant to Section 5.29.5.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-22-13, September 4, 2022.

D. Accessory Dwelling Unit (ADU)

1. An *ADU* is permitted on a *lot* that has one *single-family dwelling* as the *principal use*.
2. Minimum lot area and floor area requirements for accessory dwelling units:

TABLE 5.16-2: LOT AREA AND FLOOR AREA REQUIREMENTS FOR ACCESSORY DWELLING UNITS

LOT AREA	ADU FLOOR AREA
Less than 7,200 sq. ft.	**Up to 600 sq. ft. permitted [A]**
7,200 sq. ft. or greater	**Up to 800 sq. ft. permitted [A]**
Footnotes: [A] *Floor area* of ADU may not exceed the ground level *floor area* of the primary *dwelling unit.*	

3. An *ADU* is permitted as or within any legally conforming *accessory building*.
4. The total number of Persons residing in the primary *dwelling unit* and the *ADU* combined shall not exceed the limits specified in Section 5.16.1 A, except:
   a. That only two unrelated Persons plus their *offspring* living as a single *housekeeping unit* may occupy the *ADU*; or
   b. When a functional family is allowed by special exception use.
5. An *ADU* or *single-family dwelling* that is not owner-occupied shall be subject to periodic housing inspections as required by Section 8:511.
6. Leasing or rental of the *ADU* for less than 30 days is prohibited.

Ordinance No. 20-34, February 14, 2021; Ordinance No. ORD-21-14, June 27, 2021.

E. Manager's Dwelling Unit

1. M1, M1A, and M2 Districts

Limited to one *dwelling unit*, provided that it is specifically required to house a security guard or resident manager who is needed to properly carry on the business of the permitted use, and shall be used as a *dwelling unit* only by that security guard or resident manager and members of that Person's family.

F. Family Day Care Home

1. All Residential Zoning Districts

Must be licensed by the State of Michigan Department of Licensing and Regulatory Affairs.

G. Group Day Care Home

1. All Residential Zoning Districts

a. Shall be licensed by the State of Michigan Department of Licensing and Regulatory Affairs.

b. A zoning permit shall be obtained from the PDSU.

c. Shall be located on a *lot* with at least 5,000 square feet of *lot area*.

Ordinance No. ORD-22-13, September 4, 2022.

H. Home Occupation

1. Applicability

a. This section applies to any occupation, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character of the dwelling unit.

b. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in a dwelling unit except in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the residential use of the *dwelling unit*.

2. Home Occupation Performance Standards

Home occupations shall comply with the following performance standards.

a. The use shall be incidental and secondary to the residential occupancy.

b. Any storage of goods, materials, and equipment shall be entirely within the interior of a *building*.

c. A maximum of 25% of the floor area of the principal *dwelling unit* shall be utilized for the *home occupation*.

d. A maximum of one nonresident employee shall be permitted.

e. A maximum of 24 client visits per day, and a maximum of six clients at a time, are permitted to visit a *dwelling unit* or an *accessory building* with a *home occupation*. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.

f. No truck or van with a gross vehicle weight greater than 10,000 pounds shall be parked on the site or in front of the site on a regular basis.

g. Mechanized equipment shall be used only in a completely enclosed *building*.

h. No generation of dust, odors, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.

i. Where a *home occupation* is conducted in an *accessory building*, such *accessory building* shall not exceed the square footage of the footprint of the *dwelling unit* up to a maximum of 2,000 square feet. All *home occupation* performance standards apply to *home occupations* located in *accessory buildings*.

j. *Home occupations* shall be conducted in conformance with all applicable federal, state, and local laws.

k. *Home occupation* performance standards in this section shall apply to the total number of *home occupations* in a *dwelling unit* and *accessory structure*.

3. Unsafe Home Occupations

If any *home occupation* has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public Sidewalks, or motorists on a *public right-of-way*; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, as determined by the City, the City shall issue an order to the *dwelling unit* owner and/or tenant on the property on which the *home occupation* is being undertaken, directing that the *home occupation* immediately be made safe or be terminated. The *dwelling unit* owner and/or tenant shall take the necessary corrective steps or measures, but in the event of a failure to do so, after notice and a reasonable period of time, the City may take all available enforcement actions to render the *home occupation* and *dwelling unit* safe.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-21-24, September 26, 2021.

I. Incidental Sales and Services

1. O District

Incidental sales and services other than *beauty salons* may be provided within an *office building* or *buildings* for the convenience of occupants of that *building*, provided the use meets the following standards:

a. Not more than 5% of the *floor area* is used for incidental sales and services.

b. All *incidental sales and services* shall be situated within the interior of the *building* or *buildings* so that no part of the *incidental sales and services* use shall be directly accessible from the outside of the *building*.

Ordinance No. ORD-20-27, December 20, 2020.

2. R5 District

All *incidental sales and services* shall be situated within the interior of the *principal building* or *buildings*.

3. ORL District

a. Not more than 25% of the *floor area* of any one *building* and not more than 5% of the total *floor area* of all *buildings* within the continuous boundary of the area zoned ORL may be used for *incidental sales and services*.

b. All such services shall be situated to conveniently serve the employees of the district.

J. Outdoor Display and Vending Machines

1. The Display or Vending Machine:

a. Shall be located within ten feet of *principal buildings*.

b. Shall not be located in any *required setback area*.

c. Shall maintain adequate pedestrian access and circulation.

d. Is only permitted in an area specifically designated for outdoor sales and display on an approved site plan.

K. Outdoor Sales, Temporary

1. Temporary Outdoor Sales:

a. Require the issuance of a zoning permit.

b. Are limited to a maximum of 180 days per calendar year.

c. Shall occupy an area of 10% or less of the *floor area* of the *principal building* or *principal use*.

d. Shall not be located in any *required setback area*, interior vehicular landscape area, *right-of-way* buffer area or other buffer area.

e. Shall maintain adequate pedestrian and vehicular circulation.

L. Restaurant, Bar, Food Service

1. R5 District

Must be planned, designed, developed and made an integral and unified part of a *hotel* so as to not result in a separate, freestanding *building*.

2. O District

a. 10% of the total *floor area* on the *site*, but not to exceed 12,000 square feet, may be *restaurant*, *bar*, *food service* use.

b. Drive-through facilities for restaurant, bar, food service use are prohibited.

c. *Curb cuts* and *driveway approaches* to the *site* shall comply with the number of *openings* provided in Section 5.21.2B.

d. For off-street parking purposes, the *restaurant*, *bar*, *food service* use shall be considered to be *general office* use as provided in Section 5.19.2.

Ordinance No. ORD-19-27, September 22, 2019.

M. Retail Sales, General Merchandise

1. ORL District

a. *Retail sales* of products or services produced on the *site* shall be permitted as an *accessory use.*

b. *Floor area* used for sales and display shall not exceed 5% of the total *floor area* of the *principal use.*

2. M1 and M1A Districts

a. Limited to *retail sales* of products customarily incidental to the *principal use*;

b. *Floor area* used for sales and display shall not exceed 10% of the total *floor area* of the *principal use.*

N. Solar Energy System (SES)

1. In Multiple-Family, Mixed-Use and Nonresidential and Special Purpose Zoning Districts, a *SES* is permitted subject to the requirements of Section 5.16.6A *Accessory uses* and *structures*, except when the *principal use* is *single-family dwelling* the standards provided in Section 5.16.6O shall apply.

2. A site plan is not required for an *SES* of any size when all of the following conditions are met:

a. The *SES* does not result in an increase of *impervious surface* of the *site.*

b. The *SES* does not impact any landscaping, buffering, or screening requirements provided in Section 5.20 or any *natural features* provided in Section 5.23 .

c. The *SES* does not reduce the number of *parking spaces* to less than the requirements of Section 5.19.2 and the support *structures* do not reduce the width of any *parking space* to less than 8 feet.

d. A *SES* has maximum height of 21 feet.

e. The *solar collector surface* covers a minimum of 90% of the *SES*.

f. The location and dimensions of the *SES* does not interfere with vehicular and non-motorized safety, circulation, and visibility.

3. Installation, Use, and Maintenance

a. The *SES* shall be installed, maintained, and used only in accordance with the manufacturer's specifications.

b. The *SES* and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a *SES* shall not commence until all necessary permits have been issued.

Ordinance No. ORD-20-30, January 10, 2021 (with editing for consistency).

O. Personal-Scale Solar Energy System

1. In Single-Family and Two-Family Zoning Districts, a *personal-scale SES* is permitted subject to the following standards.

a. *Ground-Mounted SES. Ground-mounted SES* are subject to the requirements of Section 5.16.6A *accessory uses* and *structures*, except:

i) *Ground-mounted SES* shall not count toward *rear required setback area* limitations in Section 5.16.6.A.2.d

ii) *Gound-mounted SES* shall be permissible in a *front yard* but no closer than 10 feet to the *lot line*.

b. *Building-Mounted SES. Building-Mounted SES* are subject to the dimensional standards provided in Section 5.17 for the zoning district in which the *lot* is located.

2. Installation, Use, and Maintenance

a. The *personal-scale SES* shall be installed, maintained, and used only in accordance with the manufacturer's specifications.

b. The *personal-scale SES* and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a *personal-scale SES* shall not commence until all necessary permits have been issued.

Ordinance No. ORD-23-38, February 11, 2024.

P. Wireless Communication Antenna

The provisions of Section 5.16.6 shall apply as applicable to accessory antennas rather than freestanding *wireless communications towers*.

5.16.7 Temporary Uses

A. Christmas Tree Sales

1. A zoning permit pursuant to Section 5.29.1 is required.
2. Only permitted in Residential Zoning Districts on an approved *religious assembly*, school, or community center *site*.
3. Shall not be located in any *required setback area* or required landscape area.
4. Permitted from Thanksgiving Day to Christmas Day.

B. Outdoor Sales, Temporary by Others

1. *Special exception use* approval pursuant to Section 5.29.5 is required.
2. Limited to *general merchandise retail sales* by a Person other than the *principal users* of the *site* and in accordance with any conditions of the *special exception use* permit.
3. If approved to occur on more than one occasion, all occasions after the first instance shall require a zoning permit pursuant to Section 5.29.1 .

C. Special Event Sales

The City Council may, by resolution, designate certain dates and locations as special events *temporary outdoor sales* areas. The resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property. A property owner, who wishes to conduct outdoor sales and displays on his or her private property, as provided for in the City Council resolution, shall first apply for and receive a zoning permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the zoning permit issued to a property owner. Failure to comply with the conditions set in the resolution shall be a violation of this ordinance section and shall be grounds to revoke all permits granted to the property owner for the duration of the special event identified in the resolution.

D. Temporary Outdoor Activity

1. The *site* must have at least 87,120 square feet of *vehicular use area* within P district on an approved site plan.
2. The *site* must have conforming buffers and screening where required.
3. Permitted

   Temporary outdoor activities up to eight days per occurrence and no more than 16 days in any calendar year per activity requires a zoning permit and any other applicable building or trade permits.

4. Special Exception

   Temporary outdoor activities beyond eight days per occurrence or more than 16 days in a calendar year per activity requires special exception use approval pursuant to Section 5.29.5.

Ordinance No. ORD-19-15, June 16, 2019.

Article IV: Development Standards

5.17 Area, Height and Placement Regulations

5.17.1 Intent

The intent of this section is to provide clear and consistent area, height, and placement regulations, collectively known as dimensional standards, for construction in the City. The standards are intended to require the appropriate placement of *buildings* that result in improved non-motorized access, adequate *open space*, and the efficient use of land and infrastructure consistent with principles of sustainable land use practices described in adopted City master plans. Maximum *required setback* regulations are intended to result in the placement of *buildings* sufficiently close to the *public right-of-way* to better provide access for pedestrians, bicyclists and public transit passengers.

5.17.2 General Requirements

Except as otherwise provided in this chapter, regulations governing *lot area*, *lot width*, *lot area* per *dwelling unit*, *floor area ratio*, *open space*, *active open space*, *required setback lines*, *building height*, and other pertinent factors are as shown in Tables 5.17-1 through 5.17-5 and Section 5.18 .

5.17.3 Residential Zoning Districts

A. Determination of Number of Dwelling Units

The determination of the permitted number of *dwelling units* in the "R" Residential Zoning Districts shall be made as follows: The *lot area* of the parcel in question is divided by the "minimum *lot area* per *dwelling unit*" for the type of unit desired (or by the average for a variety of types) with the quotient being the number of *dwelling units* permitted. *Lot area* includes land donated or to be donated to the City for public park purposes, which is acceptable to the City. *Lot area* does not include the area of dedicated or proposed *public right-of-way* or the area of private street easements in the R1 and R2 districts.

Ordinance No. ORD-19-26, September 22, 2019.

B. Dimensional Tables for Residential Zoning Districts

Dimensional standards for Residential Zoning Districts provided in Tables 5.17-1, 5.17-2, and 5.17-3.

TABLE 5.17-1: SINGLE-FAMILY RESIDENTIAL DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

District	Min. Lot Area per Dwelling Unit	Min. Building Spacing	Required Setback				Max. Height	Lot Dimensions	
			Min. Front	Min. One Side	Min. Total of Two Sides	Min. Rear		Min. Area	Min. Width
AG	100,000 sq. ft.		40 ft. [A][B]	10% of lot width	20% of lot width	50 ft.	30 ft.	100,000 sq. ft.	200 ft.
R1A	20,000 sq. ft.	[C]	40 ft. [A]	7 ft.	18 ft.	50 ft.	30 ft.	20,000 sq. ft.	90 ft.
R1B	10,000 sq. ft.	[C]	30 ft. [A]	5 ft.	14 ft.	40 ft.	30 ft.	10,000 sq. ft.	70 ft.
R1C	7,200 sq. ft.	[C]	25 ft. [A]	5 ft.	10 ft.	30 ft.	30 ft.	7,200 sq. ft.	60 ft.
R1D	5,000 sq. ft.	[C]	25 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	5,000 sq. ft.	40 ft.
R1E	4,000 sq. ft.	[C]	15 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	4,000 sq. ft.	34 ft.

Footnotes:

[A] Also see additional regulations in Section 5.18.5 (Averaging an Established Front Building Line).

[B] For roadside stands only, the minimum *front required setback* is 30 ft.

[C] Where more than 1 residential *structure* is to be constructed on a *lot* in the R1 districts, or where *dwelling units* are served by a private street under the provisions of Section 5.21 the following placement regulations shall also be applied:

(a) The minimum spacing between *buildings* shall be twice the minimum *side required setback* dimension of the zoning district in which the *lot* is located;

(b) A minimum *rear required setback* of 30 feet must be provided between the rear of a residential *structure* and the adjacent (nearest) *lot line*;

(c) A minimum *front required setback* of ten feet must be provided between all *structures* and the private street pavement.

TABLE 5.17-2: TWO-FAMILY RESIDENTIAL DISTRICTS

District	Min. Lot Area per D.U.	Building Spacing	Required Setback				Max. Height	Lot Dimensions	
			Min. Front	Max. Front	Min. Side	Min. Rear		Min. Area	Min. Width
R2A	2,500 sq. ft.	[B]	25 ft. [A]	None	5 ft.	20 ft.	30 ft.	5,000 sq. ft.	40 ft.
R2B	4,250 sq. ft. [C]	[B]	25 ft. [A] [B] [D]	None	5 ft.	20 ft.	30 ft.	8,500 sq. ft.	60 ft.

Footnotes:
[A] Also see additional regulations in Section 5.18.5 (Averaging an Established Front Building Line).
[B] Where more than one residential *structure* is to be constructed on a *lot* in the R2 districts, or where *dwelling units* are served by a private street under the provisions of Section 5.21 , the following placement regulations shall also be applied:

(a) The minimum spacing between *buildings* shall be twice the minimum *side required setback* dimension of the zoning district in which the *lot* is located;

(b) A minimum *rear required setback* of 30 feet must be provided between the rear of a residential *structure* and the adjacent (nearest) *lot line*;

(c) A minimum *front required setback* of ten feet must be provided between all *structures* and the private street pavement.

[C] Except for *fraternity houses*, *sorority houses*, *student cooperative housing*, and *group housing*, for which minimum *lot area* shall be 350 sq. ft. per occupant.
[D] Or the *established front building line* existing on the date this ordinance is adopted, whichever is larger.

TABLE 5.17-3: MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

District	Min. Lot Area per D.U. (see Table Notes)	Min. Open Space (% Lot Area) and Active Open Space (per D.U)	Required Setback					Max. Height	Lot Dimensions	
			Min. front	Max. front	Min. Side	Min. Bldg spacing	Min. rear		Min. Area	Min. Width
R3	4,300 sq. ft.	65% 300 sq. ft.	15 ft.	40 ft. [A]	20 ft. plus [B]	20 ft.	30 ft. plus [C]	35 ft.	21,780 sq. ft.	120 ft.
R4A	4,300 sq. ft.	65% 300 sq. ft.	15 ft.	40 ft. [A]	20 ft. plus [B]	20 ft.	30 ft. plus [C]	35 or 45 ft. when [D]	21,780 sq. ft.	120 ft.
R4B	2,900 sq. ft.	55% 300 sq. ft.	15 ft.	40 ft. [A]	12 ft. plus [B]	20 ft.	30 ft. plus [C]	35 or 45 ft. when [D]	14,000 sq. ft.	120 ft.
R4C	2,175 sq. ft.	40% 300 sq. ft.	25 ft. [E]	None	12 ft. plus [B]	20 ft.	30 ft. plus [C]	30 ft.	8,500 sq. ft.	60 ft.
R4D	1,740 sq. ft.	50% 300 sq. ft.	15 ft.	40 ft. [A]	30 ft. plus [B]	20 ft.	30 ft. plus [C]	120 ft.	83,000 sq. ft.	200 ft.
R4E	580 sq. ft.	40% 150 sq. ft.	15 ft.	40 ft. [A]	10 ft. plus [B]	20 ft.	30 ft. plus [C]	None	14,000 sq. ft.	120 ft.

TABLE 5.17-3: MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

District	Min. Lot Area per D.U. (see Table Notes)	Min. Open Space (% Lot Area) and Active Open Space (per D.U)	Required Setback					Max. height	Lot dimensions	
			Min. front	Max. front	Min. Side	Min. Bldg spacing	Min. rear		Min. Area	Min. Width
R6	10 times the *floor area* for each *dwelling unit*	None	40 ft.	None	20 ft.	None	30 ft.	15ft, 12 ft. for accessory structures	170,000 sq. ft.	100 ft.

Table Notes:
The maximum density of each district, or the maximum number of *dwelling units* per acre based on the minimum *lot area* per *dwelling unit* requirement for each district, is:

R3 … 10 *dwelling units* per acre
R4A … 10 *dwelling units* per acre
R4B … 15 d*welling units* per acre
R4C … 20 *dwelling units* per acre
R4D … 25 *dwelling units* per acre
R4E … 75 *dwelling units* per acre

Footnotes:
[A] Maximum *front required setback* applies to new detached *buildings*; no maximum *front required setback* for *buildings* or additions to *buildings* constructed before January 16, 2011. For *lots* with more than one *front lot line*, maximum *front required setback* shall only apply to one *front lot line.*
[B] Plus 3 inches for each foot of *building height* over 35 feet and 1.5 inches for each foot of *building* length over 50 feet. (*Building* length is dimension of side parallel to the *side lot line* of a rectangle within which the *building* may be located.)
[C] Plus 1.5 inches for each foot of *building height* over 35 feet and 1.5 inches for each foot of *building* width over 50 feet. (*Building* width is dimension of side parallel to the *front lot line* of a rectangle within which the *building* may be located.)
[D] When *parking spaces* are below at least 35% of the *building.*
[E] Additional regulations in Section 5.18.5 Averaging an Established Front Building Line.

Ordinance No. ORD-21-20, July 25, 2021. Ordinance No. ORD-22-11, August 21, 2022.

5.17.4 Mixed-Use Zoning Districts

A. Determination of Floor Area Ratio (FAR)

The calculation of FAR in Mixed-Use Zoning Districts shall include *lot area* for land donated or to be donated to the City, land where easement rights are granted to the City, or land otherwise dedicated to the City for public Sidewalk purposes acceptable to the City, but not new public Streets or travel lanes.

Ordinance No. ORD-20-34, February 14, 2021.

B. Dimensional Standards

Dimensional standards for Mixed-Use Zoning Districts are provided in Table 5.17-4.

TABLE 5.17-4: MIXED-USE DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

District	Max. Floor Area	Max. FAR	Min. Open Space and Max. Building Coverage (% Lot Area)	Required Setbacks		Height	Lot Dimensions	
				Front	Min. Side and Rear		Min. Area	Min. Width
O	None	75%	None	Min: 15 ft. Max: 40 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 55 ft. and 4 *stories* when within 300 ft. of abutting R zone, otherwise none.	6,000 sq. ft.	50 ft.
C1	8,000 sq. ft. (non-residential uses only)	100%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 35 ft. and 3 *stories*	2,000 sq. ft.	20 ft.
C1B	None	150%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. when abutting R district, otherwise 0 ft.	Max: 50 ft. and 4 *stories*	3,000 sq. ft.	20 ft.
C1A	None	200%	None	None	Equal to minimum of abutting R district	None	None	None
C1A/R	None	300%	None	Min: 10 ft.	Equal to minimum of abutting R district	None	None	None
C2B	None	200%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 55 ft. and 4 *stories*	4,000 sq. ft.	40 ft.
C3	None	200%	None	Min: 10 ft. Max: 25 ft. [A]	30 ft. [C] when abutting R district, otherwise 0 ft.	Max: 55 ft. and 4 *stories*	6,000 sq. ft.	60 ft.
D1	None	None	None	See Tables 5.17-6 and 5.17-7		Min: 24 ft. and 2 *stories* [B]	None	None
D2	None	None	Open space: 10% Building coverage: 80%	See Tables 5.17-6 and 5.17-7		Min: 24 ft. and 2 *stories* [B]	None	None

TABLE 5.17-4: MIXED-USE DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

District	Max. Floor Area	Max. FAR	Min. Open Space and Max. Building Coverage (% Lot Area)	Required Setbacks		Height	Lot Dimensions	
				Front	Min. Side and Rear		Min. Area	Min. Width
TC1	None	None	None	Min: 18 ft. on designated Transit Corridor [D], otherwise 0 ft. Max: 28 ft. on designated Transit Corridor [D], otherwise 15 ft. for Mixed-Use or 20 ft. Townhouses/ Apartments [A]	30 ft. when abutting R district, otherwise 0 ft.	Min: 2 *stories* [B] Max: 55 ft. within 80 ft., 75 ft. between 80-300 ft., 120 ft. between 300-1000 ft., 300 ft. more than 1000 ft. from R district.	None	None

Footnotes:
[A] Maximum *front required setback* applies to new detached *building*; no maximum *front required setback* for *buildings* or additions to *buildings* constructed before January 16, 2011. For *lots* with more than one *front lot line*, the maximum *front required setback* shall only apply to one *front lot line*, excluding *lots* in the TC1 district.
[B] Minimum *height* and *stories* applies to new *buildings*; no minimum *height* or *story* requirement for *buildings* constructed before December 26, 2009. The *floor area* of the required second *story* must be at least 75% of the *floor area* of the first *story*.
[C] Plus one foot of additional setback for each foot of *building height* over 30 feet.
[D] *Front required setbacks* on designated Transit Corridors shall be measured from the curb line rather than the *front lot line*. Where the distance between the curb and the *front lot line* is greater than the maximum *front required setback* dimension [28 ft.], *buildings* shall be built at the *front lot line*. Transit Corridors are shown on the street type designation map referenced in Section 5.10.2.

Ordinance No. ORD-19-28, September 22, 2019; Ordinance No. ORD-19-34, November 17, 2019; Ordinance No. ORD-21-19, July 25, 2021; Ordinance No. ORD-23-25, September 24, 2023; Ordinance No. ORD-23-32, December 24, 2023. Ordinance No. ORD-23-33, December 24, 2023.

5.17.5 Nonresidential and Special Purpose Zoning Districts

Dimensional standards for Nonresidential and Special Purpose Zoning Districts are provided in Table 5.17-5.

TABLE 5.17-5: NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

District	Max. FAR or Min. Lot Area Per Room	Max. Building Coverage	Required Setback			Maximum Height	Lot Dimensions	
			Front	Minimum Side	Minimum Rear		Min. Area	Min. Width
R5	900 sq. ft. of *lot area* per room	None	Min. 15 ft. Max. 50 ft. [A][B]	25 ft. plus [C]	15 plus [D]	50 ft. or 80 ft. with parking below at least 35% of *building*	20,000 sq. ft.	100 ft.
P	None	None	Min. 10 ft. Max. None	2.5 ft.	2.5	Equal to lowest requirement of abutting or nearest district	None	None
PL	None	None	None	None	None	None	None	None
RE	75%	None	Min. 25 ft. Max. 50 ft. [A][B]	None, except 100 ft. plus [C] where abutting residentially zoned land	None, except 100 ft. plus [C] where abutting residentially zoned land	None, except 55 ft. and 4 *stories* when abutting residentially zoned land	60,000 sq. ft.	150 ft.
ORL	75%	None	Min. 25 ft. Max. 50 ft. [A][B]	None, except 30 ft. plus [C] where abutting residentially zoned land	None, except 30 ft. plus [C] where abutting residentially zoned land	None, except 55 ft. and 4 *stories* when abutting residentially zoned land	40,000 sq. ft.	150 ft.
M1 and M1A	75%	40%	Min. 15 ft. Max. None	None, except 30 ft. plus [C] where abutting residentially zoned land plus	None, except 50 ft. plus [C] where abutting residentially zoned land	35 ft.	13,000 sq. ft.	100 ft.
M2	60%	30%	Min. 15 ft. Max. None	30 ft., except 100 ft. where abutting residentially zoned land	30 ft., except 100 ft. where abutting residentially zoned land	35 ft.	125,000 sq. ft.	200 ft.
PUD	See Sections 5.13.9 and 5.29.11							

TABLE 5.17-5: NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS

Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.

District	Max. FAR or Min. Lot Area Per Room	Max. Building Coverage	Required Setback			Maximum Height	Lot Dimensions	
			Front	Minimum Side	Minimum Rear		Min. Area	Min. Width

Footnotes:
[A] For *lots* with more than one *front lot line*, maximum *front required setback* applies to one *front lot line*.
[B] Applies to new freestanding *buildings* constructed or approved after January 16, 2011, otherwise none.
[C] Plus one foot of additional setback for each foot of *building height* above 30 feet.

Ordinance No. ORD-19-26, effective September 22, 2019.

5.17.6 Downtown Character Overlay Zoning Districts

A. Building Massing Standards

Buildings and additions constructed after December 26, 2009 on *lots* zoned D1 or D2 in the Downtown Character Overlay Zoning Districts shall comply with the building massing standards in Table 5.17-6, as applicable.

TABLE 5.17-6: DOWNTOWN CHARACTER OVERLAY ZONING DISTRICTS BUILDING MASSING STANDARDS

Overlay Zoning District	Street-wall Height	Offset at Top of Street-wall [A]	Maximum Building Height		Massing Articulation	Maximum Tower Diagonal	Minimum Side and Rear Setbacks
			D1 District	D2 District			
South University	Min. 2 *stories* Max. 3 *stories*	5 ft. Average	150 ft.	60 ft.	Max. 45 ft. building length module (horizontal dimension)	n/a	For D1, a minimum 30 ft. from a *lot line* abutting any R zoning district. For D2, a minimum 40 ft. This setback shall be measured from the rear and side exterior walls of the *building* to any R zoning district boundary on the same block as the *building*.
State Street	Min. 2 *stories* Max. 3 *stories*	5 ft. Average	180 ft.	n/a	n/a	n/a	n/a
Liberty/ Division	Min. 2 *stories* Max. 3 *stories*	5 ft. Average	180 ft.	60 ft.	Max. 40 ft. building module length (horizontal dimension) (in D2 only)	n/a	5 ft from a *side lot line* or *rear lot line* abutting any R zoning district
East Huron 1	Min. 2 *stories* Max. 3 *stories*	n/a	3 *stories*, except 120 ft. in any area extending 150 ft. from the East Huron Street property line	n/a	n/a	130 ft.	For D1 and D2 Districts, the following minimum setbacks shall be measured from any exterior walls of the *building*: 30 ft to any residential zoning district boundary 10 ft to any O zoning district boundary. The *required setback* shall not reduce the *width* or depth of a *lot* suitable for *building* to less than 25 feet.
East Huron 2	Min. 2 *stories* Max. 4 *stories*	5 ft. Average	180 ft.	n/a	n/a	n/a	n/a
Midtown	Min. 2 *stories* Max. 4 *stories*	5 ft. Average	180 ft	n/a	n/a	n/a	n/a

TABLE 5.17-6: DOWNTOWN CHARACTER OVERLAY ZONING DISTRICTS BUILDING MASSING STANDARDS

Overlay Zoning District	Street-wall Height	Offset at Top of Street-wall [A]	Maximum Building Height		Massing Articulation	Maximum Tower Diagonal	Minimum Side and Rear Setbacks
			D1 District	D2 District			
Main Street	Min. 2 *stories* Max. 4 *stories*	5 ft. Average	180 ft.	60 ft, except 120 ft. in any area extending 150 ft. from the East William Street *lot line*	n/a	n/a	For D1, none. For D2, a 30 ft. setback shall be measured from the exterior walls of the *building* to any R zoning district boundary on the same block as the *building*.
Kerrytown	Min. 2 *stories* Max. 3 *stories*	5 ft. Average	n/a	60 ft.	Max. 40 ft. building module length (horizontal dimension)	n/a	10 ft. from a *side lot line* abutting any R zoning district 20 ft. from a *rear lot line* abutting any R zoning district
First Street	Min. 2 *stories* Max. 3 *stories*	5 ft. Average	n/a	60 ft.	Max. 66 ft. building module length (horizontal dimension)	n/a	15 ft. from a *side lot line* abutting any R zoning district 20 ft. from a *rear lot line* abutting any R zoning district 10 ft. *offset* from a *side lot line* abutting any R zoning district

Footnotes:
[A] For *corner lots* with a *lot area* of less than 5,000 square feet, no *offset* is required. The minimum required *offset* at the top of the *streetwall* shall be measured from exterior face of the *building* at the top of the *streetwall* to the closest point of the exterior face of the *tower*. For purposes of applying the required average *offset* at the top of the *streetwall*, a total surface area greater than or equal to the product of the width of the *building base* multiplied by the required *offset* shall be provided between the exterior face of the *building* at the top of the street wall and the exterior face of the *tower*.

B. Building Front Setback Standards

1. Building Front Setback by street type designations are designed to support the pedestrian-scale character of downtown Streets. Specific street designations are shown on the Street Type Designation Map referenced in Section 5.10.2.

   a. **Primary Street -** *Lot* frontage where placement of *buildings* at the *front lot line* is required.

   b. **Secondary Street -** *Lot* frontage where a range of *building setbacks* from the *front lot line* is required.

   c. **Front Yard Street -** *Lot* frontage where a setback from the *front lot line* is required.

2. *Buildings* and additions constructed after December 26, 2009 on *lots* zoned D1 or D2 in the Downtown Character Overlay Zoning Districts shall comply with the Building Front Setback standards in Table 5.17-7, as applicable.

TABLE 5.17-7: DOWNTOWN CHARACTER OVERLAY ZONING DISTRICTS BUILDING FRONT SETBACK STANDARDS

STREET TYPE DESIGNATION	REQUIRED FRONT SETBACK	ADDITIONAL REQUIREMENTS AND EXCEPTIONS
Primary Street	Min. 0 ft. Max. 1 ft. at the *streetwall*	(1) Up to 20% of the *building frontage* may exceed the maximum *front required setback* at the *streetwall* for an entry court or plaza area, except in the Main Street Overlay Zoning District. (2) The maximum *front required setback* at the *streetwall* may be exceeded to provide up to 16 ft. between the back of curb and the *streetwall* to allow for pedestrian circulation. (3) Vehicle access shall be provided from a public Alley, if accessible. (4) Recesses and alcoves on the level of the adjacent Street to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks, provided the *streetwall* of upper *stories* complies with the maximum *front required setback.*
Secondary Street	Min. 0 ft. Max. 10 ft. at the *streetwall*	Up to 20% of the *building frontage* may exceed the maximum *front required setback* at the *streetwall* for entry court or plaza area.
Front Yard Street	Min. 15 ft. Max. None	The average of the *established front building line* within 100 ft. may be used as provided in Section 5.18.5, if less than 15 ft. Unenclosed porches may encroach 8 ft. into the *front setback area.*

C. Building Design Requirements on Primary and Secondary Streets

1. Materials

Buildings and additions constructed after October 25, 2017, on *lots* zoned D1 or D2 that have primary or secondary *street frontages* shall comply with the following building design requirements:

a. The following materials are permitted on facades visible from primary or secondary streets: glass, brick, cut stone, cast stone, or high quality, finished metal, such as architectural grade cast or machined steel.

b. The following materials are prohibited on facades visible from primary and secondary streets: aluminum or vinyl siding, or an exterior insulation finishing system, except for minor design accents eight feet above the level of the adjacent Sidewalk.

c. Other materials may be permitted by the approving body of a site plan.

Ordinance ORD-25-09, May 11, 2025.

2. Design

Buildings and additions constructed after October 25, 2017, on *lots* zoned D1 that have primary or secondary *street frontages* shall comply with the following building design requirements:

a. The height of the street-level *story*, from its *floor* to the next *floor* above, shall be a minimum of 15 feet.

b. A minimum of 60% of the street-level facade shall be transparent windows or glazing. Glass shall not be mirrored, reflective or darkened and shall be considered transparent if it has a transparency higher than 80% and external reflectance of less than 15%. The transparent windows or glazing shall offer visibility into the inside of the *building*, meaning that the area inside the *building* within 4 feet from the surface of the window glass (from the bottom of the window to 8 feet above the *floor*) is at least 75% open to perpendicular view.

c. The bottom of all windows on the street-level *story* shall not be more than 2.5 feet above the level of the Sidewalk adjacent to a primary or secondary street.

3. Exemptions

Buildings and additions in historic districts are exempt from the requirements of this section, to the extent that the Historic District Commission has granted a Certificate of Appropriateness or Notice to Proceed for the work.

Ordinance No. ORD-20-34, February 14, 2021.

5.17.7 Transit Corridor Districts

Buildings and *building* additions zoned TC1 shall comply with the following additional standards in Table 5.17-8 as applicable.

TABLE 5.17-8: TRANSIT CORRIDOR ADDITIONAL STANDARDS	
Parking Lot Placement	As provided in Section 5.19.6A, however, no placement exceptions provided in Section 5.19.6.B may be applied.
Parking Lot Design	In addition to the maximum parking standards provided in Section 5.19.3, the portion of the *site* devoted to *vehicular use area* may not exceed: *Lots* 250 ft. in *Width*: 100% the total *building* footprint area. *Lots* 250 ft. or more in *Width*: 125% of the total *building* footprint area. If this limitation on *vehicular use area* cannot accommodate the maximum number of permitted spaces, the remaining amount must be provided in a *parking structure* or within a *building*.
Building Dimensions	The *building* width parallel to the Street may not exceed 300 ft. and the *building maximum diagonal* dimension may not exceed 450 ft.
Building Entrances	*Buildings*, including *townhouse dwellings*, at the *front required setback* must have a functional entrance door facing the Street. Entrances at corners are acceptable.
Building Access	*Buildings* must have a Sidewalk adjacent to all sides with main entrances.
One Story Building Exception	*Buildings* more than 750 ft. from a public Street may be 1 *story*.

TABLE 5.17-8: TRANSIT CORRIDOR ADDITIONAL STANDARDS	
All Other Buildings	Any Street-facing wall of a b*uilding*, except *townhouse dwellings*, must meet the D1/D2 design requirements provided in Section 5.17.6.C.2.

Ordinance No. ORD-23-25, September 24, 2023; Ordinance No. ORD-24-19, October 27, 2024.

5.18 Special Dimensional and Site Layout Standards

This section provides dimensional standards that supplement or modify the standards contained in the dimensional tables in Section 5.17 above.

5.18.1 Within Yards and Setback Areas

A. General

Except as specifically provided in this chapter, *required setback areas* shall be open, unoccupied, and unobstructed by any permanent *structure* or any part of a *structure* from the ground to the sky.

B. Exceptions

1. All Zoning Districts

The following types of *structures* may be located anywhere on a *lot*, including in any *required setback area*:

a. Open and unroofed terraces, patios, stoops and steps, ramps for *building* access

b. Awnings

c. Flagpoles

d. Trellises

e. Retaining walls

f. Fountains

g. Outdoor cooking equipment

h. Sidewalks

i. Mailboxes

j. Light poles

k. *Fences* in accordance with Section 5.26

l. *Parking lots* and *driveways* if permitted by Sections 5.19 and 5.21

2. Residential Zoning Districts

In Residential Zoning Districts, the following types of *structures* may be located anywhere on a *lot* except in the *front required setback area*:

a. Curb carts consistent with Chapter 26 and the Solid Waste Regulations

b. Fire escapes

c. Mechanical equipment

3. Architectural Feature Projections

Certain architectural features, such as cornices, eaves, gutters, bay windows, and chimneys may project up to two feet into any *required setback areas*.

4. Front Porches

Unenclosed porches, decks and platforms covered by a roof or *canopy* which do not extend above the first floor of a residential *structure*, nor extend more than eight feet in depth from any point along the *principal building*, and located in an R1A, R1B, R1C, R1D, R1E, R2A, or R4C District may project up to eight feet into the *front required setback area*. No unenclosed porch, deck, or platform shall be located within five feet from the *front lot line*. For *premises* on which such encroachment occurs, the principal *established front building line* will continue to establish the existing *front required setback*.

Ordinance No. ORD-19-17, July 21, 2019. Ordinance No. ORD-26-11, June 21, 2026.

5.18.2 Lots with Frontage on More than One Street

The minimum *front required setback*, and the regulations pertaining to the *front yard* and the *front required setback area*, of the zoning district in which a *lot* is located shall be applied to every *lot line* abutting a public Street.

5.18.3 Additional Area, Height, and Placement Standards

A. No portion of a *lot* used in connection with a *building*, *structure* or use and necessary for compliance with the area, height, and placement regulations of this chapter, shall, through sale or otherwise, be used again as a part of the *lot* required for any other *building*, *structure* or use, except as provided in Subsections B or C below.

B. After an official site plan approval of attached *single-family dwellings*, *two-family dwellings*, or *townhouse dwellings*, or condominium *buildings* in conformity with all area, height, and placement regulations, applicable to the *principal building(s)* the platting and/or conveyance of individual *dwelling units* within the primary *structure* shall not be deemed to render either the *principal buildings(s)* or any individual *dwelling unit* a *nonconforming structure*. Platting and/or conveyance of individual *dwelling units* shall be subject to the provisions of Section 2:33, Chapter 27, Title II of this Code relating to multiple services.

C. Setback Line and Yard Alternatives

1. Multiple-Family Residential Zoning Districts

The normal *side required setback* provided in Table 5.17-3 may be used for *buildings* over 50 feet in length or width and over 35 feet in *height* as long as the total increased *side required setback area* required by Footnote B is

provided and shown on an approved site plan. Examples of how this alternative may be applied include C, L, T, and U-shaped *buildings* rather than rectangular-shaped *buildings*.

2. Mixed-Use, Nonresidential and Special Purpose Zoning Districts

The minimum *required setbacks*, including *front*, *side* and *rear*, may be decreased by up to 50% as provided in Tables 5.17-4 and 5.17-5 when another *required setback* is increased by the same amount such that the total *required setback area* for the *lot* is provided and shown on an approved site plan.

D. Nothing in this section is intended to allow a greater density of population, greater intensity of land use, or less required *open space* than that provided in the approved site plan or plat.

Ordinance No. ORD-21-20, July 25, 2021.

5.18.4 Exceptions to Height Limits

A. Certain Architectural and Mechanical Features

The height limits of this chapter may be excepted only as follows:

1. Enclosures for elevator, escalator, or stairwells that are not included in *floor area* or *FAR* of a *building* in Mixed-Use and Nonresidential and Special Purpose Zoning Districts may extend up to 12 feet above the height limit of the zoning district in which the *building* is located.
2. *Building-mounted SES* or *personal-scale SES* may extend up to 12 feet above the height limit of the district in which it is located.
3. *Wireless communication antennas* attached to a structure other than a *wireless communication tower* may exceed the height limit of the zoning district in which it is located. (See Section 5.16.5D for *wireless communication antennas* attached to a *wireless communication tower*.)

B. Sustainable and Affordable Housing Developments

1. The height limits of this chapter may be increased by up to 30% for a development that meets either of the following conditions.
2. At least 15% of all *dwelling units* (when in a zoning district regulated by density) or 15% of all *floor area* (when in a zoning district regulated by *FAR*) are *affordable housing dwelling units* or a fee-in-lieu has been contributed to the City's Affordable Housing Fund in the rate or amount established by City Council; or
3. The *development* meets the following sustainability conditions:
4. All *buildings* in the *development* are all-electric, meaning powered by electricity as the only source of energy for all on-site space conditioning (including heating and cooling), water heating, cooking appliances, and clothes drying appliances, except for backup power sources to power life

safety systems in compliance with applicable building codes and other laws; and

5. The *development* includes *solar collector surface* area equal to at least 60% of the footprint area of all *buildings*. Provided that the *development* includes on-site *solar collector surface* area equal to at least 20% of the footprint area of all *buildings*, the remainder of the required *solar collector surface* area may be achieved by a fee-in-lieu contributed to a designated City fund for creating *solar energy systems* within the City in the rate or amount established by City Council. All on-site *solar energy systems* must be designed to provide power to the *development*.

6. If height limits are increased under this Subsection 5.18.4.B, then one foot of additional *side setback* and *rear setback* must be provided for every foot of *building height* above the normal height limit for the portion of the *building* above the height limit in a Residential Zoning District or within 300 feet of a Residential Zoning District. This requirement is intended to mitigate additional *building height* in and near Residential Zoning Districts while offering flexibility in design. *Buildings* can comply by providing a step back or series of step backs above the normal height limit or by increasing *setbacks*.

C. Elevating Buildings in the Floodplain

Buildings in the *floodplain* may be elevated to bring the *lowest floor* above the *floodplain* and may exceed the height limit by the depth of the *flood protection elevation*.

Ordinance No. ORD-20-30, January 10, 2021; Ordinance No. ORD-20-33, January 31, 2021; Ordinance No. ORD-24-20, November 10, 2024; Ordinance No. ORD-26-18, August 9, 2026.

5.18.5 Averaging an Established Front Building Line

In Single-Family Zoning Districts, Two-Family Zoning Districts and the R4C zoning districts, where the average of the *established front building line* of *structures* on all adjacent *lots* that are located within 100 feet of either side of a *lot* and on which there are existing *buildings* is greater than the *front required setback* specified in this chapter, a *required setback line* shall be provided on the *lot* equal to this greater average depth but not to exceed 40 feet. Where the average of the *established front building line* is less than the minimum *front required setback*, the *required setback line* may be reduced to this lesser average depth, but shall not be reduced to less than ten feet. For the purpose of computing the average: (a) an adjacent vacant *lot* shall be considered as having the minimum *front required setback* specified for the zoning district in which it is located; (b) *lots* on the opposite side of the Street, or another block of the same Street, and *lots* fronting on a different Street shall not be included when computing the average; and (c) on *corner lots*, the average of the *front established building* for each frontage shall be computed separately.

Section 5.18.6 amended by Ordinance No. ORD-19-34, November 17, 2019; Section 5.18.6 amended by Ordinance No. ORD-20-33, January 31, 2021; Section 5.18.6 repealed by Ordinance No. ORD-23-32, December 24, 2023.

5.19 Parking Standards

5.19.1 Applicability

A. All off-street parking facilities shall comply with the provisions of this section.

B. Bicycle parking required by this section shall be provided for new *buildings*, *building alterations* that increase *floor area*, or when a use changes to a use with a higher minimum parking requirement per Table 5.19-1.

C. Vehicle parking required by this section shall be provided for new *buildings* and *building alterations* that increase *floor area*.

D. *Electric vehicle* parking required by this section shall be provided with the construction of any new *parking spaces* in a *parking lot*, *parking structure*, garage or carport.

5.19.2 Required Parking

A. General Parking Requirements

1. Provided parking shall comply with the standards and requirements of this section unless modified by another provision of this chapter, in which case, the modification shall apply.
2. No *lot* zoned other than "P" shall have parking as its *principal use*, excepting *lots* containing approved *parking lots* or *parking structures* in the D1 or D2 districts.
3. The *floor area* used for parking shall not require parking.
4. The *floor area* used for vehicle parking below grade and the *floor area* used for bicycle parking below the second *story* shall not be included in *FAR* calculations.
5. *Bicycle parking spaces* outside of a *building* shall be considered and included in *open space* calculations.
1. Any fraction of a *parking space* shall be considered a full space.
2. A higher class of *EV* facilities may be used when more than one class of *EV parking spaces* are required by this section.

B. Vehicle Parking Requirements

The minimum required vehicle parking for any land use is none. When vehicle parking is provided, the maximum number of vehicle *parking spaces* that can be provided and the *EV* facilities that must be included are provided in Tables 5.19-1 and 5.19-3.

TABLE 5.19-1: REQUIRED VEHICLE AND EV PARKING			
LAND USES (SEE SECTION 5.19.3 FOR LAND USES IN D1, D2, AND TC1 DISTRICTS)	MAXIMUM NUMBER OF SPACES	MINIMUM EV FACILITIES	
		EV-C	EV-I
RESIDENTIAL USES			
Household living (1 to 4 units)	None	See Section 5.19.8.A	
Household living (5 or more units) and group living	None	90%	10%
Dwelling, Assisted Living	None	None	None
Emergency Shelter	None	None	None
PUBLIC/INSTITUTIONAL USES			
All community and cultural, day care, educational, and health care uses	None	40%	10%
COMMERCIAL USES			
Hotel, Bed and Breakfast	None	75%	25%
Recreation, Entertainment, and Arts – all	1/265 sq. ft.	25%	10%
Retail – Sales, General Merchandise, Shopping Centers	1/250 sq. ft.	30%	5%
All other commercial uses	None	30%	5%
OFFICE AND RESEARCH USES			
Laboratories, Research, Development	None	30%	10%
All other office and research uses	1/250 sq. ft.	30%	10%
TRANSPORTATION USES			
All transportation uses	None	90%	10%
INDUSTRIAL USES			
All industrial uses	None	40%	10%
ACCESSORY USES			
All accessory uses	Follow primary use requirements.		
TEMPORARY USES			
All temporary uses	None		

C. Bicycle Parking Requirements

The minimum required bicycle parking for all land uses is provided in Table 5.19-2 and Table 5.19-4.

TABLE 5.19-2: REQUIRED BICYCLE PARKING			
LAND USES (SEE SEC. 5.19.3 FOR LAND USES IN D1, D2, TC1 DISTRICTS)	MINIMUM REQUIRED PARKING SPACES [1]		
	CLASS A	CLASS B	CLASS C
RESIDENTIAL USES			
Residential (1 to 4 units)			

TABLE 5.19-2: REQUIRED BICYCLE PARKING			
LAND USES (SEE SEC. 5.19.3 FOR LAND USES IN D1, D2, TC1 DISTRICTS)	**MINIMUM REQUIRED PARKING SPACES [1]**		
	CLASS A	**CLASS B**	**CLASS C**
Residential (5 or more units)	1 per 2 units	1 per 10 units	1 per 25 units
Group Living	1 per 2 beds	1 per 10 beds	1 per 25 beds
PUBLIC/INSTITUTIONAL USES			
All public and institutional uses		1 per 2,500 sf	1 per 2,500 sf
COMMERCIAL USES			
All commercial uses		1 per 5,000 sf	1 per 3,000 sf (3 min)
OFFICE AND RESEARCH USES			
All office and research uses		1 per 2,500 sf	1 per 15,000 sf (3 min)
TRANSPORTATION USES			
All transportation uses		1 per 2,500 sf	1 per 3,000 sf (3 min)
INDUSTRIAL USES			
All industrial uses		1 per 40,000 sf (2 min)	1 per 12,000 sf (2 min)
ACCESSORY USES			
All accessory uses	None		
TEMPORARY USES			
All temporary uses	None unless by special exception or resolution of City Council		
Footnote [1] A minimum of 2 spaces or 5% of each class of required bicycle parking, whichever is greater, must be oversized to accommodate bicycles with extended frames such as cargo and other specialty styles.			

Ordinance No. ORD-26-01, August 23, 2026.

5.19.3 Special Parking Districts

Lots located in the D1, D2, or TC1 zoning districts are considered a special parking district and are subject to the standards provided in Table 5.19-3 and Table 5.19-4.

TABLE 5.19-3: SPECIAL PARKING DISTRICTS VEHICLE AND EV PARKING REQUIREMENTS			
LAND USE BY ZONING DISTRICT	**MAXIMUM PARKING**	**MINIMUM EV PARKING SPACES**	
		EV-C	**EV-I**
RESIDENTIAL (D1, D2)	None	90%	10%
RESIDENTIAL (TC1)	1 per 333 sf.	90%	10%
NON-RESIDENTIAL (D1, D2)	None	90%	10%
NON-RESIDENTIAL (TC1)	1 per 333 sf.	90%	10%

TABLE 5.19-4: SPECIAL PARKING DISTRICTS BICYCLE PARKING REQUIREMENTS			
LAND USE BY ZONING DISTRICT	REQUIRED PARKING [1]		
	CLASS A	CLASS B	CLASS C
RESIDENTIAL (D1, D2)	1 per 2 units		
RESIDENTIAL (TC1)	1 per 2 units	1 per 10 units	1 per 25 units
NON-RESIDENTIAL (D1, D2)			1 per 10,000 sf
NON-RESIDENTIAL (TC1)		1 per 10,000 sf	1 per 5,000 sf
Footnotes [1] A minimum of 2 spaces or 5% of each class of required bicycle parking, whichever is greater, must be oversized to accommodate bicycles with extended frames such as cargo and other specialty styles.			

Ordinance No. ORD-26-01, August 23, 2026.

5.19.4 Barrier-Free Parking

All *parking lots* shall have barrier-free *parking spaces* as required by and in conformity with state law (MCL 125.1352). When one or more EV-I *parking space* is required by Table 5.19-1 or Table 5.19-2 based on the provided vehicle *parking spaces*, the distribution of the EV-I *parking space(s)* shall be provided per Table 5.19-3.

TABLE 5.19-3: BARRIER-FREE CHARGING STATIONS		
REQUIRED EV-I SPACES	ELECTRIC VEHICLE CHARGING STATION DISTRIBUTION	
	VAN ACCESSIBLE	STANDARD ACCESSIBLE
1-4	1	0
5-50	1	1
51-75	1	2
76-100	1	3
OVER 100	1 plus 1 for each 300 or fraction thereof over 100	3 plus 1 for each 60 or fraction thereof over 100

5.19.5 Use of Parking Facilities

A. General

1. *Parking spaces* shall not be obstructed by storing objects, *structures*, or vehicles that are inoperable, unregistered, or for sale.
2. *Bicycle parking spaces* shall be accessible by an ADA compliant sidewalk, driveway, or other paved surface to a public Street, private Street, or Alley.
3. Vehicle *parking spaces* shall be accessible by a *driveway* connected to a public Street, private Street or Alley.
4. Nothing in this section shall preclude a reasonable charge for the use of any *parking space*.

B. All Vehicles

1. Vehicles must be parked in a *driveway*, in a *structure*, or within an approved *parking space* or *parking lot*.

2. Vehicle Exception: This subsection shall not be applicable on those days when University of Michigan football games or scrimmages are played in Michigan Stadium, or on the day(s) and place(s) designated as a special event by resolution of City Council.

C. Commercial Vehicles, Oversized Vehicles, Trailers, Boats, Campers, and Similar

1. Residential Zoning Districts

a. Commercial vehicles, oversized vehicles, trailers, boats, campers, and similar vehicles, subject to paragraph c below, must be stored in a *parking structure*, on a *driveway*, or in a location other than the *front yard*.

b. No more than two commercially-licensed vehicles shall be kept in the open on the vehicle owner's private property or within 500 feet of the property on a public Street.

c. No vehicle over 22 feet long or a commercial vehicle licensed for an empty weight of more than 10,000 pounds shall be parked anywhere on a *lot*.

2. Nonresidential Zoning Districts

Commercial vehicles, oversized vehicles, trailers, boats, campers and similar vehicles must be stored in a *building* or approved *outdoor storage*.

Ordinance No. ORD-26-01, August 23, 2026.

5.19.6 Design of Vehicle Parking Facilities

A. Placement of Vehicle Parking Facilities

1. *Parking lots* and vehicle *parking spaces* shall not be located in the front yard unless an exception is listed in Subsection B.

2. *Parking structures* shall comply with the use specific standards provided in Section 5.16.3.K and the dimensional standards of the zoning district in which it is located.

3. No vehicle *parking space* shall be located closer than 10 feet to any *building* used for a *dwelling unit* on the first *floor*.

B. Placement Exceptions

1. For *sites* with more than one *front lot line*, vehicle *parking spaces* may be located in one *front yard* but shall be set back a minimum of 25 feet from the *front lot line* of that *front yard*.

2. Multiple-family uses having more than 100 feet of *street frontage*, more than 20,000 square feet of *lot area*, and more than 20 *dwelling units* may have *parking lots* and vehicle *parking spaces* in the *front yard* but not in the *front required setback area.*

3. *Religious assembly*, *child care centers*, and *private schools* with more than 100 feet of *street frontage* and more than 20,000 square feet of l*ot area* may have *parking lots* and *vehicle parking spaces* in the *front yard* but not in the *front required setback area* if approved as part of a special exception use.

C. Dimensional Standards

1. *Parking structures*, *parking lots*, and vehicle *parking spaces* shall have adequate maneuvering area and access to permit use of all vehicle *parking spaces* without moving other vehicles and prevent backing of vehicles into a public Street.

2. *Parking spaces* shall be clearly marked and shall conform to the minimum stall and aisle standards in Table 5.19-4 unless an exception is provided.

3. Exceptions: In the special parking districts referenced in Section 5.19.3 above, the stalls and aisles within a *parking structure* that are solely available to residents or employees of the *building* are not subject to the dimensional standards of Table 5.19-4 provided the stalls and aisles remain functional and accessible.

TABLE 5.19-4: VEHICLE STALL AND AISLE STANDARDS

Angle of Parking	Stall Width [A]	Curb Length Per Stall	Stall Depth 90° to Wall [B]	Aisle Width [C]	Wall to Wall Width
Regular Car Spaces					
0°	9 ft.	20 ft.	9 ft.	12 ft.	
45°	9 ft.	12 ft. 7 in.	19 ft. 5 in.	12 ft.	51 ft.
60°	9 ft.	10 ft. 4 in.	20 ft. 5 in.	16 ft.	57 ft.
75°	9 ft.	9 ft. 3 in.	20 ft.	20 ft.	60 ft.
90°	9 ft.	9 ft.	18 ft.	22 ft.	58 ft.
Small Car Spaces [D]					
0°	8 ft.	18 ft.	8 ft.	12 ft.	
45°	8 ft.	11 ft. 3 in.	17 ft.	12 ft.	46 ft.
60°	8 ft.	9 ft. 2 in.	17 ft. 9 in.	14 ft.	49 ft. 8 in.
75°	8 ft.	8 ft. 3 in.	17 ft. 5 in.	17 ft.	52 ft.
90°	8 ft.	8 ft.	16 ft.	20 ft.	52 ft.

Footnotes:
[A] Stall width shall be increased by 1 ft. for those spaces which are adjacent to a fence, wall or enclosure. Barrier free parking spaces must be designated as required by and in conformity with state law.
[B] Stalls which allow for vehicle overhang (next to curbs) can be reduced in depth by 2 ft.
[C] In lots that are designed for both regular and small cars, the regular size aisle width shall be used.
[D]Up to 30% of *parking spaces* in a *parking lot* may be designated as small car spaces and clearly signed for "small cars".

D. Surface Material

Driveways and *parking lots* shall be surfaced with asphalt, concrete, porous pavement, pavers or brick in accordance with the Public Services Standard Specifications. However, *driveways* and *parking lots* that serve *single-family* or *two-family dwellings* with *vehicular use area*s of less than 1,200 square feet and less than five *parking spaces* may be surfaced with gravel or other similar material in accordance with standard engineering practices. Approval of such surfacing shall be conditioned upon adequate coverage and barriers sufficient to confine the material.

E. Maintenance

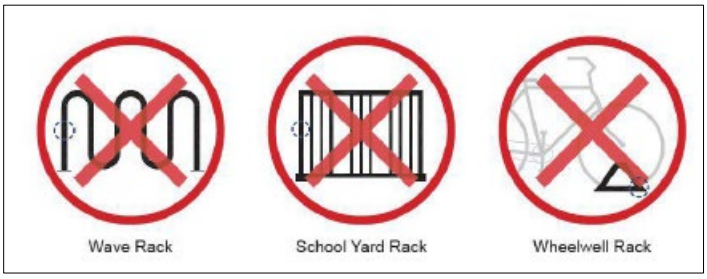
Parking lots shall be equipped with curbs or other barriers to confine vehicles to the *parking lot*. *Driveways*, *parking lots*, and *parking structures* shall be constructed and maintained in such a manner to prevent drainage nuisances and the formation of potholes and must be kept reasonably free of snow and ice.

5.19.7 Design of Bicycle Parking Facilities

A. General Requirements

1. *Bicycle parking spaces* shall be easily accessible, well lit, and constructed with durable, securely anchored materials.
2. Bicycle parking facilities shall support a bicycle in an upright position with both wheels touching the ground unless a space saving option is used as provided in this section. Prohibited facilities include a wave rack, school yard rack, and wheelwell rack, see Figure 19-1.
3. Bicycle parking facilities shall allow the bicycle frame and at least one wheel to be secured to the facility with a standard lock.
4. *Buildings* or *structures* specifically for *bicycle parking spaces* shall comply with Section 5.16.6.A Accessory Buildings.
5. Where *bicycle parking spaces* are not immediately visible from the public Street, private Street, or Alley, permanent wayfinding signage should be provided.
6. No part of a bicycle shall overhang a *bicycle parking space*.
7. No part of a bicycle parking space, including any structural elements for coverings or roofs, or the use of a bicycle parking space, shall impede pedestrian circulation.

Figure 19- 1. Prohibited Bicycle Parking Racks. (Source: 2024 AASHTO Guide for Development of Bicycle Parking Facilities)



B. Dimensional Standards

All bicycle parking spaces shall conform to the dimensional standards in Table 5.19-7 unless otherwise provided in this section.

TABLE 5.19-5: BICYCLE PARKING SPACE DIMENSIONAL STANDARDS

SPACE	MINIMUM WIDTH	MINIMUM LENGTH	MINIMUM AISLE ACCESS	MINIMUM OVERHEAD CLEARANCE
STANDARD SPACE	2 ft.	6 ft.	5 ft.	7 ft.
OVERSIZED SPACE	2 ft.	10 ft.	5 ft.	7 ft.

C. Placement and Access Standards

1. **Access**. Access routes to *bicycle parking spaces* shall be paved or finished flooring, at least 5 feet wide at all points, free of stairs or steep ramps. If access routes are shared with vehicles, a designated bicycle lane or clear shared-use signs and markings shall be provided. If access routes enter *buildings*, there shall be no more than two doorways along the route and all doors shall be self-opening.
2. **Placement Outside Buildings**. *Bicycle parking spaces*, including lockers for Class A requirements, shall be placed starting no more than 50 feet from *building* entrances unless an alternative placement is approved as provided in this section.
3. **Placement of Accessory Buildings**. *Accessory buildings* with *bicycle parking spaces* shall be placed within reasonable distance of *principal buildings* and equally convenient and proximate as *vehicular parking spaces* to the *principal building*.
4. **Placement Inside Buildings**. Dedicated spaces or rooms for *bicycle parking spaces* shall be placed at the street level or a level accessible by an elevator large enough to accommodate a bicycle.
5. **Multiple Entrances and Multiple Buildings**. If *buildings* have more than one entrance, or if *sites* have more than one *building*, placement of *bicycle parking spaces* shall be reasonably and proportionally distributed at entrances and *buildings*.
6. **Oversized Space Placement**. Oversized spaces shall be located as the first spaces or last spaces in a row of bicycle parking spaces as appropriate to the proposed layout for the most accessibility and maneuvering room without interfering with standard spaces.
7. **Alternative Placement.** The approving body may increase the minimum placement distance of *bicycle parking spaces* outside of *buildings* if existing conditions prevent strict compliance by the minimum amount necessary meeting the intent of this section.

D. Specific Class Requirements.

1. Class A (Protected Bicycle Storage)

a. **Purpose**. Class A *bicycle parking spaces* provide long-tern storage of bicycles and bicycle accessories in enclosed facilities well protected from weather and theft. Class A bicycle parking is intended for long-term storage by occupants at their place of residence.

b. **Design**. Class A bicycle parking may be designed as one of the following:

i) Individual locker.

ii) Individual garage associated with a *single-family dwelling* or a *townhouse dwelling* in which case facilities to support and secure bicycles are not required.

iii) *Accessory building* devoted to bicycle parking.

iv) Dedicated space or room devoted to bicycle parking within a *building* or in a *parking structure*. Dedicated spaces or rooms may not be within any *dwelling units*. Dedicated spaces in a *parking structure* must have a physical barrier between the *bicycle parking spaces* and *vehicle parking spaces*.

c. **Space Saving Option**. Space saving options that do not meet the dimensional requirements of Table 5.19-5, often referred to as "space saving racks," may be used for up to 50% of the required Class A standard size *bicycle parking spaces* to support and secure multiple bicycles, provided the following criteria are met:

i) The facilities allow each bicycle to be stored without moving another stored bicycle.

ii) The facilities allow loading and unloading of bicycles to occur at or nearly at ground level.

iii) If the facilities have a stacked, layered, or tiered design, mechanical assistance shall be provided to raise and lower the upper supports for loading and unloading at or nearly at ground level.

2. Class B (Covered Bicycle Parking)

a. **Purpose**. Class B *bicycle parking spaces* shall park a bicycle for short periods sheltered from weather and protected from theft. Class B bicycle parking is intended for commuters to park at their place of employment.

b. **Design**. Class B bicycle parking shall be designed with a free-standing *roof* structure or have a *building* overhang covering the full *bicycle parking space* dimension.

3. Class C (Convenient Bicycle Parking)

a. **Purpose**. Class C *bicycle parking spaces* shall park a bicycle for short periods protected from theft. Class C bicycle parking is intended for customers, visitors, and guests of a residence, business, or office.

b. **Design**. Class C *bicycle parking spaces* shall be designed to meet the requirements of this section.

c. **Alternative**. Class B *bicycle parking spaces* may be used in place of required Class C bicycle parking spaces.

Ordinance No. ORD-26-01, August 23, 2026.

5.19.8 Design of Electric Vehicle Parking Spaces

A. General

1. *Single-family dwellings*, *two-family dwellings*, *multiple-family dwellings* with three or four units: All *parking spaces* on the *lot* shall be EV-C. For any garage or carport on the *lot*, at least one *parking space* shall be EV-I and the remainder of *parking spaces* inside the garage or carport shall be EV-C.

2. EV-I *parking spaces* shall have signage indicating it is to be used exclusively for *electric vehicles*.

3. Free-standing *electric vehicle charging stations* shall have bollards, bumper blocks, or raised curbs to protect the system.

4. *Electric vehicle charging stations* shall be wall-mounted, or located to accommodate the charging of more than one Parking Stall.

5. *Electric vehicle charging stations* shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an *electric vehicle*.

6. Where *parking lots* are separated into distinct areas or when *parking structures* have more than one level, the *electric vehicle* parking facilities shall be evenly distributed among the separate areas or levels.

B. Placement of Electric Vehicle Charging Stations

1. *Electric vehicle charging stations* may not reduce the required stall dimensions provided in Table 5.19-4 and must maintain compliance with state barrier-free design requirements.

2. *Electric vehicle charging stations* in any walkways must maintain at least four feet of walkway width for pedestrians.

3. *Electric vehicle charging stations* may not be located in any required interior landscape island, *right-of-way* screening, or buffer area.

C. Class Standards

1. EV-C (Electric Vehicle Capable)

EV-C are *parking spaces* having a capped cable/raceway connecting the *parking space* to an installed electric panel with a dedicated branch circuit(s) to easily install the infrastructure and equipment needed for a future *electric vehicle charging station.* The dedicated branch circuit panel space shall be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit. See Figure EV-C

2. EV-R (Electric Vehicle Ready)

EV-R are *parking spaces* that are ready for installation of an *electric vehicle charging station* except for the EVCS itself. EV-R *parking spaces* shall have a junction box, terminated in an approved method, for a direct-buried cable or raceway to an electrical panel with a dedicated branch circuit(s) to power a *charging station.* The junction box shall be clearly marked and labeled with the following text: *EV Ready Circuit.* See Figure EV-R.

3. EV-I (Electric Vehicle Installed)

EV-I are *parking spaces* with an operational *electric vehicle charging station.* See Figure EV-I.

D. Renewable Electrical Supply Recommended

Typical *electric vehicles* as described and defined here are three times more efficient than the most efficient petroleum-based combustion vehicles. They produce no tailpipe emissions and have more than 50% lower greenhouse gas emissions assuming 2019 DTE upstream emissions associated with the production of electricity. In order for *electric vehicles* to provide the maximum environmental and, in most cases, financial benefits, to their owners and in support of the City of Ann Arbor's carbon neutrality goals, it is recommended that Electric Vehicle Charing Stations be powered by a renewable energy source. Options can be on-site solar power generation or subscribing with a utility or a third party for renewable energy.

5.19.9 Driveways

A. General

1. All *driveways* shall lead to a garage, carport, *parking space*, *parking lot*, or *parking structure* meeting the requirements of this chapter, or lead back to the Street through the original *opening* or a second *opening* in compliance with paragraph 2 below and Section 5.21
2. The number of *driveways* permitted shall correspond to the number of *openings* provided in Section 5.21
3. *Driveways* may not cross or be located on any *lot* in another zoning district.
4. *Driveways* shall meet the dimensional standards provided in Table 5.19-6.

TABLE 5.19-6: DRIVEWAY DIMENSION STANDARDS			
ZONING DISTRICT	**MINIMUM WIDTH**	**MAXIMUM WIDTH**	**INCREASE ALLOWANCE**
R1, R2	10 ft.	24 ft.	May be widened beyond the *front lot line* up to 30% of *lot width* when leading to garage or carport
All Others	10 ft. for one-way 18 ft. for two-way	15 ft. for one-way 28 ft. for two-way	None

Ordinance No. ORD-20-35, February 14, 2021; Ordinance ORD-21-20, July 25, 2021; Ordinance No. ORD-22-13, September 4, 2022.

5.20 Landscaping, Screening and Buffering

5.20.1 Purpose

This section is intended to:

A. Improve the appearance of off-street *vehicular use areas*, property abutting *public rights-of-way*, private streets, and certain shared *driveways* within easements, thereby reducing conditions which lead to urban blight.

B. Require buffering between conflicting land uses and conflicting zoning districts.

C. Promote the public health, safety and general welfare by reducing noise and air pollution, *glare*, soil *erosion*, and thermal heating of the environment.

D. Reduce the negative impacts of stormwater runoff by reducing *impervious surface* area and retaining greater amounts of stormwater on site.

E. Improve the quality and safety of pedestrian movement within paved areas and along *public rights-of-way*.

F. Protect and preserve the appearance, character and value of the surrounding neighborhoods and parks.

G. Promote preservation of existing significant vegetation, the use of non-invasive plant species, and the selection of plant species based on *site* conditions including soil type, light exposure, presence of utilities, and salt tolerance.

5.20.2 Applicability

The provisions of this chapter shall require landscaping and screening on the *site* in the following cases:

A. Whenever a site plan is required by this chapter; or

B. Whenever the estimated expense of construction exceeds 50% of the appraised replacement cost of the entire *building* or *structure*, exclusive of foundation, prior to its improvement (as determined by the Building Official); or

C. Whenever a shared *driveway* is provided within an easement in accordance with this chapter.

5.20.3 Vehicular Use Areas

Vehicular use areas shall provide the following screening, landscaping and buffering:

A. Screening from Right-of-Way

Vehicular use areas shall be screened where visible from a *public right-of-way* as follows:

1. Width

A screening strip at least ten feet in width between the vehicular use area and the *public right-of-way*. If an existing *vehicular use area* is located within the required ten-foot screening strip, the strip must have an average of ten feet in width with no specific location along the buffer being less than five feet in width.

2. Trees

One deciduous shade or evergreen tree planted for every 30 feet or fraction thereof the screening strip spaced no more than 50 feet apart on center.

3. Continuous Screen

A hedge, landform berm, or wall, or combination of those features, forming a continuous screen at least 30 inches in height above the *vehicular use area* grade. If a wall is used, it shall be a maximum of 30 inches, set back at least four feet from the *lot line*, and have a minimum 15-inch high shrub provided for every four lineal feet, planted on the Street side of the wall.

4. Exception

This section shall only apply to an Alley when the Alley separates a *vehicular use area* from a Residential Zoning District.

B. Landscaping (Interior Landscape Islands)

Vehicular use areas shall provide interior landscape islands as follows:

1. Required Island Area

TABLE 5.20-1: INTERIOR LANDSCAPE AREAS

VEHICULAR USE AREA	RATIO OF ISLAND AREA TO VEHICULAR USE AREA
Less than 3,300 sq. ft.	None
3,300--49,999 sq. ft.	1:20 sq. ft.
50,000--149,999 sq. ft.	1:15 sq. ft.
150,000 sq. ft. and over	1:10 sq. ft.

2. Minimum Island Dimensions

Each interior landscape island shall have at least 165 square feet in area and a minimum of eight feet in any dimension.

3. Island Placement and Design

a. Interior islands shall be within the perimeter of the *vehicular use area*. Corner islands shall have at least 50% of its perimeter

abutting the *vehicular use area*, subject to a maximum of 200 square feet for each corner.

b. Islands shall be located to separate every 15 *parking spaces* or fewer, or 20 *parking spaces* if the island is also used for *bioretention* as required in Paragraph c below.

c. When the total area required in interior landscape islands per Table 5.20-1 exceeds 750 square feet, at least 50% of the required interior landscape area must be depressed *bioretention* areas and utilized for stormwater management. Depressed *bioretention* areas can be used to meet the *stormwater management system* pretreatment requirements in Section 5.22

4. Required Deciduous Trees

a. Each island shall have a minimum of 1 deciduous tree; and

b. The total number of trees provided shall equal one for each 250 square feet or fraction thereof of required interior landscape island area.

5. Existing Tree Credits

Additional credit towards required trees may be obtained for exiting trees that measure at minimum of eight inches in *diameter at breast height* (*DBH*) that are preserved within the *vehicular use area* or within 15 feet of and on the same parcel as the *vehicular use area.* Each eight inches or fraction of eight inches of *DBH* of any healthy existing tree that is preserved may be deemed equivalent to one required interior island tree. Up to 50% of the requirements for required deciduous trees may be satisfied by preserving existing trees which meet the standard of this paragraph. Additional credit allowed by this subsection is in addition to the credit allowed for existing vegetation used to meet the requirements of Section 5.20.7.L.

6. Snow Pile Provisions

Provisions shall be made for snow pile storage locations such that they do not damage required plantings.

C. Buffer

Vehicular use areas shall provide a buffer where adjacent to a public park or a site, lot, or parcel in a residential zoning district as follows:

1. Width

A buffer strip at least 15 feet wide. If an existing *vehicular use area* is located within the required 15-foot buffer strip, the buffer strip must have an average of 15 feet in width.

2. Plantings

One tree for every 15 feet of buffer length or fraction thereof. At least 50% of the trees must be evergreens.

3. Continuous Screen

A hedge, berm, wall, or fence, or combination of those, at least four feet in height forming a continuous, opaque screen.

Ordinance No. ORD-24-02, March 10, 2024; Ordinance No. ORD-24-17, October 6, 2024.

5.20.4 Public Park and Residential Zoning District Buffers

A buffer shall be required where a parcel or portion thereof that is not in a Residential Zoning District abuts a public park or a parcel that is in a Residential Zoning District as follows:

A. Width

A buffer strip at least 15 feet wide. If there is an existing *building* or *vehicular use area* located within the 15-foot width, the buffer strip may have an average of 15 feet in width with no specific location being less than 8 feet in width.

B. Trees

One tree must be planted for each 15 feet or fraction thereof of abutting land spaced between 15 and 30 feet apart on center. At least 50% of the trees shall be evergreen. Arrangement of trees in clusters or groupings is encouraged and should be placed to obscure the view of new *buildings* from any existing *buildings* windows or patio area on adjacent properties.

C. Continuous Screen

A hedge, landform berm, wall or *fence*, or combination of those features, forming a continuous screen at least four feet high.

Ordinance No. ORD-21-19, July 25, 2021; Ordinance No. ORD-24-02, March 10, 2024.

5.20.5 Private Streets and Shared Driveway Buffers

Private streets and shared *driveways* within easements in accordance with Section 5.21.4 shall comply with the following Street tree and buffer requirements:

A. Street Trees

One deciduous tree for every 30 feet or fraction thereof shall be provided along each side of a private street. Placement of trees between the edge of the curb and the Sidewalk is encouraged, but trees shall not be spaced more than 12 feet from the edge of the curb. A variety of species, planted in alternating order, is encouraged to ensure a tree *canopy* over the Street and Sidewalk in the event of species-specific infestation or disease.

B. Buffer

A buffer between a private street or shared *driveway* and any adjacent parcels not served by the private street or shared *driveway* shall be provided consisting of the following:

1. A landscaped buffer strip at least eight feet wide.
2. A hedge, wall or solid *fence*, or combination of those features, forming a continuous screen at least four feet in height.

5.20.6 Solid Waste Containers

Solid waste container points of storage, as provided in Chapter 26 and the Solid Waste Regulations, shall be screened from view and buffered from a public right-of-way (excluding an Alley), a private street, a public park, or a parcel in a Residential Zoning District by the following elements:

A. Screening Wall or Fence

A six-foot high opaque wall or solid *fence*. Gates may be used if required screening interferes with access to the solid waste containers.

B. Buffer Strip

A buffer strip at least 15 feet in width with one tree for each 15 feet or fraction thereof. Trees shall be spaced between 15 and 30 feet apart and shall be at least 50% evergreen when more than one tree is required.

C. Single-Family and Two-Family Dwelling Exception

Curb cart points of storage on a parcel containing a *single-family* or *two-family dwelling* do not require screening or buffer strips.

Ordinance No. ORD-24-02, March 10, 2024; Ordinance No. ORD-26-11, June 21, 2026.

5.20.7 Material and Design Standards

The *site* design and planting scheme, and materials used to comply with this Section 5.20 shall meet the following standards:

A. Artificial plants or trees shall not be used.

B. Any plant listed on the City Invasive Species List may not be used to meet the requirement of this chapter.

C. If more than 20 trees will be used, a mixture of three or more tree species must be used.

D. If more than 40 shrubs will be used, a mixture of three or more shrub species must be used.

E. When proposing or using a *native or prairie planting*, the selection of plant species must be diverse and similar to native plant communities present in the City. (The City's Natural Area Preservation Program maintains a list of plants native to the City.)

F. *Plant* material used for hedging or screening shall be evergreen and/or deciduous shrubs which shall be a minimum of 24 inches tall at time of planting and of a size, quantity and spacing to achieve 50% year-round opacity at the time of planting. Diversity and native species are encouraged. *Plant* material shall meet current ANSI American Standards for Nursery Stock.

G. *Fences* and walls required for this chapter shall comply with the requirements of Section 5.26 . Both sides of the *fence* or wall must be decoratively faced when used to meet the screening requirements of this section.

H. Landscaped areas shall be covered with biodegradable mulch, ornamental

grasses, forbs, native prairie plants, native *wetland* plants, grass or other perennial herbaceous or shrub planting combinations. Stone or aggregate shall not be accepted to meet this requirement. In areas subject to *erosion*, *erosion*-reducing blankets, or suitable reinforced mulch, shall be used.

I. Deciduous shade trees shall have a mature crown spread of greater than 15 feet. Permitted trees include those on the City's Approved Street Tree List. Other types of trees can be used with approval of the PSA Administrator. Due to the overpopulation of Maple species (Acer spp.) within the City, their use should be limited. Small trees such as Crabapples (Malus spp.), fruit trees or Hawthorne (Crategus spp.) are not permitted unless approved by the PSA Administrator. At planting, trees must have a minimum caliper of two inches at six inches above the root ball, a burlap ball size of at least ten times the caliper size, and a clear stem of at least five feet (except within sight triangles where eight feet is required per Section 5.20.8). Trees must meet current ANSI Standards for Nursery Stock.

J. *Plants* required in this chapter shall be planted in soils suitable for the species specified, including a depth to compacted surfaces of at least 30 inches with drainage from that surface, if required. Soils must be provided with suitable pH, coarseness, fertility and slope that will maximize the long term vitality of plantings.

K. Evergreen trees shall be a minimum of seven feet in height with a minimum spread of three feet, and a burlap ball size of at least ten times the caliper size. Evergreen trees must meet current ANSI American Standards for Nursery Stock.

L. Existing vegetation on the property may be used to meet the requirements of this chapter if it meets the size, species and opacity requirements. This determination shall be made by the PSA Administrator. Additional credit toward the interior landscaping requirement for *vehicular use areas* may be obtained by preserving existing trees per Section 5.20.3B.5.

M. Water outlets (hose bibbs) and/or rain barrels shall be provided within 150 feet of all plant material required by this chapter if a subsurface irrigation system is not provided. Plantings may be further than 150 feet from water outlets and/or rain barrels in areas where *xeriscaping* plants are used.

N. Landform berms shall have slopes no greater than one vertical foot for each three horizontal feet and shall have at least two feet of flat area on top and shall have adequate protection to prevent *erosion*.

O. Landscaped areas in and adjacent to *vehicular use areas* shall be protected by concrete curbing, anchored bumper blocks, or other durable materials if approved by the PSA Administrator. Wood timbers that are not part of a structural retaining wall shall not be accepted to meet this requirement. Alternative barrier designs which provide improved infiltration or storage of stormwater are encouraged. Curbs separating interior landscape islands from *vehicular use areas* may allow stormwater runoff to pass through them. Curbs may be perforated or have gaps or breaks.

P. When landscape islands are used for *bioretention*, the ponding area should be at least six inches deep, but not more than 18 inches deep and planted with native wildflowers/forbs and grasses.

Q. *Plant* materials shall be selected and installed in accordance with standards established by the PSA Administrator.

R. *Plant* material shall be placed to allow full access to fire hydrants and *public utility* systems. A five-foot space clear of vegetation greater than six inches tall shall be maintained around the circumference of fire hydrants, and any access point to a *public utility* system (i.e., water shutoff valve box, sanitary/storm sewer manhole).

5.20.8 Sight Triangles and Intersections

A. All landscaping or other screening material within a sight triangle shall be no greater than 30 inches tall, and all trees within a sight triangle shall have all branches trimmed to provide clear vision for a vertical height of eight feet above the roadway surface. Evergreen trees shall not be permitted within sight triangles. The specifications for sight triangles in the Public Services Standard Specifications shall be used to determine sight triangle areas.

B. Vegetation adjacent to intersections shall be maintained to allow for adequate sight distance based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and Streets, 5th Edition (2004), or as subsequently amended.

Editor's Note: References to Public Services Standard Specifications updated in 11th Edition.

5.20.9 Plant Substitutions

A. The PSA Administrator may approve minor revisions to landscape plant materials due to seasonal planting problems and lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous shade or evergreen trees) and the same general design characteristics (mature height, crown spread) as the material being replaced.

B. Following approval of plant substitutions by the PSA Administrator, an as-built landscape plan must be submitted to the CSA for attachment to the approved site plan.

C. If the criteria in Subsection A are not fulfilled, the approved site plan must be revised according to the requirements of Section 5.29.6.

5.20.10 Trees in the Public Right-of-Way

A. Authority

The City Administrator shall have the sole authority over the planting, maintenance and removal of trees in the *public right-of-way* and other City property. No Person

without written permission of the City Administrator shall plant, remove, break, spray or take any action that will injure or destroy any tree or shrub, the base of which is located in the *public right-of-way* or other City land.

B. Site Plan Requirements

All site plans require one Street tree for every 45 linear feet of existing and proposed public Street *rights-of-way*, minus the width of *curb cuts*, abutting and within the *site*. Proposed Street trees shall meet the City standards for minimum size and species. Existing trees meeting City standards may be used to satisfy all or part of this requirement.

Ordinance No. ORD-22-12, September 4, 2022.

5.20.11 Hazards on Public Property

No tree or other vegetation which by virtue of disease, damage or insect infestation presents a *hazard* to Persons or vegetation on public property shall be maintained on private property.

5.20.12 Weeds and Grass on Public and Private Land

On private property no turf grass shall be permitted at a height greater than 12 inches. The owner of every parcel of land is responsible for *grading*, planting, mowing and raking the extension or City Street *right-of-way* so that it is covered with turf grass with an average height not in excess of 12 inches or other ground cover vegetation with an average height not in excess of 36 inches above the adjacent road surface unless it presents a view hazard based on the criteria in the AASHTO (American Association of State Highway Transportation Officials) Policy on Geometric Design of Highways and Streets, 5th Edition (2004), or as subsequently amended. The City shall not be liable for damage to any vegetation planted, or to any property or fixtures placed, in or upon the or the City *right-of-way* that results from work performed by the City in the *lawn extension* or *right-of-way*.

Ordinance No. 21-19, July 25, 2021.

5.21 Streets and Access

5.21.1 Applicability

A. Compliance Required

No site plan shall be approved unless the site plan shows *curb cuts* or *openings* consistent with the requirements of this Section 5.21 .

B. Compliance with Chapter Required for Occupancy

No certificate of occupancy for any *building* will be issued under Chapter 100 of this Code unless the property is in substantial compliance with the requirements of this Section 5.21 and have substantially completed the installation of *curb cuts* contained in any approved plat or site plan for the property.

C. Building Projections into Streets

Awnings, *canopies*, marquees, balconies, cornices and other above-grade projections over Streets, Sidewalks and Alleys from *buildings* permitted by Chapter 100 of this Code do

not require additional permission pursuant to this Section 5.21 .

5.21.2 Curb Cuts and Driveway Approaches

A. General

No *curb cut* or *driveway approach* shall be made to a public Street or *right-of-way* without first obtaining a permit from the City Administrator. Issuance of such permits shall be made only in accordance with the following regulations:

B. Number of Openings

The number of *openings* listed in Table 5.21-1 shall be the maximum for any *site*, *lot* or parcel.

TABLE 5.21-1: MAXIMUM NUMBER OF OPENINGS

	TOTAL STREET FRONTAGE		
	UP TO 100 FT.	101 FT. TO 200 FT.	201 FT. OR MORE
Number of Openings	1	2	2 for the first 200 ft. plus 1 for each additional 600 ft. of total *street frontage* after the first 200 ft.

C. Curb Cut Design and Location Standards

Location and design of all *curb cuts* to a public Street shall comply with the City Public Service Standards and Specifications.

D. Traffic Hazards

Any *openings* that are found to be a traffic *hazard* may be closed, modified, or relocated by a resolution of City Council after notice and a public hearing consistent with the requirements of Sections 5.28.2 and 5.28.3.

E. Traffic Control Order

The direction and restriction of turning movements of traffic entering and exiting through *openings* shall be subject to traffic control orders issued pursuant to Chapter 126 of Title X of this Code.

F. Non-functional Curb Cuts

If at any time a *curb cut* ceases to be functional, the curb shall be replaced and the *approach* removed by the adjoining property owner. No building permit shall be issued pursuant to Chapter 100 of this Code where, as a result of the construction, a *curb cut* would become nonfunctional, unless the building permit provides for the replacement of the curb and removal of the *approach*. If a non-functional curb is not replaced by curbing and the *approach* removed, that work may be done by the City, after providing notice to the adjoining property owner. The cost of that work shall be assessed in accordance with Chapter 13 of this Code against the *site* formerly served by the *curb cut*.

5.21.3 Private Street Standards

A. Private streets may be provided to access *lots*, as defined in Article VIII, subject to the following standards and requirements: A private street shall be located

within a minimum 30-foot wide recorded access and utility easement. Additional width or additional easements may be necessary to satisfy all of the standards and requirements of this section, such as the requirement to provide sidewalks.

1. The street shall be designed and constructed in accordance with the Public Services Standard Specifications, as amended, except that curb and gutter shall not be required when the street serves eight *lots* or less.
2. Traveled lanes shall be a minimum of 11 feet in width.
3. The width of a two-way private street shall be a minimum of 25 feet from the face of curb to the face of curb, or edges of pavement, or 14 feet for a one-way private street.
4. Where a private street serves more than eight *lots*, a minimum of one *parking space* per *dwelling unit* shall be provided along the private street. These *parking spaces* shall be located within the street easement and meet either of the following standards:
    a. Two traveled lanes and parking on one side of the street shall be provided and shall have a minimum pavement width of 30 feet from face of curb to face of curb, or edges of pavement, or 20 feet for a one-way private street; or
    b. *Parking spaces* may be provided in parking bays that meet parking standards.
5. Minimum radius at street intersections shall be 20 feet, as measured along the back of curb.
6. A turnaround shall be provided for cul-de-sacs. Minimum radius for a circular turnaround at pavement edge shall be 30 feet where no on-street parking is provided, or 44 feet where parking is provided.
7. Private streets and parking areas within the street easement shall meet City Illumination standards for new parking areas and new public Streets.
8. All private streets shall be signed to City standards, with names approved by the CSA.
9. All private streets shall meet City and/or State standards as appropriate for traffic-control devices.
10. A Sidewalk system shall be provided which connects to the public walkway system when the private street serves more than eight *lots*. All private sidewalks shall be at least four feet in width.
11. Street trees shall be provided as required by Section 5.20 .

5.21.4 Lot Accessibility

A. Access to Public Street

Access to a public Street shall be provided for all *lots* or parcels by one of the following:

1. Abutting a public right-of-way.
2. Abutting a private street easement.
3. For *lots* zoned for nonresidential use: A permanent recorded unobstructed access and utility easement that is a minimum of 30 feet in width as shown on an approved site plan may serve as the sole means of access to a *public right-of-way* or private street. The easement shall include provisions for the maintenance of improvements and utilities. For such *lots*, the *lot line* most parallel with the *public right-of-way* or private street shall be designated as the *front lot line*. Other *lot lines* shall be determined as provided in this ordinance. *Required setbacks* shall be provided in accordance with the Schedule of Area, Height, and Placement regulations in this ordinance, with the exception that if the distance between the *front lot line* and the *public right-of-way* or private street is more than the *front required setback* for the zoning district in which the *lot* is located, no *front required setback area* shall be required.
4. For *lots* zoned solely for *single-family dwelling* use: A permanent recorded unobstructed access and utility easement that is a minimum of 30 feet in width may serve as the only means of access to a *public right-of-way* or private street for a maximum of two *lots* or parcels subject to the following:
    a. *Driveways* within the easement shall meet all applicable ordinances, including but not limited to Section 5.19 .
    b. The easement shall include provisions for the maintenance of the *driveway* and any other improvements and utilities.
    c. For *lots* where the easement is the only means of access, either the *lot line* most parallel with the *public right-of-way* or private street, or most perpendicular with the *public right-of-way* or private street, shall be designated by an *applicant* as the *front lot line*, and the minimum *front required setback area* shall be provided for the entire length of that *front lot line*.

5.22 Stormwater Management and Soil Erosion

No Person shall conduct activity for which a permit under this Section 5.22 or related Section 5.29.3 is required without first having obtained the required permit. After the permit has been obtained, no Person shall conduct any activity in violation of any condition of that permit, or without having the permit and plans on *site*. Throughout this section, the Washtenaw County Water Resources Commissioner, and the Commissioner's office, are referred to as "WCWRC".

5.22.1 Stormwater Management

A. Purpose

1. The City Council recognizes and is concerned that excessive quantities of soil are eroding from certain areas that are undergoing *development* for non-agricultural uses such as housing developments, industrial areas, recreational uses, and roads. This *erosion* makes necessary costly repairs

to gullies, washed out Fills, roads, and embankments. The resulting *sediment* clogs storm sewers and road ditches, muddies *watercourses* and silts-in lakes and reservoirs, and is considered a major water pollutant, which degrades the natural environment within its jurisdiction and is costly to remedy.

2. Water quality and quantity within the water resources of the City is a public concern. As the City is developed, natural vegetation is removed and replaced with *impervious surfaces*. As a result the hydrology of *watercourses*, ponds and *wetlands* is changed. These changes in quantity, speed, and timing of water runoff transform Ann Arbor's *watercourses*. As the volume and speed of water increases, so does the erosive action of runoff on hillsides, stream banks and bottoms. As more soils are transported down waterways and as more damage occurs to stream banks and bottoms, natural systems are destroyed or diminished throughout the watershed. Urban activity also contaminates the land's surface. Contaminants are carried with runoff into all aquatic habitats, where they poison wildlife and contribute to the decline of aquatic resources. For people, the combination of these effects diminishes the quality of drinking water, inhibits healthy fisheries, reduces recreation and lessens scenic beauty. The City recognizes the relationship between land use and water quality; and by doing so, desires to control non-point source water pollution. Strategies to control stormwater quantity are different from the strategies to improve water quality. This section intends to improve the effectiveness of *stormwater management systems*, bring greater effort to control the sources of runoff, and to improve water quality.

3. The purpose of this Section 5.22 is to control soil *erosion* and the resulting *sediment*; and to control the impact on water quality and quantity resulting from *development* and *impervious surfaces* within the City by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community. Compliance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, (MCL 324.9101 to 324.9123) and the rules promulgated under this part of the Michigan Compiled Laws, is fully intended.

B. Applicability

A *stormwater management system* meeting the criteria of this section is required for:

1. Any form of construction or removal or disturbance of any *natural feature* that requires approval for any site plan, final preliminary plat, or PUD site plan.

2. When a *Grading Permit* is required but not a site plan, final preliminary plat, or PUD site plan, except *Grading Permits* solely for vegetation *clearing*, *building* demolition, removal of *impervious surfaces*, or other activities approved by the PSA Administrator.

C. WCWRC Review

The WCWRC shall review *stormwater management systems* for *sites* that have one or more of the following conditions:

1. The *site* is owned by Washtenaw County.
2. The *site* has existing or proposed infrastructure owned by the WCWRC.
3. The *site* has existing or proposed easements dedicated to the WCWRC.
4. The PSA Administrator has deferred review to the WCWRC.

Ordinance No. ORD-26-12, June 21, 2026.

D. Requirements

A *stormwater management system* shall be provided based on the requirements provided in Table 5.22-1.

TABLE 5.22-1: STORMWATER MANAGEMENT REQUIREMENTS

Site Type	Site Area	Impervious Surface Impact	Stormwater Management Requirement	Exceptions or Alternatives
Single and Two-Family Residential	Any size	Adding 200 sq. ft. or more of *impervious surface*	First flush for the total net increase in *impervious surface*, and all downspouts directed to vegetated areas or approved point in compliance with Chapter 100 of City Code "Drainage Nuisances and Complaints section.	Not required for new homes in a site planned development with compliant development-wide system.
All Other Types	Over 1 acre (>43,560 sq. ft.)	Not applicable	As required by the Rules of the WCWRC.	See Section 5.22.1G
	1 acre or less (≤43,560 sq. ft.)	No net increase in *impervious surface*	Not required with Site Plan for Planning Manager, as required by the Rules of WCWRC for Site Plans for Planning Commission or City Council.	See Section 5.22.1G
		Any increase in *impervious surface*	As required by the Rules of the WCWRC.	See Section 5.22.1G

E. Standards and Procedures

Applicable *sites* within the City of Ann Arbor review shall provide a *stormwater management system* meeting the design criteria stated in the Rules of the WCWRC as provided in Table 5.22-2 unless an alternative as provided in paragraph E below is approved.

TABLE 5.22-2: STORMWATER MANAGEMENT THRESHOLDS

Impervious Surface	Standard
Less than 10,000 sq. ft.	Retention/infiltration of first flush storm event.
10,000 sq. ft. or more and less than 15,000 sq. ft.	Retention/infiltration only of first flush and detention only of bankfull events.

TABLE 5.22-2: STORMWATER MANAGEMENT THRESHOLDS	
IMPERVIOUS SURFACE	**STANDARD**
15,000 sq. ft and greater	Retention/infiltration of the first flush, and detention of bankfull and 100-year storm event. Detention facilities for the 100-year storm event shall include a sediment forebay.

1. On a *site* that requires the installation of a *stormwater management system*, the facility shall be installed and stabilized prior to the issuance of building permits. The PSA Administrator may deem it necessary to modify the timing of installation of the facility when conditions, such as a facility that is integral to the *structure* of a new *building*, prevent installation prior to building permits. As-built verification from a *Professional Engineer* shall be submitted to the PSA Administrator for approval prior to issuance of any certificate of occupancy. The as-built verification shall include: elevations and volumes, outlet sizes and elevations, stabilization information, and signature and seal of the *Professional Engineer*.
2. Existing *wetlands* shall not be modified for the purposes of *stormwater management systems* unless it is determined that the existing *wetland* is not regulated by Sections 5.23 and 5.29.4. Where modifications to *wetland* areas are allowed, the existing storage shall be maintained and shall not count toward meeting the requirements of this section.
3. When residential *lots* or units are proposed to be created, the runoff coefficients shall take into account the future *impervious surfaces* of these building *sites* within the stormwater management calculations.
4. *Stormwater management systems* facilities shall be designed so that any discharge of stormwater from the facility, which does not empty directly into a drain, shall be converted to sheet flow over the ground through the use of an energy dissipater, in a manner which will preclude *erosion*, or other approved method as determined by the PSA Administrator.
5. Prior to the issuance of a *Grading Permit*, the *development* of the *stormwater management system* shall provide the City with an agreement, satisfactory to the City Attorney, that if maintenance is not performed to the reasonable satisfaction of the PSA Administrator, the City may, after posting reasonable notice, on the *site*, perform the maintenance activities and charge all costs to the benefited properties. If the costs remain unpaid for 60 days, the City may assess those costs to the benefited properties as a single lot assessment under City Code Section 1:292.

F. Approval

1. When Reviewed by WCWRC

Stormwater management systems reviewed by the WCWRC shall receive preliminary plan approval from the WCWRC prior to site plan, final preliminary plat, or PUD site plan approval by the City, and a permit or letter of final plan

approval from the WCWRC shall be obtained prior to issuance of a *Grading Permit* by the City.

2. When Reviewed by City of Ann Arbor

Stormwater management systems reviewed by the City of Ann Arbor shall be reviewed and receive approval from the PSA Administrator or their designee.

G. Alternatives

When *site* constraints make it infeasible to meet the requirements provided in Table 5.22-2, the PSA Administrator may approve an alternative standard if each of the following conditions are met:

1. Control of the first flush storm event has been provided.
2. A determination is provided by a *Professional Engineer* that *stormwater management systems* will be provided on-site to the maximum extent feasible and that it is not feasible to provide any additional detention volume due to *site* constraints including but not limited to groundwater conflicts, soil contamination, existing *building(s)* or protection of *natural features.*
3. The proposed method of stormwater management is consistent with the intent of this section and the goals of the Rules of the WCWRC, as determined by the PSA Administrator.
4. The proposed method of stormwater management and reason for not meeting the full detention volume is documented on a *Grading Permit*, site plan, final preliminary plat, or PUD site plan.

Ordinance No. ORD-21-37, January 30, 2022; Ordinance No. ORD-23-02, February 26, 2023l Ordinance No. ORD-24-20, November 10, 2024.

5.22.2 Soil Erosion

A. Grading Operation Responsibility

Any Person engaged in *grading* operations and/or the permittee shall be responsible for:

1. Installing *temporary soil erosion and sedimentation control measures* before any *earth change* activity, and maintaining the measures on a daily basis.
2. Preventing damage to any *public utilities* or *private utilities* or the interruption of utility services within the limits of *grading* and along any routes of travel of the equipment.
3. Preventing damage to adjacent property. No Person shall *grade* land so close to the *lot line* as to endanger any adjoining public Sidewalk, Alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
4. Carrying out the proposed work in accordance with the approved plans, and sequence of construction, and in compliance with all the requirements of the permit and this Section 5.22 .

5. Immediately removing all soil, miscellaneous *debris* or other material applied, dumped, tracked, or otherwise deposited on Streets, Highways, Sidewalks, *stormwater management systems*, or public thoroughfares during transit to and from the construction, when such spillage constitutes a public nuisance or *hazard*. The construction of a *haul road* or other approved vehicle cleaning method may be required by the PSA Administrator to prevent the spread of *debris*.

6. Designing, constructing, and completing *earth changes* in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.

7. Designing, installing and maintaining *soil erosion and sedimentation control measures* to remove *sediment* caused by *accelerated soil erosion* from runoff water before it leaves the *site* of the *earth change*.

8. Designing and constructing temporary or permanent measures for the conveyance of water around, through or from the *earth change* area to limit the water flow to a *non-erosive velocity*.

9. Grading and stabilizing earth change areas with permanent soil erosion and sedimentation control measures and removing temporary soil erosion and sedimentation control measures.

10. Installing *permanent soil erosion and sedimentation control measures* for all slopes, channels, ditches or any disturbed land area within five calendar days after final *grading* or the final *earth change* has been completed. All *temporary soil erosion and sedimentation control measures* shall be maintained until *permanent soil erosion and sedimentation control measures* are implemented and the disturbed land areas are *stabilized* and approved.

11. Making the approved plans and permit available for inspection at all times at the *site* of the *earth change*.

12. Conducting *earth changes* in such a manner that will effectively reduce *accelerated soil erosion* and resulting sedimentation.

Ordinance No. 24-31, February 6, 2025.

B. Maintenance Standards

Persons carrying out *soil erosion and sediment control measures* under this chapter, and all subsequent owners of property upon which such measures have been taken, shall maintain all permanent anti-*erosion* devices, retaining walls, *structures*, plantings and other protective devices.

C. Liability

Neither the issuance of permits, under the provisions of this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by the City under this chapter, shall relieve any Person from the responsibility for damage to any Persons or property otherwise imposed by law, nor impose any liability upon the City for damages to Persons or property.

Ordinance No. ORD-24-20, November 10, 2024.

5.23 Natural Features

5.23.1 Purpose and Intent

It is the intent of this section to establish how *natural features* shall be identified, evaluated, protected, and mitigated, and to require minimum buffers adjacent to *natural features*, as defined herein, and to regulate property within such buffer in order to prevent physical harm, impairment or destruction of or to a *natural feature*. It has been determined that, in the absence of such minimum buffers, intrusions in or on to *natural features* would occur, resulting in harm, impairment and/or destruction of *natural features* contrary to the public health, safety and general welfare. This regulation is based on the City's general police power, for the protection of the public health, safety and welfare, including the authority granted in the City and Village Zoning Enabling Act (Act 207, Public Acts of 1921, as amended) and the Michigan Zoning Enabling Act (Act 110 of 2006, as amended).

5.23.2 Protected Natural Features

Seven *natural features* are protected and regulated in the City: *endangered species habitats*, *floodplains*, *woodlands*, *landmark trees*, *steep slopes*, *watercourses* and *wetlands*. Each protected, regulated *natural feature* is discussed in substantial detail particularly with respect to:

A. A summary of key facets including a perspective on the importance of the *natural feature* to the people of the City.

B. Means to identify, differentiate and evaluate the *natural feature*.

C. The general *natural feature* protection priorities of the City, and some perspective on how to measure each *natural feature's* relative importance to others in the City or on the *site*.

D. Measures for protecting *natural features* during construction.

E. Guidelines and requirements for mitigating important *natural features* which cannot be excluded from *development*.

5.23.3 Endangered Species Habitats

Endangered species are most likely to be found in the midst of natural areas described in this section as "highest concern." When a rare, threatened or endangered species is found, careful assessment should be made of the species and the area in which it is found. These organisms and their habitat may be intolerant of change caused by a development, such as change in hydrological conditions, even if the habitat itself is outside the *limits of soil disturbance* for a project. These species and their habitats are important to the City for the richness and diversity of species they offer.

A. Identification

Within Ann Arbor, the areas most likely to contain endangered species are sandy, wet bottom lands and wetlands along the Huron River, along its tributaries, and in the many small pocket wetlands in native forest fragments. Many of these areas can be quite small in size. Rare and unusual endangered species (of ferns, bryophytes, orchids, grasses, etc.) may also be found on disturbed ground-- including along shorelines and

streambanks, flooded areas, old farmed fields, borrow pits, eroding slopes, burned areas, embankments along railroads and roads, in cemeteries, old settlement areas and farmsteads, etc.

B. Protection Priorities

The protection of endangered species and their habitats are regulated by the State of Michigan Department of Natural Resources (MDNR), in cooperation with the US Fish and Wildlife Service. The City will work in coordination with state and federal regulating agencies to identify the best protection approach, based on the specific characteristics of the species involved. In general, these species and their habitats should be excluded from development and protected from the impact of development.

C. Protection Measures

1. The City will work in coordination with state and federal regulating agencies to identify appropriate protection measures to sustain the species, based on the specific characteristics and needs of the habitat and species involved.

2. During *grading* and construction, barrier fencing shall be installed at the *limits of soil disturbance*, including all *endangered species habitats*. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until authorized to be removed. No *filling*, *excavating* or storage of materials, *debris*, or equipment shall take place within the fenced area.

D. Mitigation

Endangered species habitat shall be mitigated in accordance with the Michigan Natural Resources and Environment Protection Act, 1994 PA 451, as amended to date. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

5.23.4 Floodplains

Floodplains serve to minimize damage to land and water resources because of their capacity to store water. In so doing they control *erosion*, silting, and contamination of water features and aquatic wildlife. Healthy, stable plant life is important in determining a *floodplain's* capacity and function in slowing, filtering, and cooling water moving through them. *Floodplains* also may qualify as *wetland* or *watercourse natural features*.

A. Identification

Floodplain and *floodway* boundaries are available on *Flood Insurance Rate Maps* (FIRM), produced by the Federal Emergency Management Agency (FEMA). The City may request, and if requested an *applicant* shall provide, investigation and mapping of flooding zones along *watercourses* on *sites* not officially mapped. If Flooding potential exists, and *buildings* and *structures* are proposed in the *floodplain*, the City may request, and if requested an *applicant* shall provide, formal hydrological studies to determine the long-term safety and the hydrological and environmental soundness of a proposed

project.

B. Protection Priorities

1. Highest Concern

Floodplains with natural plant life and natural landform conditions are very important to protect from *development*. They involve native *floodplain* forest fragments (extremely rare), or native sedge or fen meadows (rare and important natural areas, potentially habitats for rare species in the City). These areas not only are rich biologically, but provide *floodplain* function.

These *floodplains* of highest concern should be preserved as part of any *development* proposal (which means not only is there no disturbance to soils, but there is no disturbance to surface and subsurface hydrological regimes). In cases where these habitats exist and are being invaded by exotics, every reasonable effort should be taken to restore the habitat as part of a *development* proposal. Where enhancement of capacity and function can be done, it should be.

2. Midlevel Concern

Forested *floodplains* dominated by exotics, including black alder, several willows, and *floodplain* meadows dominated by cattails or purple loosestrife are of midlevel concern. Even with the presence of exotics, forested *floodplains* are vital to the continued function/capacity of the *floodplain*. Whenever possible, these areas should be left undisturbed. Restoration of these areas with native plants is usually useful in enhancing its function, appearance, and wildlife value.

Floodplains of midlevel concern should not be built upon. In any case, the *floodplain's* function and capacity should not be diminished. Where enhancement of capacity and function can be done, it should be.

3. Lowlevel Concern

Floodplains characterized by paving or turf or otherwise cleared land are of lowlevel concern. The key concern to guide *development* decisions should be whether there are opportunities for mitigation of *flooding* and water quality problems.

C. Protection Measures

1. Soil *erosion* on any construction *site* in any *floodplain* should be minimized to the maximum extent practicable. Special, effective soil *erosion* and *flood* protection techniques should be devised and required in each instance, during construction and for as long afterward as it takes for vegetation to become very well established and for soils to be stable during storm/flooding events. These techniques and devices need careful design and maintenance to protect against washout in storm events and damage to water resources. Soil stockpiles and construction trailers may not be placed within *floodplain* areas.

2. Barrier fencing shall be installed at the *limits of soil disturbance* including any *floodplain*. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until authorized to be

removed. No *filling*, *excavating* or storage of materials, *debris* or equipment shall take place within the fenced area.

D. Mitigation

In addition to meeting the requirements of Section 5.14.2 of this chapter, *floodplain* areas shall be mitigated to provide no net loss of *flood* storage capacity and shall comply with any conditions of a valid permit from the Michigan Department of Environment, Great Lakes, and Energy in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended to date. If mitigation is proposed off-site, it shall be hydrologically equivalent and located in the same watershed as the *development site*. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

E. Guidelines for Best Mitigation Practices

1. Where the actual volume/land area of a *floodplain* is affected by a proposed *development*, the volume/land area of the *floodplain* lost should be restored elsewhere on the *site* or in the watershed.
2. Where paved surfaces are proposed in a *floodplain*, they should be minimized to the fullest extent possible. The area of paved surface on a *site* in a *floodplain* should be mitigated by new *floodplain* with native *floodplain* species installed elsewhere on the *site* or elsewhere in the watershed, or it should be mitigated by a landscape design for the *site* that enhances *floodplain* function.
3. Where forest fragments, fen and sedge meadows are removed or disturbed, they should be mitigated to replicate equally valuable *natural features* on the *site* or in some other location in the watershed.
4. Lesser quality plant communities should also be replaced, but the level of diversity of the mitigation may be less (using native associations is more desirable).
5. To the fullest extent possible, regardless of existing conditions, landscape design for a project proposed in a *floodplain* should avoid turf and use (preferably native) associations of plant materials that can become effective on the *site* as healthy *floodplain* plant communities.
6. Alternate mitigation (when these procedures are not possible) could include management of other *natural features* on the *site* or restoration work on *floodplains* elsewhere on the *site* or within the watershed. They might include addition of stormwater control facilities beyond other code requirements.

Ordinance No. ORD-20-33, January 31, 2021.

5.23.5 Woodlands

The City's *woodlands* are of two primary types, either planted and volunteer, or naturally regenerating native forest. Whether planted, volunteer naturally regenerating native forest, or a grove of old trees, *woodlands* are important to the scenic and biological quality of life of the City.

A. Identification

1. Native forest fragments

Native forest fragments are visible on early low altitude aerial photographs of the City, before the invasion of exotic *woody plants*. These fragments are typified by their unfarmed soils and by the combination of plants constituting an ecosystem association recognizable as dating back to 1824. These fragments can be *floodplain* forests (Black and Silver maples, Red ash, hickories), wooded mesic or *wetland* forests (red oak and red maple), dry forests on the tops of sand and gravel filled moraines and kames (White oak, Hickories and White ash), to mesic forests on moister upland soils (Sugar maple, Red maple and American beech). A very wide variety of species existed as part of these associations, and can be present in the regenerating fragments.

2. Urban Woodlands

Urban *woodlands* are areas which have the density necessary to meet the definition of *woodland* used by the City, but which are not native forest fragments. Groves of planted trees, often of pines or spruces are found throughout the City. Volunteer trees may come into an area so densely as to create a *woodland* under the definition. Some people may plant and cultivate trees densely enough to qualify. These landscapes do not function as self-sustaining ecosystems, but they can function as valuable wildlife habitat, can provide great scenic resource, do influence the climate, and make life in the City more enjoyable for people.

3. Pioneer Woodlands

Pioneer *woodlands* are those which arise on disturbed soils, such as soils which have gone through a period of cultivation in the European monocultural style, or soils which have been overturned, moved, or *graded* to the extent that seed (and the related, beneficial soil microflora) for regenerating the ecosystem is destroyed or greatly diminished. Pioneer *woodlands* are usually found on abandoned farm fields or waste sites of various sorts. These *woodlands* are often dominated by invasive exotic shrubs and are impoverished wildlife sites.

In some cases, native forest fragments are colonizing into fields once farmed adjacent to them. These areas are rich wildlife habitats and should be treated with care, along with the native forest fragments.

B. Protection Priorities

1. Highest concern

Native forest fragments, particularly those that still have a wide diversity of native species at all levels (woody and herbaceous plants) are the most important

sites to protect from *development* and from the impact of *development*. Many of these *sites* have been and are being rapidly invaded by exotic species (of shrubs, primarily), and need active care as well as protection to sustain them. The highest quality among these fragments should not be built upon. These fragments should be retained as public land and managed as natural areas. Effort should be made to preserve and protect all remaining native forest fragments to the fullest extent possible. Further fragmentation is not desirable.

2. Midlevel concern

Ann Arbor's urban *woodlands* are directly derived from people's planting activities, as the City developed. Woods and trees involved in these settings very likely have considerable importance to people who live near them.

3. Lowlevel concern

Generally speaking, pioneer *woodlands* that are now developing in the City are often dominated by exotic trees and shrubs, with an occasional large native tree that a farmer retained in his field. New, well designed and well planted built landscapes would be more appealing and more valuable in the long term, than protecting these *woodlands*. Vegetation must be removed in order to return it to a more natural and pleasing landform. *Landmark trees* and other valuable features may exist on the *site*. If so, they would be key concerns in the design of *development* for these areas. Rare, endangered species can also exist on disturbed *sites*.

C. Protection Measures

1. Native forest fragments excluded from *development* should be defended from all intrusions during *development* by well-maintained barrier fencing.
2. Where native forest fragments are to be built in, but not completely removed, then those areas to be excluded from *development* should be clearly fenced during the process. *Grading*, roads, walkways, utility lines, and all other aspects of soil disturbance should be minimized to the fullest extent that sound design and public safety will allow.
3. *Clearing* for *buildings* should be strictly minimized to the least area needed to work around *buildings*. Excavated spoils from *basements* and other needed *grading* should not be spread on the *site* in the native forest fragment area. Very careful handling of trees near the *building* envelope should be undertaken to the fullest extent possible.
4. Where management of retained native forest fragments is undertaken, these activities should be conducted according to the principles and techniques described in a well-developed management plan. Advice from qualified natural area managers should be sought and included in such plans. A key element of these plans should be the control of *invasive species*, which threaten natural areas throughout the City.
5. The most effective way to save trees is by planning ahead for their protection. Four steps will help accomplish this:

a. Delineate areas with severe limitations and stay away from them (provide barriers).

b. Design the *site* to minimize *grading*/soil disturbance in the vicinity of retained trees.

c. Provide for adequate and effective stormwater management.

d. Design landscape installations to complement and honor retained trees.

6. In addition to protective fencing at the *critical root zone*, a number of other construction techniques can help save trees. These include placing utilities under pavement instead of under trees; tunneling utilities under trees instead of trenching; using granular material when placing minimum amounts of *fill* over roots; *excavating* by hand; and keeping heavy equipment and vehicle traffic away from the *critical root zone*. *Grading* changes should not either increase or decrease moisture conditions in the *critical root zone*.

7. Any protected *woodland* that is determined by PSA Administrator to be dead, dying or severely damaged due to on-site construction activities within three years after issuance of a certificate of occupancy or final permit approval for *development* authorized by an approved site plan, PUD site plan, or plat shall be replaced by the property owner in the amount specified in the requirements for mitigation of *woodlands* If the site plan, PUD site plan, or plat has been compiled with, replacement shall be at the lesser rate. If the site plan, PUD site plan or plat has not been complied with, replacement shall be at the greater rate.

D. Mitigation

1. A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 50% of the original *DBH* for each *woodland* tree eight inches or larger that is removed. Replacement trees shall be non-sterile varieties. The minimum size of deciduous replacement tree shall be one inch caliper. The minimum size of an evergreen replacement tree shall be five feet in height. If more than 20 replacement trees are required, a mixture of three or more species must be used.

2. A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 200% of the original *DBH* for each *woodland* tree eight inches or larger that is removed without the approval required by this chapter.

3. Mitigation shall be provided on the same *site* as the removed *woodland* trees to the maximum extent feasible as space and long-term tree health allow. Where mitigation cannot be accomplished on the *site*, all or part of the mitigation may be provided on public land within the City if approved as part of the site plan or plat.

4. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance.

E. Guidelines for Best Mitigation Practices

1. When native forest fragments must be taken in whole or in part, they should be mitigated by the installation of replacement trees or by the creation of an area planted with a comparable plant association (trees, understory trees, shrubs, herbaceous plants - not including exotics) on the *site* or elsewhere in the City.

2. Where a valuable native forest fragment must be partly destroyed by *development*, the balance of the fragment should be actively managed as a natural area, to sustain it into the future. This includes the important task of controlling invasive exotics.

3. Urban *woodlands* may also have considerable value to City residents. *Development* in them should be handled as sensitively as possible. Tree replacements for trees taken from such a *woodland* should be replaced on the *site* in a manner that complements the character of *woodland*. Landscape design of the *site* should also complement the character of the *woodland*, and should be sensitive to screening and otherwise providing affected neighbors with pleasant views into the *site*.

4. Care should be taken during the *development* process to conserve topsoil which must be disturbed on site, and to install plant materials into optimum conditions. Compacted soils placed by heavy machines are not suitable for successful establishment of many types of plants. Retained topsoil can be used in new planting zones to great benefit.

5. Alternative mitigation plans which could be negotiated could include management or restoration of comparable *natural features* on the *site* or on public lands elsewhere in the City, or donation of trees to the City to be planted on public land, donation of time and materials to assist the City in managing valuable natural areas on public land. Valuable *wetlands* on the *site* or elsewhere could be enhanced, stormwater retention capacity could be increased, and *floodplain* capacity and function could be improved - each beyond that already required by code.

5.23.6 Landmark Trees

Large, old, picturesque, rare, well-located, or otherwise special and interesting trees play an important role in the character of individual properties, and in the fabric of the City as a whole. All the trees in the City together have positive effects on the climate of the City, on its ability to attract and sustain wildlife, and on its visual beauty.

A. Identification

1. Trees which qualify as *natural features* are, generally speaking, any tree larger than 24 inches in *diameter at breast height* and any tree of a size listed on the Landmark Tree List (See Table 5.23-1).

2. Large trees in natural areas (native forest fragments or forested *wetlands* or *floodplain* forest fragments) will often qualify as *landmark trees.*

B. Landmark Tree List

TABLE 5.23-1: LANDMARK TREE LIST		
COMMON NAME	**SCIENTIFIC NAME**	**MINIMUM DBH**
Ash	Fraxinus spp. (not cultivars)	18"
Basswood	Tilia spp.	18"
Beech	Fagus spp.	18"
Buckeye (Horse chestnut)	Aesculus spp.	18"
Cherry, Black	Prunus serotina	18"
Elm	Ulmus spp. (except pumila)	18"
Fir	Abies spp.	18"
Fir, Douglas	Pseudotsuga menziesii	18"
Kentucky Coffee Tree	Gymnocladus dioicus	18"
Maple, Silver	Acer saccharinum	18"
Pine	Pinus spp.	18"
Spruce	Picea spp.	18"
Sycamore; London Plane	Platanus spp.	18"
Tuliptree	Liriodendron tuliperifera	18"
Walnut, Black	Juglans nigra	18"
Hickory	Carya spp.	16”
Honey Locust	Gleditsia triacanthos	16”
Maple	Acer spp. (unless otherwise noted)	16”
Oak	Quercus spp.	16”
Arborvitae	Thuja occidentalis	12”
Bald Cypress	Taxodium distichum	12”
Birch	Betula spp.	12”
Black Tupelo	Nyssa sylvatica	12”
Cherry, Flowering	Prunus spp.	12”
Crabapple (cultivar)	Malus spp.	12”
Dawn Redwood	Metasequoia glyptostroboides	12”
Eastern Hemlock	Tsuga canadensis	12”
Ginkgo	Ginkgo biloba	12”
Hackberry	Celtis occidentalis	12”
Hawthorn	Crataegus spp.	12”
Larch/Tamarack	Larix spp.	12”
Pear	Pyrus spp.	12”
Persimmon	Diospyros virginiana	12”
Populus	Populus (except deltoides, alba)	12”
Sassafras	Sassafras albidum	12”
Sweetgum	LiquidamBar styraciflua	12”

TABLE 5.23-1: LANDMARK TREE LIST		
COMMON NAME	**SCIENTIFIC NAME**	**MINIMUM DBH**
Yellow Wood	Cladrastis lutea	12"
American Chestnut	Castanea dentata	8"
Butternut	Juglans cinerea	8"
Cedar	Juniperus spp. & upright cultivars	8"
Cedar of Lebanon	Cedrus spp.	8"
Eastern Redbud	Cercis canadensis	8"
Dogwood, Flowering	Cornus florida	8"
Hornbeam, Blue Beech	Carpinus spp.	8"
Ironwood	Ostrya virginiana	8"
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	8"
Pawpaw	Asimina triloba	8"

C. Protection Priorities

1. Highest concern

The most important *landmark trees* to protect are ones which are rare, unusual, old, or historically significant. Certain trees may play a special role in the visual resources of a *site* or an area. If the trees are native to Ann Arbor (known to have grown here in 1824), they are particularly important to protect.

2. Midlevel concern

Trees which are mature, late succession species, provide wildlife habitat or visual screening, represent good diversity of species, have interesting flowers or other features, or are in proximity to a native forest fragment and are related to it.

3. Lowlevel concern

Pioneer species of *woody plants* arising on *sites* with highly disturbed soils, trees and shrubs not native to the region and known to be invasive (seeding prolifically and naturalizing into the neighborhood or into natural areas). Generally speaking, a fine quality planted landscape can be more valuable in the long term, and more appealing to more people in the short term than many pioneer *woodlands* in the City.

D. Protection Measures

1. All tree roots are vulnerable to disturbance, and some species are more so than others. All construction activity (including the effects on soil moisture and drainage of *grading* changes in the area) should be excluded from the *critical root zone* of trees to be preserved according to submitted plans. These activities should be avoided to prevent and minimize damage or destruction of tree roots, threatening the life of trees: soil compaction from vehicle and machine parking and traffic, *excavation* or *filling*, storage of materials, *grading* changes that affect soil moisture in

the root zone at any time, and insensitive landscape design and installation techniques (including irrigation).

2. Activities which help prevent and minimize damage or destruction to roots are encouraged, including the placement of utilities under pavement instead of under trees; tunneling utilities under trees instead of trenching; using granular material when placing modest amounts of soil over roots; *excavating* by hand; and keeping equipment and vehicles away from the *critical root zone*.

3. Barrier fencing shall be installed at the limits of the *critical root zone* for *landmark trees*. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until authorized to be removed. No *filling*, *excavating*, storage or trespass by Person or machine shall take place within the fenced area.

4. Any protected *landmark trees* that are determined by PSA Administrator to be dead, dying or severely damaged due to on-site construction activities within three years after issuance of a certificate of occupancy or final permit approval for *development* authorized by an approved site plan, PUD site plan, or plat shall be replaced by the property owner in the amount specified in the requirements for mitigation of *landmark trees*. If the site plan, PUD site plan, or plat has been compiled with, replacement shall be at the lesser rate. If the site plan, PUD site plan or plat has not been complied with, replacement shall be at the greater rate.

E. Mitigation

1. A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 50% of the original *DBH* for each *landmark tree* that is removed. Replacement trees shall be non-sterile varieties. The minimum size of deciduous replacement tree shall be one inch caliper. The minimum size of an evergreen replacement tree shall be five feet in height. If more than 20 replacement trees are required, a mixture of three or more species must be used.

2. A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 200% of the original *DBH* for each *landmark tree* that is removed without the approval required by this chapter.

3. Mitigation shall be provided on the same site as the removed *landmark trees* to the maximum extent feasible as space and long-term tree health allow. Where mitigation cannot be accomplished on the *site*, all or part of the mitigation may be provided on public land within the City if approved as part of the site plan or plat.

4. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristics of the plant communities of the area before disturbance.

F. Guidelines for Best Mitigation Practices

1. Required or desired replacement should include the most appropriate, non-invasive species as part of the project design. Replacement requirements include using species native to Michigan, and a diversity of species in a range of sizes. Where trees are taken from a natural area, it is the natural area which should be replaced or restored at some other location- involving much more than just tree planting. Trees which go into such a project may need to be smaller in size to find enough of the species needed to make a viable start to creating an ecosystem.

2. Replacement trees need a chance to become as great as the trees they replace. Genuine concern for soils and cultural needs of new plants should be a part of the design process. Many species of trees will never thrive in compacted, *fill* soils or in conditions not suitable for their optimum growth. Recognition of these realities is critical to successful replacement.

3. Where it is not possible to install the number of trees required, alternate mitigation plans may be developed - including active management or restoration of natural areas on the *site*, planting of trees on public land elsewhere in the City, additional stormwater controls beyond that required and of help with *flooding* conditions on the *site* or in the watershed, donation of public land on the *site* or elsewhere, etc.

5.23.7 Steep Slopes

Steep slopes in Ann Arbor are found on the sides of moraines, kames, and ravines, and the eroded valleys of waterways.

Steep slopes are prone to *erosion* if the vegetation on them is disturbed, or if surface runoff is directed toward them or down them. As a result, disturbed slopes often result in deposition of soils in *watercourses* and on the land below. Hydrologic functions such as infiltration, frequency and volume of discharges, and impacts of the proposed *development* upon water resources on and off site must be considered.

The City's *steep slopes* still often retain on them or adjacent to them various *wetlands*, prairie-savannas, rare species, *floodplains*, *watercourses*, and the City's largest areas of native forest fragments. *Steep slopes* with native forest fragments or other overlapping *natural features* have high natural and scenic value.

Scenic values are measurable. Each *site* can be quantified for its relative overall scenic value as viewed from vista points off the *site*. *Steep slopes*, especially those in the Huron River Valley still covered by native forest fragments, are the most important natural scenic assets of the City. Vistas of unbroken native forest tree *canopy*, visible on *steep slopes* and moraine tops, are vital to maintain across the City.

A. Identification

1. *Steep slopes* are naturally occurring landforms with a vertical change in elevation of ten feet or more, a slope of 20% or more, and a length of 50 feet or more, measured parallel to the contour lines. They were identified

on the "Map of Steep Slopes of Ann Arbor, 2004." Most *steep slopes* in the City occur in the Huron River corridor or along its tributaries.

2. Also shown on the map are zones 3,000 feet each way from the centerline of the Huron River, and zones 500 feet each way from the centerlines of the tributary streams in the City. These zones encompass the great majority of *steep slopes* in the City, and are an initial approximation of the areas in which there are likely to be both other *natural features* of high concern and slopes of high visual sensitivity.

B. Protection Priorities

1. Highest Concern

a. Extremely *steep slopes* of 40% or greater anywhere in the City are of highest concern. These are predominantly adjacent to the River and typically also include one or more other *natural features.*

b. *Steep slopes* of 20% or greater that are within 3,000 feet of the Huron River or within 500 feet of its open or historic tributaries and that: a) have native forest fragments or other high quality *natural features* in addition to the Steep Slope; or b) serve as a source of water for adjacent or connected water features; are of highest concern.

c. These *natural features* need to be sustained and cared for as natural areas. In the event the public benefits of a proposed *development* in an area of highest concern are deemed to outweigh the benefits of maintaining it as a protected natural area, the project shall meet the highest standards of mid-level concern. When *steep slopes* are considered for *development* the impact on the City's visual character shall be considered, and negative impacts minimized in the approval process.

2. Midlevel Concern

a. *Steep slopes* within 3,000 feet of the Huron River or within 500 feet of its open or historic tributaries that do not meet the criteria for highest concern are of mid-level concern.

b. The landform and vegetation on these slopes must be disturbed to the least extent possible. The visual integrity of the *site* in relation to adjacent areas should be maintained. The techniques for *erosion* and water protection described for low-level *steep slopes* shall be followed.

3. Low-level Concern

a. *Steep slopes* not within 3,000 feet of the Huron River or within 500 feet of its open or historic tributaries are of low-level concern.

b. *Development* on *steep slopes* requires special techniques to prevent soil *erosion* and to protect water resources. A study of ground and surface water flows of the *site* may be required to understand

possible on- and off-site impacts of a proposed *development* on the water resources. Landscape work on these *sites* should be designed to restore native ecologies, to reduce stormwater runoff, to enhance infiltration, to increase *flood* storage capacity, to allow only clean water to exit the *site*, and to honor natural linkages and natural areas and adjacent water features. Soils must not be permitted to wash from these *sites* under any circumstances.

c. The *site's* design should incorporate the slopes so that the *development* complements the character of the landforms, vegetation and topography. Any *development* must meet all the standards for any other *natural features* of the *site*.

C. Protection Measures

1. Barrier fencing shall be installed at the *limits of soil disturbance* adjacent to *steep slopes*. Barrier fencing shall be a minimum of four feet in height and shall remain in place in good condition until it is authorized to be removed. No *filling*, *excavating* or storage of materials, *debris* or equipment shall take place within the fenced area.

2. Protection measures must be in place before landform or vegetation disturbance to prevent any off-site damage. Any damage to waterways or off-site locations from *erosion* must be promptly repaired to the fullest extent practical, using best management techniques. A heavy rain event is not an excuse for such damage to occur. Collateral damage during and after construction to *canopy* trees on scenically important *sites* must be scrupulously avoided (it will take 150 years to replace any unintended losses). Plans presented for *development* on *steep slopes* must reflect sound analysis of scenic values, must show very serious concern for soil erosion controls, and have very carefully crafted limits of disturbance lines, and must indicate procedures whereby all contractors, subcontractors, owners and inspectors are fully and continuously informed of the values on the *site* that must be protected, without errors.

3. Great attention should be exercised in the approval and inspection process regarding the design of drainage systems, roads and paved surfaces, retaining walls, and the means by which the entire project will actually be constructed, to avoid collateral, unintended damage. The use of retaining walls can reduce the amount of *grading* necessary, but are not encouraged (they are rarely durable *structures*). If retaining walls are proposed, the use of walls that incorporate vegetation are encouraged to improve aesthetics. Underground utilities should not be located in *steep slopes* and should not run lengthwise along them. Drainage should be directed to inlet structures and not be permitted to flow down slopes during and after construction.

4. The primary goal in protecting *steep slopes* is to prevent *erosion* and subsequent damage to *natural features* on and off the *site*. Underground utilities should not be located in *steep slopes*, and should not run

lengthwise along them. Drainage should be directed to inlet structures and not be permitted to flow down slopes during and after construction.

5. Protection measures for other *natural features* placed at risk by intrusion onto a *steep slope* should be designed and implemented in such a way that risk of damage to the *natural features* involved is the minimum possible. These provisions may need to be significantly more strenuous than those which might be implemented for the same *natural features* on flat ground.

D. Mitigation

Disturbed areas of *steep slopes* shall approximate the natural terrain and be planted with native vegetation at the completion of construction. No new drainage may be directed over areas of disturbed slope. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

E. Guidelines for Best Mitigation Practices

1. If any portion of a high or mid-level concern *steep slope* must be disturbed as part of an approved project, then the balance of the *steep slope* area must be protected from disturbance during construction and it must be managed/restored as a natural area thereafter. This means considerable attention will be paid to herbaceous, understory, and *canopy* flora. The built landscape around any approved *buildings* shall use minimum *impervious surface*, and shall be very complementary to the adjoining natural area. *Roof* water on the *site* and other surface rainwater drainage systems on the *site* are to be designed to infiltrate to groundwater (where possible) in such a way as to approximate infiltration on the site prior to the project (runoff from roads may need cleaning first). The use of green *roofs* are encouraged to reduce runoff. The design of the *building* and its location on the *site* should not diminish the views of or character of the views of the *site*, i.e. removal of a closed native forest *canopy*.

2. Change to any *natural features* on a *steep slope site* must meet the mitigation standards for those *natural features*. Replacement materials, techniques, and long-term maintenance routines required as mitigation should serve to restore the visual character of the *site*.

3. Follow-up monitoring may be required in some instances for a period of time related to the duration of the restoration work or recovery from damage.

5.23.8 Watercourses

The preeminent *feature* in the City is the Huron River, its tributaries, and the glacial landforms and topography which embrace them.

These *watercourses* bring water to and through a property and, together, create vital wildlife corridors through the City. They are key components of scenic beauty and of outdoor

attraction for people in the City, and on many individual properties. They also serve the practical function of providing drinking water, either directly (the City's main water supply intakes are in Barton Pond) or indirectly by the primary conduits of ground water recharge.

The Huron River is the main *watercourse* through the City. Other *watercourses* in the City are tributaries and subtributaries of the Huron River. Many parts of streams and some entire streams no longer exist above ground. They have been placed underground in storm pipes (e.g., Allen Creek). Most of the remaining tributaries are in poor condition because they have been overwhelmed by the increased runoff generated by *development* of the City.

Construction of *structures* in *watercourses* and bottomlands of lakes and ponds is regulated by state statute, under permits issued by the Department of Environmental Quality. The purpose of state requirements are to minimize dredging and *filling* in *watercourses* and in bottom lands, to minimize negative impacts which result from necessary activities of this sort, and (in the case of *wetlands* which are associated with these projects) replace the lost resources.

A. Identification

Many streams and bodies of water qualifying as *watercourses* and bottomlands will be visible on aerial photographs and maps, many small ponds and the uppermost reaches of some streams may not. These features are readily identifiable in the field. *Watercourses* are clearly delineated on *floodplain* maps. In the upper reaches of watersheds too small for those maps to have been done, *Watercourses* can and should be identified as the top of the bank of the channel carrying water or as the *ordinary high-water mark* line of a pond. Streams in the City may cross relatively steep terrain, and are likely to be combined with other valuable *natural features*, including valuable *woodlands*, *wetlands* and *floodplains*.

B. Protection Priorities

It is in the City's best interest to protect *watercourses* in as natural a condition as possible, and to control stormwater in watersheds in such a way that *watercourses* are not damaged and eroded during storm events. While stormwater is also regulated by this chapter, the design of many elements on each *site* directly determines the way water is handled and what impacts it will have both on and off the *site*.

1. Highest concern

Watercourses with natural areas around them (*wetlands* or native forest fragments), *watercourses* integrated into steep terrain, and *watercourses* still flowing in natural channels should be preserved as part of any *development* proposal. Crossing locations should be kept to the minimum necessary to provide access. Wide buffers should be provided to maintain a corridor for wildlife along stream ways. Where streams in these conditions exist on a *site*, they are likely the most important design element of the *site*. The design should capitalize on the value of these features and sustain them.

2. Midlevel concern

Urbanized aboveground *watercourses* are ones that no longer have much of a natural character, but have not been placed into a storm drain beneath the ground. Whenever possible, *development* should restore these *watercourses* and associated *natural features* and take advantage of them as a design amenity. Effort

to control *erosion*, sedimentation, and contamination problems is strongly encouraged, as is the connection of natural corridors across properties.

3. Lowlevel concern

Where *watercourses* are already underground, *floodplain* capacity and function are the main concern. Restoration of the surface *watercourse* is encouraged, particularly if the effort can assist in stormwater control.

C. Protection Measures

1. A *wetland and watercourse buffer area* within a line measured 25 feet horizontally from the *ordinary high-water mark* of a *watercourse* shall be provided adjacent to a *watercourse* and maintained in relation to the entire *watercourse* as a "*natural feature*" unless, and to the extent, it is determined to be in the public interest not to maintain such area under the standards provided in Section 5.29.4.
2. Prohibited and permitted activities for the *wetland and watercourse buffer area* shall be the same as the prohibited and permitted activities regulated or allowed in or on the *watercourse*, unless prohibited activity is determined to be in the public interest and authorization has been granted by the Planning Commission under the standards provided in Section 5.29.4 .

D. Mitigation.

Mitigation for disturbance of *watercourses* shall be provided according to the requirements of a valid permit from the Michigan Department of Environmental Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

E. Guidelines for Best Mitigation Practices.

Watercourses should be crossed at the location where there is the least physical, scenic, and biological impact upon the *watercourse* and its surrounding *natural features*. If surrounding *natural features* must be disturbed to facilitate the crossing, they should be mitigated as prescribed in this section and by other Code requirements.

5.23.9 Wetlands

A. Purpose

1. Preservation and enhancement of *wetlands* is essential to maintaining and improving the City's aesthetic character, its ecological stability, its economic well-being, its educational opportunities, and its quality of life.
2. *Wetlands* are protected to help reduce damage to aquatic resources from *erosion*, turbidity, siltation, and contamination. They are protected to minimize the loss of native plants and animals, to help preserve biological

diversity and to minimize the loss of wildlife habitat within the City, and to sustain many benefits *wetlands* can help provide - including *flood* control, stormwater storage and release, ground water recharge, and water quality improvement.

B. Identification

Wetlands may be visible in low altitude aerial photos, particularly older ones prior to the invasion by exotic shrubs and trees. A map of potential *wetland* areas is on file in the City Planning Department. The boundaries of *wetlands* shall be determined by considering vegetation and soils in the field.

1. The physical boundary and extent of *wetlands* shall be identified by a professional having technical ability and experience sufficient to accurately identify *wetland* boundaries.
2. *Wetland* determination shall be made using the same criteria as provided for Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and administrative rules as amended.
3. To facilitate verification, the boundary of the *wetland* shall be flagged in the field by the *applicant* prior to the application for a *Wetland use permit*.

C. Protection Priorities

1. Highest Concern

Large *wetland* complexes, forested *wetlands*, and *wetlands* along *watercourses*, with native plant associations still intact or regenerating. These habitats should be carefully protected from *development* and from effects of *development* (no change in hydrology). In general, *wetlands* with important native ecosystems cannot tolerate use as retention basins for stormwater runoff from developed areas. A separate filter and retention system should be developed, so that impacts upon the *wetland* are minimal.

2. Midlevel Concern

Disturbed *wetlands* with underlying hydric soils, such as on once farmed lands, constitute genuine opportunity to restore some of the capacity and function and diversity of species removed from the City over the last 100 years. Maintaining and enhancing the biological and hydrological value and function of these *wetlands* should be the primary concern. Use of these *wetlands* as retention basins may be acceptable, as long as there are separate filtration basins and as long as the volumes of water involved do not overwhelm the plant life which must be sustained in the *wetland*.

3. Lowlevel Concern

Low quality *wetlands* are those that have been greatly damaged, have been reduced to open water and/or a few species of plants, or are dominated by *invasive species*. Replacement or relocation of these *wetlands* is more acceptable, if they must be taken for *development*. In many cases, these *wetlands* can be effectively repaired and used for stormwater retention and filtration.

D. Protection Measures

1. A *wetland and watercourse buffer area* within a line measured 25 feet horizontally from the boundary or edge of a *wetland* identified as provided above shall be required unless, and of the extent, it is determined to be in the public interest not to maintain such area under the standards provided in Section 5.29.4.

2. Prohibited and permitted activities for the *wetland and watercourse buffer area* shall be the same as the prohibited and permitted activities regulated or allowed in or on the *wetland*, unless prohibited activity is determined to be in the public interest and authorization has been granted by the Planning Commission under the standards provided in Section 5.29.4.

3. Where *wetlands* are to be used as a part of a *stormwater management system*, the Rules of the Washtenaw County Water Resources Commissioner should be followed to minimize negative impacts on the *wetland*.

E. Protection of Wetlands During and After Construction

An *applicant* who has received a *Wetland use permit* under this chapter shall comply with the requirements of this section in connection with any construction or other activity on the property for which the use permit has been issued. Conditions may be established by the City to ensure that the intent of this chapter is carried out. The activity or use shall be conducted in such manner as to cause the least amount of disruption of the protected *wetland*, including but not limited to the following requirements:

1. Prior to any *development*, *clearing*, *filling*, or other activity for which a *Wetland use permit* is required, protective construction fencing intended to restrict access shall be erected between the protected area and the area subject to *development*. Such protection shall remain until it is authorized to be removed by the City, or until issuance of a final certificate of occupancy. Nails, wires, or other objects may not be attached to any tree, nor otherwise cause damage to any tree.

2. All protected *wetland* and *watercourse* areas within or adjacent to the *Wetland use permit* activity area shall be protected with barrier fencing at least four feet in height, staked in place at ten-foot (minimum) intervals. No *filling*, *excavating*, or storage of materials, *debris*, or equipment shall take place within the barrier fencing.

3. Where vehicle and *driveway* access is permitted, any existing hydrological connection shall not be disrupted.

4. When the use of *fill* is permitted, it shall be clean and free of garbage, refuse, toxic or contaminated material, or any material that through the action of leaching may cause degradation of surface or ground water quality.

5. *Soil erosion control facilities* and *soil erosion and sedimentation control measures* shall be maintained, including but not limited to silt fences, straw bale berms, and *sediment* traps. The owner shall provide for

periodic inspections and maintenance of such installations throughout the duration of the project.

6. A copy of the City *Wetland use permit* and state permits, if applicable, shall be prominently displayed or available at the *site*. They shall be displayed continuously when authorized activities are conducted and for ten days following completion. The owner shall allow City representatives to enter and inspect the *premises* at any reasonable time, and failure to allow inspections shall constitute a violation of this section.

F. Mitigation

1. As authorized by Section 5:211(4)(b) of this chapter, the City may impose conditions on a *Wetland use permit* for a use or *development* if the conditions are designed to remove an impairment to the *wetland* benefits, to mitigate the impact of a discharge of *fill* material, or otherwise improve the water quality.

2. The City shall consider a mitigation plan if submitted by the *applicant* and may incorporate the mitigation actions as permit conditions for the improvement of the existing *wetland* resources or the creation of a new *wetland* resource to offset *wetland* resource losses resulting from the proposed project. Financial assurances may be required to ensure that mitigation is accomplished as specified by the permit conditions. The City shall, when requested by the *applicant*, meet with the *applicant* to review the *applicant's* mitigation plan.

3. In developing conditions to mitigate impacts, the City shall consider mitigation to apply only to unavoidable impacts that are otherwise permissible, utilizing the criteria under Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Mitigation shall not be considered when it is feasible and prudent to avoid impacts or when the impacts would be otherwise prohibited under this chapter.

4. When considering mitigation proposals, the City shall make all of the following determinations:

    a. That all feasible and prudent efforts have been made to avoid the loss of *wetland* resource values.

    b. That all practical means have been considered to minimize impacts.

    c. That it is practical to replace the *wetland* resource values which will be unavoidably impacted.

5. If the City determines that it is practical to replace the *wetland* resource values which will be unavoidably impacted, the City shall consider all of the following criteria when reviewing an *applicant's* mitigation proposal:

    a. Mitigation shall be provided on-site where practical and beneficial to the *wetland* resources.

b. When subdivision (a) of this subsection does not apply, mitigation shall be provided in the immediate vicinity of the permitted activity where practical to the *wetland* resources, provided that mitigation shall be within the same sub-watershed of the Huron River within which the proposed *wetland* use is located (i.e., the Allen Creek, Fleming Creek, Honey Creek, Malletts Creek, Miller Creek, Swift Run Drain or Traver Creek sub-watersheds). If the proposed *wetland* use is not within one of the foregoing sub-watersheds, then mitigation may be within the Huron River direct discharge area, provided that mitigation in the Huron River direct discharge area shall be within the City limits or within one mile upstream of the City limits. Mitigation upstream of the proposed *wetland* use is preferred.

c. Only when it has been determined by the Public Services Area Administrator that subdivisions (a) and (b) of this subsection are inappropriate and impractical shall mitigation be considered elsewhere.

d. Any proposal shall assure that, upon completion, there will be no net loss to the *wetland* resources. Any mitigation plan approved under this chapter shall provide replacement of *wetlands* disturbed at a ratio of no less than 1.5:1 and no more than 2:1, in accordance with federal rules and state operating procedures. Should such rules and procedures change, the most current ratio shall be used.

e. The proposal shall give consideration to replacement of the predominant functional values lost within the impacted *wetland*.

6. Any mitigation activity shall be completed before initiation of other permitted activities, unless a *phased* concurrent schedule is agreed upon between the City and the *applicant*.

7. Monitoring to establish documentation of the functional performance of the mitigation may be required as a permit condition, as well as necessary corrective actions required, to deliver the *wetland* resource values identified.

8. Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within three years of planting.

5.24 Signs

5.24.1 Applicability

Signs may be erected or maintained in the City only as permitted by this chapter and subject to other restrictions contained in this Code, including standards relating to the City's designated historic districts. The *sign* regulations of this Code are intended to ensure that *signs* are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes

safety, health, aesthetics, and the public welfare while allowing adequate communication. The *sign* regulations of this Code are not intended to and do not apply to *signs* required by law or a government entity. If any portion of the *sign* regulations of this Code is determined to be a violation of law, that portion shall be severed from the remainder of the *sign* regulations and shall be revised to reflect the least possible change that avoids the violation of law; and the remainder of the *sign* regulations shall remain in effect and be interpreted as closely as possible to the original intent without violating state or federal law. Regardless of any provision of this Code, noncommercial messages may be placed or substituted on any lawfully permitted *sign*.

5.24.2 Intent

The City intends the *sign* regulations of this Code to achieve compelling, substantial, and important government interests in a manner that represents the least restrictive means of accomplishing those interests and to promote important and substantial government interests that would not be effectively achieved absent the regulations. Regulating the size and location of *signs* in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and wayfinding and property identification for emergency response purposes. Nothing in the *sign* regulations of this Code is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution. The following subsections describe some, but not necessarily all, of the compelling, substantial, and important government interests that the City intends to achieve through the sign regulations of this Code:

A. Pedestrian and Vehicular Safety

The City finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests. *Public rights-of-way* and private streets in the City are used concurrently by a variety of vehicles of varying speeds, sizes, and vulnerability, including trucks, buses, trains, cars, motorcycles, mopeds, bicycles, and scooters, all of which may travel in close proximity. Interactions among vehicles and between vehicles and pedestrians create compelling, substantial, and important safety concerns. Most signage is visible to vehicle or pedestrian traffic and at least partly intended or designed to attract the attention of vehicle operators or pedestrians, thereby creating distractions that diminish traffic and pedestrian safety.

The City finds that a mix of traffic types, including vehicles and pedestrians, is beneficial to the general welfare of the City, including allowing density sufficient to sustain a healthy economic base, meeting the different transportation needs of a wide variety of residents and nonresidents, and ensuring adequate access to employment, entertainment, retail, business, housing, and services.

In order to promote pedestrian and vehicular safety, the purposes of the *sign* regulations of this Code include the following:

1. To reduce distractions to vehicle operators and pedestrians and thereby reduce the risk for crashes, property damage, injuries, and fatalities.

2. To permit *signs* that provide adequate information or direction to both pedestrians and vehicle operators without conflicting with other *signs*, *structures*, or improvements.

3. To reduce clutter and confusion and to provide clear wayfinding *signs*, so that traffic movement is efficient and unnecessary traffic maneuvers are minimized.

4. To maintain clear lines of sight along *public rights-of-way* and at intersections, *driveways*, and other points of interaction among vehicles and pedestrians.

B. Character and Quality of Life

The City finds that achieving and maintaining attractive, orderly, and desirable places to live, conduct business, celebrate civic events, entertain people, and provide for housing opportunities are directly related to the stability of property values needed to provide and finance quality public services and facilities within the City, and therefore are compelling, substantial, and important government interests. In order to protect the unique character of the environment and quality of life of the City, the purposes of the *sign* regulations of this Code include the following:

1. To permit *signs* that are of sufficient, but not excessive, size to perform their intended function.

2. To prohibit *signs* that may cause conflicts between vehicular- and pedestrian-targeted messages, hinder sight distances, or detract from a safe and pleasant pedestrian experience.

3. To regulate *signs* by zoning district or other geographic area, including those established by the City's Master Plan or other laws, regulations, or plans.

C. Economic and Development and Property Values

The City finds that there is a clear relationship between the promotion of a set of specifications and restrictions for *signs* and the promotion of economic development and property values, which are compelling, substantial, and important government interests. Unregulated or haphazard sizes, locations, or other characteristics of *signs* have a realistic tendency to result in an appearance that reduces economic development and property values. The *sign* regulations of this Code are intended to create stability and predictability, allowing each private interest reasonable exposure through *signs* for purposes including expression and the promotion of business. The application of the *sign* regulations of this Code is intended to allow businesses and other Persons to reasonably command attention to their messages in a manner that promotes economic development and preserves property values.

D. Avoidance of Nuisance-Like Conditions

The City finds that, due to the concentration of people and activities within the City, there is a potential for blight, physical clutter, excess light and noise, and visual clutter, which tend to create nuisance-like conditions that are adverse to the public welfare. Such nuisance-like conditions lead to diminished property values, reduced attractiveness

of the community, and reduced quality of life within the City. The City finds that it is a compelling, substantial, and important government interest to avoid such nuisance-like conditions. Therefore the purposes of the *sign* regulations of this Code include the following:

1. To prohibit an excessive number of *signs* in proximity to one another and to establish setbacks from property lines.
2. To establish maximum sizes and regulate the locations of *signs*.
3. To establish construction and maintenance specifications for *signs* to protect public safety and minimize the potential for deteriorated *signs* to contribute to blight.
4. To regulate *signs* and *sign* lighting to prevent excessive *glare*, *light trespass*, and *skyglow*.

E. Property Identification and Wayfinding for Emergency Response

The City finds that avoiding confusion in *public rights-of-way*, minimizing unnecessary intrusions onto private property, and ensuring the ability for emergency responders to promptly and efficiently navigate to and identify emergency locations are compelling, substantial, and important government interests. Therefore the purposes of the *sign* regulations of this Code include regulations intended to ensure understandable, unambiguous, uncluttered, and coordinated wayfinding for vehicular and pedestrian purposes, including the regulation of location addresses and the limitation of *signs* in the *public right-of-way*.

5.24.3 Prohibited Signs

The following signs are prohibited:

A. *Signs* not specifically permitted by this Code.

B. *Signs* that move, pulse, scroll, blink, flash, sparkle, or give the appearance thereof, other than *flags*.

C. Exterior *pennants*, spinners, inflatables, feather flags, and streamers.

D. *Signs* that are structurally or electrically unsafe.

E. *Signs* placed on a tree or utility pole or *structure*.

F. *Signs* on a motor vehicle or trailer that is parked on a *premises* so as to be visible from a *public right-of-way*, outside of the hours that any *business* on the *premises* is open to the public, and for the primary purpose of advertising.

G. Rope lights, string lights or similar lighting attached to, surrounding or otherwise drawing attention to a *sign*.

H. *Signs* erected on or projecting into a *public right-of-way*, except for *signs* expressly permitted in a *public right-of-way* by this Code. The City may remove and destroy or otherwise dispose of, without notice to any Person, any *sign* erected on a *public right-of-way* in violation of this Code.

I. *Signs* that imitate a traffic control device.

J. *Signs* that emit smoke, visible vapor, particulate matter, sound, or odor.

K. *Sign structures* that no longer contain a *sign*.

L. *Signs* with a *sign area* over 200 square feet.

5.24.4 General Provisions

A. Calculating Sign Area

Except as otherwise provided in this section, *sign area* is the area of a rectangle or rectangles enclosing the extreme limits of writing, representation, emblem, or any figure of similar character on a *sign*, regardless of opacity or missing space within the rectangle or rectangles. Each row of text shall be grouped into one rectangle. See Figure 24-1 and Figure 24-2.

1. Sign Area Specific Standards

a. Multiple Faces

For a *sign* with two or more faces, all faces are included in the *sign area*.

b. Reflective Backgrounds

For internally and externally illuminated *signs*, the entire illuminated background is included in the *sign area*, except for nonreflective, matte black backgrounds.

c. Temporary Signs, Projecting Signs, Window Signs, Hanging Signs

For *temporary signs*, *projecting signs*, *window signs*, and Hanging Signs, all background elements are included in the *sign area* regardless of opacity or reflectivity.

d. Sign Structures

If the *sign structure* is more than three times the area of the supported *sign*, the area of the *sign structure* is included in the *sign area*.

e. Three Dimensional Signs

For a three-dimensional *sign*, the *sign area* is the surface area of the smallest cube that completely contains the three-dimensional *sign*.

Figure 1: Calculating Area of Freestanding Signs

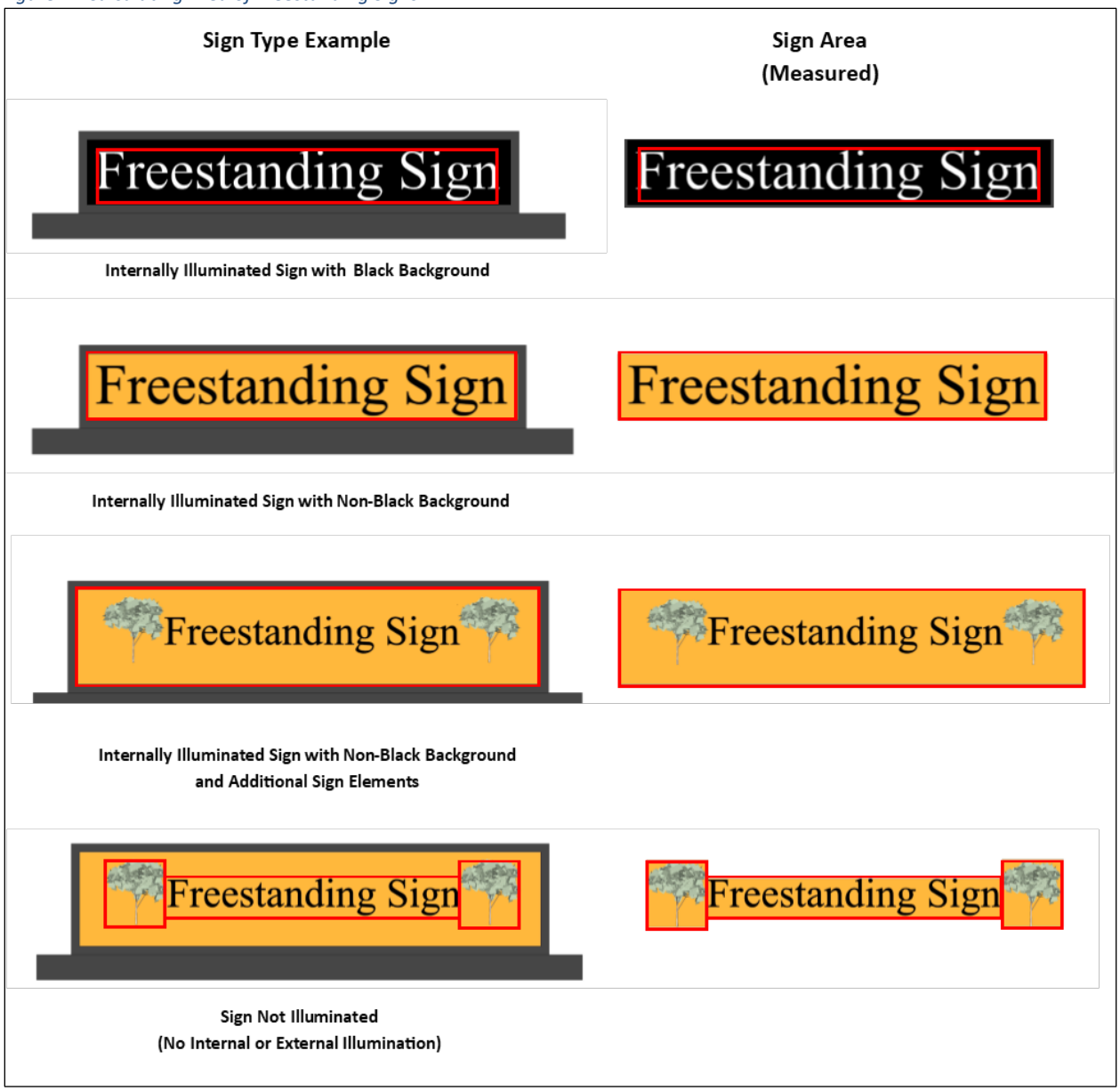
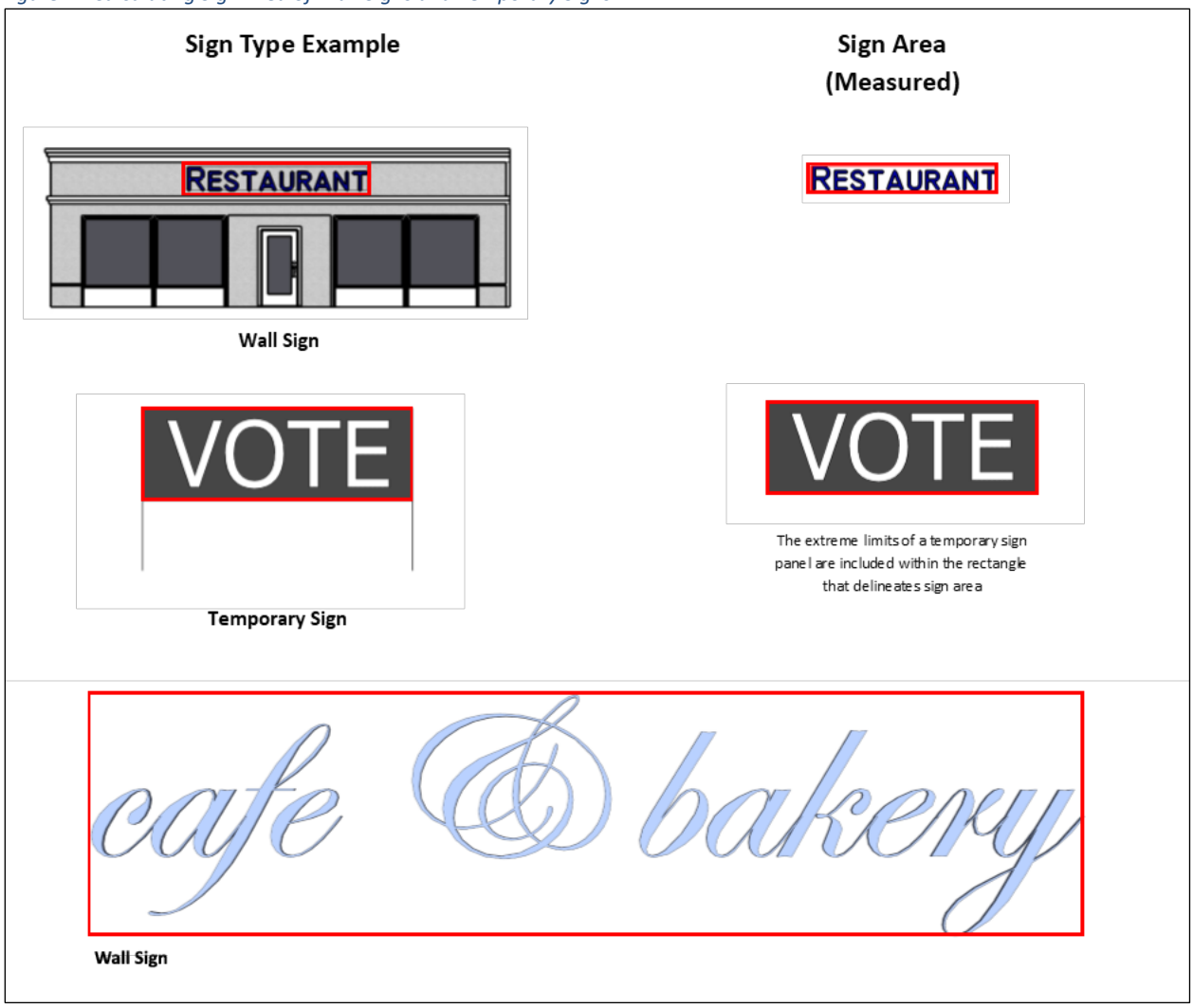


Figure 2: Calculating Sign Area of Wall Signs and Temporary Signs



B. Measuring Sign Height

1. Maximum Height

Maximum heights for *signs* are measured as the distance from the lowest point of the ground or pavement (whichever is lower) directly beneath the *sign* to the highest edge of the *sign* or *sign structure* (whichever is higher).

2. Minimum Height

Minimum heights for *signs* are measured as the distance from the highest point of the ground or pavement (whichever is higher) beneath the *sign* to the lowest edge of the *sign* or *sign structure* (whichever is lower).

3. Sign Structures

Height requirements for *signs* include all supporting *sign structures.*

C. Changeable Copy and Electronic Message Signs

1. *Changeable copy* may not exceed 50% of the total *sign area* of a *sign*.
2. An *electronic message sign* may only be included as a component of a larger *sign* and may not exceed 25% of the total *sign area* of the *sign*.
3. *Changeable copy* and *electronic message signs* shall not change more than once per minute.

D. Sign Illumination

1. General

a. A *permanent sign* may be illuminated by internal or external *light sources*. A *temporary sign* shall not be illuminated.

b. A *light source* that illuminates a *sign* shall have a constant color and intensity, except that it may dim or brighten in response to changes in ambient light as permitted in this Code.

c. A *light source* that illuminates a *sign* shall be installed and maintained in a manner to prevent *glare* as required by this chapter, including through the use of *fully shielded* fixtures, shields, baffles, mounting height, appropriate luminosity, aiming angle, and placement.

d. In all cases, *sign* illumination shall not project light that exceeds 0.1 foot candles above the ambient light at a *lot line* bordering a Residential Zoning District.

2. Mounting and Shielding

a. An external *light source* illuminating an exterior *sign* shall be mounted above the *sign*, shall be shielded so that the *light source* is not directly visible from any point on or above a horizontal plane extending from the *light source* and shall not be aimed or directed toward a residential *building* on another *lot* or toward a *public right-of-way*.

b. Exceptions:

The following types of *light sources* are exempt from the mounting and shielding requirements in this subsection:

i) A *light source* wholly within a *sign* or *sign structure* constructed with translucent (but not transparent) material, such as an internally illuminated box *sign*.

ii) A *light source* placed behind opaque lettering or other component of the *sign* and visible only through reflection off a wall or other surface, such as a halo, back-lit, or reverse channel *sign*.

iii) A neon sign.

iv) An Electronic message sign.

3. Electronic Message Sign Illumination

a. An *electronic message sign* shall not emit more than 5,000 *nits* in full daylight and 100 *nits* at night (between astronomical dusk and dawn).

b. An *electronic message sign* shall have a functioning ambient light monitor and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the *sign* proportionally to any reduction in the ambient light. In order to verify compliance with this Code or other applicable law, the interface that programs the *Electronic message sign* shall be made available to the City for inspection upon request. If the interface is not or cannot be made available upon the City's request, the *sign* shall cease operation until the City has been provided proof of compliance.

c. When an *electronic message sign* changes, the change shall be instantaneous, without any additional effect, such as fade, blinking, or dissolve.

d. An *electronic message sign* shall default to an unlit black screen when more than 50% of its *light sources* fail or if its *light sources* otherwise are not displaying properly.

4. Hours of Illumination

Illuminated *signs* shall be extinguished as following:

a. On *lots* that do not contain a *business*: Illuminated *signs* shall be extinguished between 10:00 p.m. and 6:00 a.m.

b. On *lots* that contain a *business*: Illuminated *signs* shall be extinguished between 30 minutes after the close of all *businesses* on the same *lot* and 30 minutes before the opening of any *business* on the same *lot*.

E. Additional Standards

1. Addresses

Addresses shall be visible and legible from a *public right-of-way* and comply with the requirements of Chapter 2 of this Code. *Address signs* with an address that is 12 inches or less in height in Residential Zoning Districts and 24 inches or less in height in Nonresidential Zoning Districts shall be excluded from calculations of maximum permitted *sign area*.

2. Projections into Public Right-of-Way

A *permanent sign*, *sign structure*, *flag*, *awning*, or *canopy* shall not be located in, project into, or overhang a *public right-of-way* or public easement except upon the prior review and permission of the City, receipt by the City of proof of all required insurance, and execution of all licenses, permits, and other agreements required by the City.

3. Sightlines, Interference with Street Signs

a. *Signs* and *sign structures* shall not interfere with applicable sightline requirements and standards, including City standards for *driveways* and intersections contained in the Public Services Standard Specifications.

b. *Signs* and *sign structures* shall not obscure or interfere with an official Street sign or signal, including by position, shape, or color.

4. Placement of Awning Signs and Canopy Signs

Awning signs and *canopy signs* shall be printed on or hung from the *awning* or *canopy* surface.

5. Flags

In addition to the *signs* permitted under this Code, in all zoning districts each *lot* is permitted up to three *flags* with noncommercial messages that have a combined total area of up to 90 square feet. All faces of a *flag* that contain a message are included in calculating the area, which shall not be included in the calculation of the maximum *sign area*.

F. Safety and Maintenance

1. Every *sign* and *sign structure* shall be maintained in a safe condition, in compliance with all applicable building and electrical codes and this Code, including adequate protection against corrosion. If at any time the Building Official determines that a *sign* or *sign structure* constitutes a dangerous *structure*, the Building Official may require immediate action to mitigate the danger, including demolition of the *sign* or *sign structure*.

2. A *sign* or *sign structure* that is broken, torn, bent, has a broken, bent, or damaged support, or is not reasonably level and plumb shall be repaired or reinstalled in a manner prescribed by the Building Official.

3. A *sign* or *sign structure* shall not have more than 20% of its area covered with disfigured, cracked, rippled, or peeling material or paint for a period of more than 30 consecutive days.

4. A *sign* or *sign structure* shall not have bent or broken *sign* facing, a broken support, loose appendage or strut, or lean more than 15 degrees from vertical, unless designed to do so, for a period of more than 30 successive days.

5. A *sign* shall not have weeds, vines, or other vegetation growing upon it in a manner that obstructs the view of the *sign* for a period of more than 30 consecutive days.

6. An illuminated *sign* shall not remain partially illuminated with a failed *light source* for a period of more than 30 consecutive days.

7. A *sign structure* now or hereafter existing which no longer contains a *sign* shall be removed.

G. PUD Zoning Districts

For purposes of these *sign* regulations, PUD districts shall be treated as follows:

1. Approved PUD Zoning Districts and Supplemental Regulations

a. When an approved PUD Zoning District is located within or abutting the Downtown Development Authority boundary, it shall be treated the same as D1, D2, and C1A/R Districts in this section.

b. When an approved PUD Zoning District is not within or abutting the Downtown Development Authority boundary and its *Supplemental Regulations* only allow residential uses, it shall be treated the same as Residential Zoning Districts in this section.

c. When an approved PUD Zoning District is not within or abutting the Downtown Development Authority boundary and its *Supplemental Regulations* either do not allow residential uses or allow residential use and nonresidential uses together, it shall be treated as other Mixed-Use and Nonresidential and Special Purpose Zoning Districts in this section.

2. Proposed PUD Zoning Districts and Supplemental Regulations

a. The *Supplemental Regulations* for all proposed PUD Zoning Districts shall either declare its *sign* regulation classification for purposes of applying this section or, in accordance with Section 5.29.10.B shall propose modifications that increase, decrease or eliminate the requirements of this Section 5.24.

TABLE 5.24-1: APPLICATION IN APPROVED PUD DISTRICTS

When	Shall be treated in this section as		
	D1, D2, and C1A/R	Other Mixed-Use and Nonresidential and Special Purpose	Residential
PUD Zoning District is located within or abutting the DDA boundary	X		
PUD Zoning District not within or abutting the DDA boundary, and Supplemental Regulations only permit residential use			X
PUD Zoning District not within or abutting the DDA boundary, and a) Supplemental Regulations do not permit residential use, or b) Supplemental Regulations allow for Mixed-Uses		X	

5.24.5 Permanent Signs

A. D1, D2, and C1A/R Districts

1. Area

Each *building* in the D1, D2, and C1A/R district is permitted two square feet of *sign area* per linear foot of *building frontage* up to a maximum of 200 square feet of *sign area* for *permanent signs*. The permitted *sign area* may be distributed among permitted *sign* types, provided that:

a. Awning Signs

The *sign area* of *awning signs* shall be no more than 25% of the *awning* area.

b. Canopy Signs

The *sign area* of *canopy signs* shall be no more than 25% of the *canopy* area.

2. Height, Placement, and Number

The type, height, placement, and number of *permanent signs* permitted in D1, D2, and C1A/R districts are provided in Table 5.24-2. Height and placement requirements include the *sign structure*, unless otherwise stated.

TABLE 5.24-2: D1, D2, AND C1A/R DISTRICT PERMANENT SIGNS

SIGN TYPE	HEIGHT	PLACEMENT	MAXIMUM NUMBER
Projecting Signs	Max. 30 ft. but no higher than the top of the *building* Min. 8 ft. if projecting into *public right-of-way*	May not project more than 4 ft. from the building	1 per *business frontage*
Wall Signs	Min. 8 ft. if projecting into *public right-of-way*	Must be within lowest 20 ft. of the *building*. If the *building height* is 45 ft. or higher, may be placed within the uppermost 15 ft. of the *building* and may extend up to 3 ft. above the top of the *building*. May not project more than 2 feet from the *building*.	No maximum
Awning Signs	Max. 20 ft.	Entirely within the *awning*	1 per *business frontage*
Canopy Signs	Max. 20 ft.	Entirely within *canopy*	1 per *business frontage*

B. Other Mixed-Use and Nonresidential and Special Purpose Districts

1. Area

Each *building* in Mixed-Use Zoning Districts other than D1, D2, and C1A/R and Nonresidential and Special Purpose Zoning Districts is permitted two square feet of *sign area* per linear foot of *building frontage* up to a maximum of 200 square feet of *sign area* for *permanent signs*. The permitted *sign area* may be distributed among permitted *sign* types, provided that:

a. Awning Signs

The *sign area* of *awning signs* shall be no more than 25% of the *awning* area.

b. Canopy Signs

The *sign area* of *canopy signs* shall be no more than 25% of the *canopy* area.

2. Height, Placement, and Number

The type, height, placement, and number of *permanent signs* permitted in Mixed-Use Zoning Districts other than D1, D2, and C1A/R and Nonresidential and Special Purpose districts are provided in Table 5.24-3. Height and placement requirements include the *sign structure*, unless otherwise stated.

TABLE 5.24-3: OTHER MIXED-USE AND NONRESIDENTIAL AND SPECIAL PURPOSE ZONING DISTRICTS PERMANENT SIGNS

Sign Type	Height	Placement	Maximum Number
Projecting Signs	Max.: 30 ft. but no higher than the top of the *building* Min.: 8 ft. if projecting into *public right-of-way*	May not project more than 4 ft. from the *building*	1 per *business frontage*
Wall Signs	Min.: 8 ft. if projecting into *public right-of-way*	Must be within lowest 20 ft. of the *building*. If the *building height* is 45 ft. or higher, may be placed within the uppermost 15 ft. of the *building* and may extend up to 3 ft. above the top of the *building*. May not project more than 2 ft. from the *building*	No maximum
Freestanding Signs	Min.: 1 ft. for each foot set back from the nearest *lot line*, up to 25 ft. maximum	Min. required setback 5 ft. Min. 200 ft. between each *freestanding sign* on the same *premises*	1 per *street frontage*
Awning Signs	Max.: 20 ft.	Entirely within the *awning*	1 per *business frontage*
Canopy Signs	Max.: 20 ft.	Entirely within *canopy*	1 per *business frontage*

C. Residential Zoning Districts

The type, area, height, placement, and number of *permanent signs* permitted in Residential Zoning Districts are provided in Table 5.24-4. Height and placement requirements include the *sign structure*, unless otherwise stated.

TABLE 5.24-4: RESIDENTIAL ZONING DISTRICTS PERMANENT SIGNS

LAND USE	SIGN TYPE	MAXIMUM SIGN AREA PER LOT	MAX. HEIGHT	PLACEMENT	MAXIMUM NUMBER
Single and Two-Family; Multiple-Family (up to six units)	**Wall Sign**	1 sq. ft. per *building*	N/A	N/A	1 per *building*
Multiple-Family (7 or more units, other group housing)	**Wall Sign**	6 sq. ft. per *building*	10 ft.	Within 4 ft. of a door facing and visible from a public Street	1 per *building*
	Freestanding Sign	50 sq. ft.	1 ft. for each foot set back from the nearest *lot line*, up to 8 ft.	Min. required setback: 5 ft.	1 per *lot*
Nonresidential	**Wall Sign**	12 sq. ft. among these types	10 ft.	N/A	1 per *street frontage*
	Awning Sign		10 ft.	Entirely within *awning* face	1 per *street frontage*
	Canopy Sign		10 ft.	Entirely within *awning* face	1 per *street frontage*
	Freestanding Sign	50 sq. ft.	1 ft. for each foot set back from the nearest *lot line*, up to 8 ft.	Min. required setback: 5 ft.	1 per *lot*

5.24.6 Window Signs

Interior and *exterior window signs* are permitted as provided in Table 5.24-5 in addition to all other permitted *signs*.

TABLE 5.24-5: WINDOW SIGNS

ZONING DISTRICTS	SIGN TYPE	PLACEMENT	MAXIMUM SIGN AREA
Residential	**Interior Window Sign**	Any window	None
	Exterior Window Sign	Ground floor window	Area counted as *wall sign*
Mixed-Use, Nonresidential and Special Purpose	**Interior And Exterior Window Signs**	Ground floor windows only	Total area of all *interior* and *exterior window signs* may not exceed 25% of ground floor window area of *building* facade

5.24.7 Temporary Signs

A. Display Period

1. Temporary Wall Signs

A *temporary wall sign* may be displayed for up to 28 days in a calendar year and shall not be displayed for more than 14 continuous days. *Temporary wall signs* shall be removed when not within the permitted display period.

2. Temporary Freestanding Signs

A *temporary freestanding sign* may be displayed for up to 65 continuous days, with at least a 30-day gap between any display period. *Temporary freestanding signs* shall be removed when not within the permitted display period.

3. Exceptions

a. Building or Lot For Sale

When all or a portion of a *building* or *lot* is listed or advertised for sale or lease, the maximum display period for *temporary signs* on that *building* or *lot* shall be the duration that the *building*, *lot*, or portion thereof, is listed or advertised for sale or lease. Once the *building*, *lot*, or portion thereof, is no longer listed or advertised for sale, all *temporary signs* that have been displayed for more than 65 days shall be removed.

b. Unlimited Sign

One nonilluminated *temporary freestanding sign* up to 6 square feet in *sign area* is permitted on a *lot* at any time with no limitation on display period. Such a *sign* is subject to the placement requirements and counts toward the maximum *sign area* for *freestanding signs* provided in Table 5.24-6.

B. Regulations

The type, area, height, number, and placement of *temporary signs* permitted by district are provided in Table 5.24-6. Height and placement requirements include the *sign structure*, unless otherwise stated.

TABLE 5.24-6: TEMPORARY SIGNS

Zoning Districts	Sign Type	Max. Sign Area		Max. Number	Min. Required Setback	Max. Height
		Per Lot	Per Sign			
Single and Two-Family; Multiple-Family (up to six units)	**Freestanding Sign**	20 sq. ft.	12 sq. ft.	6	5 ft.	6 ft.
	Wall Sign	3 sq. ft. per *principal building*	3 sq. ft.	2	N/A	10 ft.
Multiple-Family (7 or more units, other group housing)	**Freestanding Sign**	20 sq. ft.	12 sq. ft.	6	5 ft.	6 ft.
	Wall Sign	12 sq. ft. per *principal building*	12 sq. ft.	1	N/A	10 ft.

TABLE 5.24-6: TEMPORARY SIGNS						
ZONING DISTRICTS	SIGN TYPE	MAX. SIGN AREA		MAX. NUMBER	MIN. REQUIRED SETBACK	MAX. HEIGHT
		PER LOT	PER SIGN			
Nonresidential	**Freestanding Sign**	*Building frontage* 166 ft. or less: 32 sq. ft. *Building frontage* more than 166 ft.: 0.6 sq. ft. per linear foot of *building frontage* up to 100 sq. ft.	32 sq. ft.	4	5 ft.	6 ft.
	Wall Sign	20 sq. ft. per *building*	20 sq. ft.	No maximum	N/A	10 ft.

C. Materials and Construction

Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display. A *Temporary freestandingsign* larger than three square feet shall have a rigid frame or border.

5.24.8 Liability Insurance

If any *permanent sign* or *sign structure* is erected upon or projects into a *public right-of-way* or if the height of a *sign* or *sign structure* is greater than the distance from the *sign* or *sign structure* to a *public right-of-way*, then the owner of the *sign* or *sign structure* shall at all times maintain Commercial General Liability Insurance in the amount of $1,000,000.00 covering collapse of the *sign* or *sign structure* and potential resulting injuries and damages. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured.

Section 5.24 repealed and replaced by Ordinance No. ORD-20-27, December 20, 2020.

5.25 Outdoor Lighting

5.25.1 Purpose

The purpose of this section is to:

A. Minimize adverse and unsafe impacts of lighting such as *light trespass*, *glare*, and *skyglow*.

B. Protect the natural environment from artificial light at night.

C. Promote energy efficiency.

D. Foster a safer environment that supports and/or enhances commerce and lawful nighttime activities.

5.25.2 Applicability

All lighting that causes exterior illumination after sunset and before sunrise shall be subject to the requirements of this section except for the following:

A. Any temporary light installation on private property is permitted for a total of 90 consecutive days in one calendar year. Examples include seasonal decorative lighting and lighting for temporary public art installations, screenings, performances, and special events. Temporary lighting installations shall be extinguished between 12am and 6am.

Any temporary light installation in Nonresidential Zoning Districts shall comply with Section 5.25.3.B.10.

B. Lighting for *flags*.

C. Any light installation determined by the Historic District Commission to contribute to the historic character of a property listed in a local or state historic district or on the National Register of Historic Places.

5.25.3 Exterior Lighting Specifications

A. Color Spectrum Management

1. All permanent nonresidential and multi-family lighting installations, with the exception of illuminated signs, shall have a minimum *color rendering index* (*CRI*) of 70.
2. All permanent nonresidential and multi-family lighting installations, with the exception of illuminated signs, shall have a *correlated color temperature* (*CCT*) of no greater than 3000 K.

B. Luminaire Design and Installation

1. Light Trespass
   a. *Light trespass* beyond the property line shall at no time exceed 0.1 *foot-candles* onto any *lot* that is in a Residential Zoning District or the PL district, or in the *public right-of-way*.
   b. In the D1 Downtown Core and D2 Downtown Interface districts, the total *illuminance* from all sources at the property line shall not exceed eight *foot-candles*, except for under- *canopy* lighting.
   c. In all other zoning districts, *light trespass* beyond the property line shall at no time exceed two *foot-candles* onto any property.
   d. In D1 Downtown Core and D2 Downtown Interface districts, the *illuminance* shall be measured facing up, at a distance three feet above the ground. In any other district, the *illuminance* shall be measured facing the *luminaire* and measured at any point within the receiving property, including at any height above grade at the property line.
2. No *luminaire* in any district shall cause *glare* onto any property in a Residential Zoning District or zoned PL Public Land, or onto the public right of way.
3. Where lighting targets primarily the ground or horizontal targets, including but not limited to parking areas, loading docks, recreational

areas, and site entrances, *luminaires* shall meet *fully shielded* criteria, so that no light will cause *light trespass* as specified in this section, or *glare*.

4. Where lighting illuminates features on an above grade or vertical target, including but not limited to architectural features, signs, landscaping, fountains, and sculptures, *luminaires* shall be *partially shielded* and shall be installed and aimed to minimize their output past the object being illuminated, skyward or otherwise. Such lighting shall not cause *light trespass* as specified in this section, or *glare*.

5. If a *building* façade is more than 10 feet from the property line, the maximum average *illuminance* on the facade shall be 1 *foot-candle* on any property in a Residential Zoning District, and 3 *foot-candles* on any property in any other zoning district, as measured at a distance of 10 feet from the facade, provided that the *illuminance* does not violate the *light trespass* limit specified above in paragraph 1. The measurement shall be made facing the facade. Facade illumination shall be provided from above, rather than below, and shall be shielded from *glare* as specified above in paragraph 3. Facades in D1 and D2 districts, and facades situated less than 10 feet from a *building* on the same parcel are exempt from this requirement. *Signs* painted on a façade shall also be exempt from this requirement except Section 5.24.4 D Sign Illumination shall apply.

6. Decorative Building Façade and Landscape Illumination

    a. For properties in a Residential Zoning District, Illumination for *building* facades and/or landscapes whose primary purpose is decorative is prohibited between 12:00 am and 6:00 am.

    b. In all other districts, Illumination for *building* facades and/or landscapes whose primary purpose is decorative is prohibited between 12:00 am and 6:00 am except during *business bours*. The lighting shall be controlled by an automated timer system.

7. Motion-activated lighting systems shall not be activated by movement beyond the property boundary.

8. Under- *canopy* lighting for applications such as gasoline service stations, hotel or theater marquees, or Drive Through Facilities shall be *fully shielded*. The average maintained horizontal Illumination in the area directly below the *canopy* shall not exceed 20 *foot-candles*, with no value exceeding 30 *foot-candles*.

9. Wall- or pole-mounted floodlights shall be aimed no higher than 45 degrees below horizontal, and they shall comply with shielding and *light trespass* limits as specified in paragraphs 1 and 2.

10. The following lighting systems are prohibited: Any dynamically changing lights, including strobe lights, or lights that are programmed to be flashing, blinking, or moving; except that lighting systems may dim

or brighten in response to changes in ambient light as permitted in this Code.

C. Parking Lots

1. *Parking lots* shall not exceed maximum *illuminances* at all unobstructed points of 6 *foot-candles* at any time after sunset and before sunrise. *illuminances* shall be measured facing upward, three feet above the *parking lot* surface.

2. Lighting for parking areas and vehicular and pedestrian traffic ways on sites that contain no residential uses shall be extinguished nightly beyond *business hours*. For after-hours site safety lighting, or uses with no *business hours*, lighting after sunset and before sunrise shall not be in excess of 2 *foot-candles*.

5.25.4 Indoor Lighting

Indoor lighting shall not be the source of exterior *light trespass* or *glare* as specified in Section 5.25.3.B.1 and 5.25.3.B. 2 above.

Section 5.25 repealed and replaced by Ordinance No. ORD-21-23, September 26, 2021.

5.26 Fences

5.26.1 Applicability

A. All permanent *fences* shall be subject to the requirement of this Section 5.26 .

B. Temporary construction fences and fences required for protection around *excavation* shall comply with Article 13 of the City Construction Code. Such fences shall not be maintained for a period greater than a year without special approval of the Zoning Board of Appeals.

5.26.2 Standards

A. General

1. *Fences* may be located anywhere on a *lot* including abutting a *lot line*.

2. *Fences* shall not contain any sharp elements such as barbs and barbed wire, spikes, or nails, or be electrified, except when specifically required by another code.

3. In determining the maximum height of a *fence* that separates two adjoining *lots* and runs within two feet of the *lot line*, the maximum height at any point shall be determined from the highest grade within two feet on either side of the *lot line*.

Ordinance No. ORD-24-31, February 9, 2025.

B. Height and Opacity

TABLE 5.26-1: HEIGHT AND OPACITY STANDARDS FOR FENCES					
	RESIDENTIAL DISTRICTS				MIXED-USE, NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS
	STREET CORNER TRIANGLE	FRONT YARD	SIDE YARD	REAR YARD	
MAXIMUM HEIGHT	30 in.	4 ft.	6 ft.	8 ft.	12 ft.
MAXIMUM OPACITY	50%	50%	100%	100%	100%
Street corner triangle is the area on a *lot* within 25 feet of the intersection of two or more Street *lot lines*.					

Ordinance No. ORD-24-31, February 9, 2025.

C. All *fences* located within 25 feet of the intersection of two or more Street *lot lines* where the minimum *front required setback* of the zoning district in which the *lot* is located is greater than none shall not be higher than 30 inches above the Sidewalk grade.

D. In determining the maximum height of a *fence* that separates two adjoining *lots* and runs within two feet of the *lot line*, the maximum height at any point shall be determined from the highest grade within two feet on either side of the *lot line*.

5.26.3 Maintenance

Fences shall be maintained so as not to endanger life or property. Any *fence* which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance.

Ordinance No. ORD-20-34, February 14, 2021.

Article V: Administrative Bodies and Procedures

5.27 Administrative Bodies and Officers

This section identifies and generally describes the responsibilities of various review and decision-making bodies in the City. If these descriptions differ from more specific lists of responsibilities in other portions of the City Code, the latter shall govern.

5.27.1 Summary Procedures Table

Table 5.27-1 summarizes the procedural requirements for each application type provided in Section 5.29. When more than one type of application is required for a *development*, generally the highest approving body will decide all applications for the *development*.

TABLE 5.27-1: PROCEDURES SUMMARY TABLE

Type of Application	Section	Public Hearing	Notices	Community Participation	Approving Body
Zoning Permit	5.29.1	No	None	None	Planning Manager
Sign Permit	5.29.2	No	None	None	Planning Manager
Grading Permit	5.29.3	No	None	None	PSA Administrator
Wetland Use Permit	5.29.4	No	None	None	Site Plan Approving Body
Special Exception	5.29.5	Yes	Published Mailed Posted	Type 1	Planning Commission
Site Plan for Planning Manager	5.29.6	No	None	None	Planning Manager
Site Plan for Planning Commission	5.29.6	No	None	Type 2	Planning Commission
Site Plan for City Council	5.29.6	No	None	None	City Council [A]
Area Plan	5.29.7	No	None	None	City Council [A]
Plat	5.29.9	No	None	None	City Council [A]
Land Division	5.29.9B	No	None	None	Planning Manager
Rezoning	5.29.10	Yes	Published Mailed Posted [B]	Type 1	City Council [A]
Planned Unit Development	5.29.11	Yes	Published Mailed Posted [B]	Type 1	City Council [A]
General Appeal	5.29.12	Yes	Published Mailed	None	Zoning Board of Appeals
Land Division Appeal	5.29.12	Yes	Published Mailed	None	Planning Commission

Variance	5.29.13	Yes	Published Mailed	None	Zoning Board of Appeals
Footnotes: [A] Planning Commission required to make a recommendation to City Council prior to approval. [B] Posted notice of Planning Commission public hearing only.					

Editor's Note: Section 5.27.1 text and table updated in the 11th edition to reflect several previously approved amendments.

5.27.2 City Council

The City Council is the legislative body for the City and has final authority for adoption of and amendments to this chapter and the related Zoning Map, and for all other matters for which a role for City Council is indicated in Table 5.27-1 Procedures Summary Table.

5.27.3 Planning Commission

A. Powers

The Planning Commission shall have all powers granted by state law and City Code including but not limited to the following specific powers:

1. Those powers specifically authorized in Chapter 8 of Ann Arbor City Code.
2. To make recommendations to City Council regarding the establishment of zoning districts, including the boundaries of those districts.
3. To make recommendations to City Council regarding the text of this chapter, along with the incorporated maps to be adopted for each district or the City as a whole.
4. To make recommendations to City Council regarding the manner of administering and enforcing this chapter.
5. To make recommendations to City Council regarding the approval of site plans, and to approve certain site plans as specified by this chapter.

5.27.4 Zoning Board of Appeals

A. Powers

The Zoning Board of Appeals (ZBA) shall have all powers granted by state law and City Code, including but not limited to the following specific powers:

1. Administrative Review

To hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the Zoning Map; to hear and decide matters specifically referred to the ZBA or upon which the ZBA is required to pass under this chapter; to hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance in this chapter.

2. Variances

To authorize variances pursuant to Section 5.29.13.

3. Nonconforming Uses

To approve the substitution of one *nonconforming use* for another, as provided in Section 5.32.15.32.1A, and to approve the continuation or replacement of a *nonconforming structure* as provided in Section 5.32.2.

B. Limitations on the Powers

1. The concurring vote of five members of the ZBA shall be necessary:
   a. To reverse any order, requirement, decision or determination of any administrative official or body.
   b. To decide in favor of the *applicant* on any matter upon which the ZBA is required to pass under this chapter.
   c. To grant a variance of this chapter.
2. Every decision of the ZBA shall be based upon finding of fact and every finding of fact shall be supported in the record of the proceedings of the ZBA.
3. The ZBA does not have the power to change the terms of this chapter, effect changes in the Zoning Map, add to the uses permitted in any zoning district, consider appeals of *special exception uses*, or grant use variances.

C. Adoption of Rules of Procedure

1. Rules and regulations, prescribing Zoning Board of Appeals procedure for the performance of its authorized powers, shall be adopted by the Zoning Board of Appeals and made available to the public.
2. The procedures before the Zoning Board of Appeals shall be in accordance with the procedures established by Zoning Board of Appeals' rules and regulations, as specified in Section 1:198 of Chapter 8 of Title I of the Code, as well as with the provisions of this chapter and applicable state law.

Section 5.27.5 Design Review Board repealed by Ordinance No. 25-09, May 11, 2025.

5.27.5 Planning Manager

A. General

The provisions of this chapter shall be administered by the Planning Manager. Whenever this chapter refers to the Planning Manager, the Planning Manager may delegate that duty to a designated Person or entity unless otherwise prohibited by law.

B. Duties and Limitations

1. The Planning Manager shall have the power to grant zoning permits and the Building Official shall have the power to issue certificates of

occupancy. Each shall make inspections of *buildings* or *premises* necessary to carry out his/her duties in the enforcement of this chapter.

2. Every application for a zoning permit for *excavation*, construction, moving, *alteration*, or change in type of use or type of occupancy shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the Planning Manager to ascertain whether the proposed work or use is in conformance with the provisions of this chapter:

    a. The actual shape, location, and dimensions of the *lot*; if the *lot* is not a *Lot of Record*, sufficient survey data to locate the *lot* on the ground.

    b. The shape, size, and location of all *buildings*, or other *structures*, to be erected, altered or moved, and of any other *buildings*, or other *structures*, already on the *lot*.

    c. The existing and intended use of the *lot* and of all *structures* upon it.

    d. Any other information concerning the *lot*, adjoining *lots*, or other matters as may be essential for determining whether the provisions of this chapter are being observed.

3. If the proposed *excavation*, construction, moving, *alteration*, or use of land as set forth in the application are in conformity with the provisions of this chapter, the Planning Manager shall issue a zoning permit, however:

    a. The Planning Manager or the Building Official is not permitted to grant exceptions to the actual meaning of any clause, order, or regulations contained in this chapter to any Person making application to excavate, construct, move, alter, or use either *buildings*, *structures* or land.

    b. The Planning Manager or the Building Official is not permitted to make changes in this chapter or to vary the terms of this chapter in carrying out his/her duties as Planning Manager or as Building Official.

    c. The Planning Manager or the Building Official shall issue a permit when an *applicant's* permit complies with the conditions of this chapter, regardless of the effect of such a permit on contracts, such as deed restrictions or private agreements.

    d. If any application for such permit is not approved, the Planning Manager or the Building Official shall state in writing the cause for such disapproval.

    e. The Planning Manager shall provide regular reports to the Planning Commission of site plans for administrative approval acted upon by the PDSU.

5.27.6 Floodplain Administrator

A. The City of Ann Arbor shall designate a Certified Floodplain Manager as the Floodplain Administrator to oversee the implementation of all *floodplain* regulations. All proposed *development* within the Floodplain Management overlay district as defined in Section 5.14.2 or identified on the *Flood Insurance Rate Map* shall be approved by the Floodplain Administrator prior to site plan approval or issuance of building, or *Grading Permits* by the Building Official.

B. Record of First Floor Elevation. The Floodplain Administrator shall maintain a record of the elevation of the *lowest floor* (including *basement*) of all new *structures*, *substantial improvements*, and additions to existing *structures* in the *floodplain*. The Floodplain Administrator shall also maintain a record of the elevation to which new *structures*, *substantial improvements*, and additions to *structures* have *floodproofing*.

C. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Floodplain Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Ordinance No. ORD-20-33, January 31, 2021.

5.28 General Procedures

The following procedures apply as applicable to the specific procedures listed in Section 5.29 unless inconsistent with requirements applicable to a specific procedure in Section 5.29 or with requirements elsewhere in this chapter.

5.28.1 Application Filing Requirements

A. Application forms and submittal requirements for all types of applications, permits, and approvals referenced in this Article V can be obtained from the PDSU. The required materials shall include but not be limited to those materials listed for specific types of applications in Sections 5.28 and 5.29 , and those materials required to show full compliance with this chapter and all other applicable City, state, and federal laws.

B. Required application materials may include additional studies or analyses not specified in this chapter or on application forms including but not limited to transportation studies, environmental assessments, utility analyses, community impact analyses, market studies, need analyses or other studies or documents if the Planning Manager determines that those materials are necessary to accurately evaluate the impacts of the proposed *development*. All application materials shall be submitted to PDSU unless this chapter indicates a different place for filing.

Ordinance No. ORD-24-06, May 26, 2024.

C. No application under this chapter shall be considered complete, and no application under this chapter shall be circulated for review or approval, until all

of the required materials have been submitted and all applicable fees have been paid. This includes but is not limited to fees established by resolution for zoning, annexation, special exceptions, site plans, and zoning permits. If the Planning Manager determines that the application is incomplete, it shall be returned to the *applicant* for completion and re-filing of the application.

D. Fees

The following fees are authorized by this chapter and shall be by resolution of the City Council upon the recommendation of the City Administrator.

1. Administration Fees

Before any application, petition or permit shall be issued covering building or other operations regulated by this chapter, an administrative fee shall be paid.

2. Zoning Map Amendment Fees

Filing and review fees for amendments to the Zoning Map shall apply also to the owners of newly annexed property that require a City zoning classification.

a. If the amendment would require more than one classification, the fee shall be computed separately for each classification based on the size of the classification applied for.

b. Any amendment to a zoning application (excepting technical amendments to correct minor errors in description) shall be accompanied by a fee equal to one-half the fee required for the amending classification.

3. Wetland Use Permit Fees

The *Wetland use permit* fee will be for review of application and plans, and field inspections. A property owner may request of the PSA Administrator a preliminary assessment of the *site* to determine whether or not the *site* will be affected by provisions of this Code addressing *wetland* use and permitting. No fee shall be charged for this determination.

4. Grading Fees

Grading Permits and inspection fees are subject to the following provisions:

a. Inspection fees are to be paid prior to the issuance of a certificate of occupancy and release of the cash bond associated with the *Grading Permit*. Should construction activities begin prior to the issuance of a *Grading Permit*, the permittee is subject to double the plan checking and inspection fees, as determined by the Planning Manager.

b. A monthly inspection fee shall be assessed for land not stabilized or subject to *accelerated soil erosion*, except for the construction of or addition to one *single-family* or *two-family dwelling* or *accessory structure* on a parcel zoned solely for residential purposes.

c. An additional inspection fee shall be assessed for each inspection following the issuance of a correction notice for corrections to be performed in less than one month.

d. Unpaid fees assessed in accordance with this chapter shall become a debt to the City from the land owner and may be collected as a single lot assessment under Section 1:292 of this Code, or collected from the cash bond for the project, or in any other manner in which an indebtedness due the City may be collected.

E. Reimbursements and Reductions

1. Reimbursements of fees for withdrawn applications and permits partially processed shall be offered as established by resolution of the City Council upon recommendation of the City Administrator.

2. Up to fifty percent of application fees shall be reimbursed when the proposed *development* provides *affordable housing dwelling units* in accordance with the following formula: Total Fees Paid x (Percentage of *Floor Area* Dedicated to Affordable Housing Dwelling Units/2)

Ordinance No. ORD-19-34, November 17, 2019; Ordinance No. ORD-24-31, February 6, 2025.

5.28.2 Public Notices

A. Published Notice of Public Hearings

Notice of all public hearings shall be published in a newspaper of general circulation not less than 15 days prior to the public hearing.

B. Mailed Notice of Public Hearings

Notice of all public hearings shall be mailed not less than 15 days prior to the public hearing. The mailed notice shall:

1. Be sent to the owners and occupants, and owners and occupants or properties within 300 feet, of the property that is the subject of the public hearing, regardless of jurisdiction.

2. Be sent to neighborhood associations registered with the PDSU representing owners and occupants of property within 300 feet of the property that is the subject of the public hearing.

3. Describe the nature, date, time, and place of the public hearing.

4. State the address or addresses of the property that is the subject of the public hearing. If there are 11 or more addresses, a description of the location may be substituted.

5. Indicate when, where, and how comments may be made concerning the public hearing.

6. If the name of an occupant is not known, the term "occupant" or "postal customer" may be used.

C. Posted Notice for Public Hearings

Notice shall be posted on a property that is the subject of a public hearing held by the Planning Commission not less than 7 days prior to the public hearing except for zonings associated with annexation and Single-Family Zoning Districts or chapter text amendments. Posted notices shall include the same information required for mailed notices of public hearings.

D. Published Notice of Amendments

Notice of an amendment this chapter, including an amendment to the Zoning Map, shall be published in a paper of general circulation within 15 days of adoption. The notice shall include:

1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the full text of the amendment.
2. The effective date of the amendment.
3. The time and place where a copy of the amendment may be inspected or purchased.

Ordinance no. ORD-25-24, August 10, 2025.

5.28.3 Public Hearings

A. General Requirements

Public hearings shall be held by the City Council, Planning Commission, and Zoning Board of Appeals as required by the procedures in this chapter.

B. Continued, Delayed, or Substantially Revised

A public hearing that is continued to an unspecified date or when the subject of the public hearing has been substantially revised in the judgement of the Planning Manager shall be noticed as required by Section 5.28.2.

Ordinance no. ORD-25-24, August 10, 2025.

5.28.4 Community Participation Requirements

A. Purpose

The intent of this Section 5.28.4 is to:

1. Ensure that *applicants* seeking approval of certain applications that require public hearings pursue early and effective community participation in conjunction with their proposed *developments*, giving people an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for the community to be involved in the *development* of their city.
2. Provide clear expectations and formal guidance for *applicants* to gather community comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts of their proposed *development*.

3. Facilitate ongoing communication between *applicants* and interested or potentially affected people throughout the application review process.

B. Type 1 Community Participation

1. Applicability

Type 1 Community Participation is required for any *development* activity that requires a public hearing by the Planning Commission or any proposed project that may require additional community participation depending on the scope, nature or unique and unusual circumstances as determined by the Planning Manager.

2. Procedures

a. Community Participation Meeting

Applicants shall hold at least one Community Participation meeting for all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project *site*. Addresses shall be provided by the PDSU.

b. Meeting Invitation Content

Written invitations shall be prepared based on templates provided by the PDSU which shall:

i) Explain to whom and why the invitation is being sent.

ii) Explain how attendees may participate and how information gathered at the meeting will be used.

iii) Provide alternative ways to learn about the proposed project and how participants can submit questions or comments if unable to attend the meeting.

iv) Describe the proposed project in writing and conceptual sketches and graphics.

v) State the date, time, and location of the meeting.

c. Posted Sign

A sign made of durable all-weather materials and securely installed based on templates provided by the PDSU shall be placed on each frontage of the proposed project *site* which shall:

i) Provide the file number(s), main address, name of proposed project (if any), and the *applicant's* name and point of contact.

ii) Describe the *site*, including all addresses and current zoning designation.

iii) Describe the proposed project in text and graphics, including the use, development activity, zoning designation, and petitions included with the application.

iv) Provide the Community Participation meeting date, time, and location.

d. Participation Report

Applicants shall provide a written report of the Community Participation process including a summary of comments, concerns, issues, and problems expressed by participants; how the *applicant* has or intends to address these concerns, issues, or problems, or why a concern, issue or problem cannot or will not be addressed.

e. Timing

i) Meetings shall be held within 45 days after the application has been accepted for review by the PDSU.

ii) Invitations shall be mailed to all addresses provided by the PDSU and a digital copy shall be provided to the PDSU at least 15 days prior to the meeting.

iii) Reports shall be provided to the PDSU within 15 days after the meeting.

iv) Posted signs shall be placed at least 15 days before the Community Participation meeting and removed within 15 days after a building permit has been issued or the application has been denied or withdrawn.

C. Type 2 Community Participation

Type 2 Community Participation is required for any *development* activity approved by the Planning Commission that does not require a public hearing.

1. Procedures

a. Community Mailed Announcement

Applicants shall mail a written announcement to all property owners, addresses, and registered neighborhood groups within 500 feet of the proposed project site. Addresses shall be provided by the PDSU.

b. Announcement Content

Written announcements shall be prepared based on templates provided by the PDSU which identify the *applicants*, indicate that an application has been submitted and describe the application in writing and graphics, explain how recipients can learn more about the application, and the anticipated review and approval process.

c. Posted Sign

A sign made of durable all-weather materials and securely installed based on templated provided by the PDSU shall be placed on each frontage of the proposed project site which shall:

i) Provide the file number(s), main address, name of the proposed project (if any), and the *applicant's* name and point of contact.

ii) Describe the *site*, including all addresses and current zoning designation.

iii) Describe the proposed project in text and graphics, including use, development activity, zoning designation, and petitions included with application.

d. Timing

Announcements shall be mailed to all addresses provided by the PDSU, a digital copy shall be provided to the PDSU, and posted signs shall be placed within 15 days after the application has been accepted for review by the PDSU.

Posted signs shall be removed within 15 days after a building permit has been issued or the application has been denied or withdrawn.

D. Waiver of Requirements

The Planning Manager may waive these requirements for applications to amend the Zoning Map when:

1. The requested zoning designation is PL (Public Land).
2. The application is to annex a parcel of less than two acres and zone the parcel for *single-family* residential use.
3. There is no proposed change in land use and no *development* is proposed.
4. The application is for a special exception use that the Planning Manager has determined to be a temporary use.

ORD-18-20, effective Oct. 31, 2018; ORD-25-25, effective Aug. 10, 2025; ORD-26-02, effective Jul. 1, 2026.

5.28.5 Design Review

A. Intent

The intent of this section is to foster excellence in the design of the City's built environment by reviewing certain projects in the downtown area for consistency and conformance to the Downtown Design Guidelines, as approved by City Council, by the PDSU. This section provides for the applicability, requirements, and expectations of the design review process.

B. Applicability

Projects that meet all of the following criteria shall be subject to design review as provided in this section:

1. On a *lot* zoned or proposed to be zoned D1 or D2, or on a lot currently zoned or proposed to be zoned PUD within the Downtown Development Authority boundary;
2. Not located within a historic district; and

3. Proposes an increase in *floor area* visible from the Street.

C. Submittal Requirements

In addition to the required information provided in Section 5.29.8, applications for projects subject to design review as provided in this section shall require the following information

1. Statement identifying applicable guidelines of the Downtown Design Guidelines and how the proposed design is, or is not, consistent.
2. Floor plan(s).
3. Elevations of each side of the building visible from the Street, including labeled building materials.
4. Three-dimensional renderings that communicate the scale of the proposed development in the context of the surrounding area.

D. Review Results

1. The PDSU shall provide applicants with written comments on how the design is consistent with and conforms to the Downtown Design Guidelines.
2. The PDSU shall report to the City Council on the effectiveness of the design review process and make recommendations for any changes to the process or to the Downtown Design Guidelines.

Ordinance ORD-25-09, May 11, 2025.

5.28.6 Development Agreements

Approval of a final preliminary plat or site condominium land division shall be conditioned upon the execution of a Development Agreement that secures the completion of all public and private improvements shown on the approved plat or land division. Where the timing or nature of improvements require such *security*, the approval of a site plan or a PUD site plan may be conditioned upon the execution of a Development Agreement. Where a PUD zoning district allows residential uses and proposes *development* of at least 20% of the *dwelling units* as *affordable housing dwelling units*, approval of a PUD site plan shall be conditioned upon the execution of a Development Agreement that assures the affordability and availability of such housing.

Ordinance No. ORD-19-34, November 17, 2019.

5.28.7 Certificates of Occupancy

A. No *building*, *structure* or zoning *lot* for which a zoning permit has been issued shall be used or occupied until the Building Official has, after final inspection, issued a certificate of occupancy indicating compliance has been made with all the provisions of this chapter. However, the issuance of a certificate of occupancy shall not be construed as waiving any provision of this chapter.

B. A certificate of occupancy or final permit approval shall not be issued for a *building* or site improvement identified in the approved site plan, plat or land division, unless all required site improvements in the applicable *phase*, including

those associated with the protection and mitigation of *natural features*, have been installed and *final acceptance* obtained or the installation of the required site improvements has been secured as required by this Code. The property owner must provide a one-year *warranty* after *final acceptance* , backed by *security*, for all public and private roads, sanitary sewers, water mains and stormwater conveyances and management systems. The *security* for the one-year *warranty* shall be $5,000.00 or one percent of the cost of construction of the facility warranted, whichever is greater. Unless designated as optional, all improvements shown on the approved site plan, PUD site plan, final preliminary plat or land division, or described in an executed Development Agreement, or included in an approved *PUD Development Program* or *Supplemental Regulations*, shall be considered required site improvements.

C. No certificate of occupancy shall be issued unless the provisions of Section 5.20 have been met or a performance bond or other *security* has been posted as required by Section 5.28.8.

5.28.8 Security for Completion of Improvements

A. Single Structure Developments

For *developments* with a single *structure*, where it would be impractical to delay occupancy prior to the completion of all required site improvements on an approved site plan due to cold weather, lack of availability of paving or plant materials, or other reason acceptable to the Planning Manager, a temporary certificate of occupancy for a *building* may be issued upon the approval of the Planning Manager for a period of up to six months provided (1) all *public utilities* necessary to serve the *building* have been constructed, passed initial acceptance testing and been maintained in a clean, operable condition, (2) site improvements proportional to the immediate use of the development upon issuance of the temporary certificate of occupancy are provided, and (3) *security* is presented to the City for the remaining site improvements. Issuance of a temporary certificate of occupancy does not alter, reduce or change any other requirement necessary for a certificate of occupancy.

B. Multi-Structure or Phased Developments

For *developments* with more than one *structure* or more than one *phase* where it would be impractical to delay occupancy for all *buildings* prior to completion of all required site improvements on an approved site plan, a temporary certificate of occupancy for a *building* may be issued provided all the conditions in the following subparagraphs are met.

1. All proposed roads within and necessary to support the applicable *phase* must be complete, including curb and gutter and associated Sidewalks. Where it would be impractical to delay occupancy due to cold weather, lack of availability of paving materials, or other reason acceptable to the Planning Manager, the road surface or associated Sidewalk may be incomplete provided that the road meets fire services unit requirements and *security* is posted for these items. For purposes of this section, road shall mean public road, private street or access *driveway*.

2. All other private site improvements within and necessary to support the applicable *phase*, including but not limited to lead walks, pedestrian paths, playground equipment and amenities, *bicycle parking spaces*, *parking spaces* or *parking lots*, stormwater conveyance and management systems and landscaping directly adjacent to or for the direct benefit of any *building* for which a temporary certificate of occupancy is requested must be installed. Where it would be impractical to delay occupancy prior to the completion of certain private site improvements due to cold weather, lack of availability of paving or plant materials, or other reason acceptable to the Planning Manager, *security* may be posted for these items.

3. All *public utilities* that serve the applicable *phase*, including sanitary, storm and water conveyance and connection systems, are constructed, have passed initial acceptance testing and are in a clean, operable condition.

4. All easements for public facilities or improvements that serve or benefit the *phase* must have been granted, accepted and recorded.

5. *Security* has been posted to allow use of all public facilities prior to *final acceptance*. The purpose of this *security* is to ensure that any repairs and/or maintenance required to restore public water mains, sanitary and storm systems within, servicing or benefitting the *site* to an acceptable final condition can be accomplished. This *security* must be maintained in full until *final acceptance*.

6. The owner of the property has signed an agreement acceptable to the City Attorney to make all repairs to all public facilities within the *site* regardless of source of damage.

7. All applicable provisions or obligations of the owner in a Development Agreement have been completed and fulfilled.

8. The requirements of Section 5.28.8A shall apply to the last *building* within a multiple-structure *development*.

C. Security Requirements

Where *security* is posted to secure any obligation of the owner in this chapter (other than the posting of a cash bond related to *grading* in Section 5.29.3), the following requirements apply:

1. The amount of *security* required shall be the estimated costs to the City, as determined by the Planning Manager, to perform the activity to be secured plus 50% to cover contingencies, plus a nonrefundable administrative fee for accepting, holding, and releasing the *security*. *Security* posted for any activity may be applied to any other activity for which *security* is required.

2. The *security* shall be accompanied by an agreement acceptable to the City Attorney from the property owner insuring that the secured activities will be completed or satisfactorily performed by the deadline established by the Planning Manager. It shall authorize the City to go onto the property without any further notice or authorization from the owner and

complete the construction, perform repairs or install uncompleted site improvements. It shall include an agreement by the property owner that if the secured activities are performed by the City and the costs to the City exceed the amount of the *security* available to pay the costs, then the property owner agrees to pay the excess costs. The agreement shall provide an address to which the City may send the property owner via first class mail notices that may be required or appropriate under this ordinance. In the case of repairs, if the repairs are not made after reasonable notice to the owner, or if an emergency condition exists that requires rapid response without notice to the owner, the City may proceed to make or have made the necessary repairs and invoice the owner for all reasonable costs associated with the repairs. If the owner does not pay the amount owed within 20 days of the City sending the invoice, the City shall draw upon the posted *security* for the full amount of the invoice plus any other outstanding costs for which the owner is obligated to the City.

3. It shall be the responsibility of the owner to notify in writing the appropriate City departments when secured work or improvements have been completed and to request a compliance inspection for the *phase* or *site*. The City shall conduct the compliance inspection within 30 days of the request unless there is evidence that the work or improvements were incomplete at the time of the request. The property owner may request, in writing, return of *security* only after all the obligations, improvements and facilities for which the property owner provided *security* have been completed or fulfilled. Requests for return of the *security* made prior to completion of the obligation for which the *security* was posted are void and of no effect. Portions of the *security* amount, with the exception of the public facility maintenance/repair *security*, may be returned as work progresses, at reasonable intervals, provided that at all times the amount on deposit equals the estimated cost of the work to be completed plus 50%. Upon receipt of a written request and confirmation of *final acceptance* of a *phase* or *site*, the City will endeavor to return the remaining balance of the posted *security* within 30 days of the date of *final acceptance*.

4. Interest on the *security* shall be computed for each quarter where the lowest principal balance during the quarter exceeds $2,000.00. Interest shall be computed as simple interest at a rate 0.5% lower than the average earned by the City during the prior quarter on securities held pursuant to this Section 5.28.8 It shall be paid at the time the final principal balance is returned to the property owner. Any *security* remaining with the City 18 months after the date set for completion of the work, as specified in the letter required by this Section 5.28.8, for which there is not a written request to return the balance, shall be forfeited to the City for the City's unrestricted use.

D. Incomplete Improvements

If improvements have not been completed by the stated date, the PDSU Manager may, after notice to the property owner, revoke the certificate of occupancy and/or transfer

the *security* to the City general fund. Thereafter the City shall be authorized to go onto the property and complete the construction or installation of uncompleted site improvements in accordance with the approved site plan, plat, land division, or Development Agreement with the funds available. If the cost to the City for completing the site improvements exceeds the amount of the *security*, the City shall make demand upon all responsible parties for payment and, if the balance is not promptly paid, may proceed with collection.

Ordinance No. ORD-20-34, February 14, 2021.

5.29 Specific Procedures

The provisions of this Section 5.29 apply to specific types of applications under this chapter and supplement those general procedures in Section 5.28 . In case of a conflict between the provisions of this Section 5.29 and those of Section 5.28 , the provisions of this Section 5.29 shall take precedence.

5.29.1 Zoning Permit

A zoning permit shall be required in the following circumstances. When a building permit is also required, the building permit may serve in place of the zoning permit without separate zoning permit approval. When *special exception use* approval is also required, separate zoning permit approval is not required unless specifically required by the *special exception use* approval.

A. Buildings or Structures

A zoning permit is required for the construction, moving, *alteration*, or repair (except ordinary repairs as defined in Chapter 100 of this Code) of any *building* or other *structure*, including an *accessory structure*, costing more than $100.00 or is between 100 and 200 square feet in area. A building permit is required when the *building* or *structure* exceeds 200 square feet in area or is an addition of any size to an existing *building*. Site plan approval may be required prior to issuance of a zoning permit or building permit.

B. Land Uses

A zoning permit is required to change a land use, change the use or type of occupancy of any *building*, to establish or expand outdoor sales, or to extend any use on any *lot* on which there is a non-conforming use, subject to the standards and regulations in this chapter for that use.

C. Fences and Solid Waste Containers

A zoning permit is required for the construction of *fences* consistent with Section 5.26 and for the placement of solid waste container points of storage per Chapter 26 and the Solid Waste Regulations and with required screening and buffering per Section 5.20.6, except curb carts placed on parcels containing a single-family or two-family dwelling.

Ordinance No. ORD-26-11, June 21, 2026.

D. Floodplain Management

When a zoning permit is required for any activity in the Floodplain Overlay Zoning District as provided in Section 5.14.2, the following information shall be included as

part of the zoning permit application:

1. A topographic survey, as well as determine the *base flood*, 0.2 percent annual chance, and *flood protection elevations* from the *Flood Insurance Study*, plot actual boundaries of the *floodplain* on a topographic survey based on *base flood elevations* from *Flood Insurance Study*, and plot the *floodway* boundary based on *Flood Insurance Rate Map floodway* boundaries.
2. An elevation certificate for each existing *building*.
3. A site plan showing all pertinent dimensions, existing or proposed *buildings*, *structures*, and *natural features*.
4. Location of fill or storage of materials in relation to the *floodplain*.
5. Cut and fill calculations for all *floodplain* alterations.
6. Floodproofing Certificate, if applicable. Floodproofing Certificate requirements are found in FEMA's Technical Bulletin 3, Non-Residential Floodproofing - Requirements and Certification (1993).
7. Copies of any required county, state or federal permits or approvals.
8. If a proposed project involves fill, a new *structure*, or an addition to an existing *structure* that displaces any part of the existing *floodplain*, the *applicant* shall obtain a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) prior to approval by the City.
9. If *floodplain* elevations, *floodplain* boundaries, or *floodway* boundaries will be altered by the proposed project, the *applicant* shall obtain a Conditional Letter of Map Revision from FEMA prior to the issuance of permits by the City. For projects that receive a Conditional Letter of Map Revision, a final Letter of Map Revision is required to be obtained from FEMA and a copy provided to the City prior to the issuance of a certificate of occupancy or final permit approval.
10. If the proposal is located in a *floodway* where the EGLE does not have jurisdiction, a hydrologic study must be submitted to demonstrate that *structure* and fill will not (1) increase the *flood* level during occurrence of the *base flood* discharge, and (2) reduce the conveyance of the *floodway*.
11. Other relevant information requested by the Floodplain Administrator as necessary to properly evaluate the permit application.
12. Prior to the issuance of a certificate of occupancy or final permit approval, a certification by a registered *Professional Engineer*, registered *Architect*, or registered land surveyor that the finished fill and *building* elevations were accomplished in compliance with the provisions of this ordinance. This is usually handled with an Elevation Certificate.

E. Certification

Each zoning permit shall include a *certification* of the Planning Manager's determination

that plans, specifications, and the intended use for such *structure* conform to the provisions of this chapter.

F. Advisory Opinions

If application for zoning permit is made prior to the application for a building permit, a zoning permit may be considered to be only an unofficial advisory opinion of the Planning Manager that does not carry any guarantee or obligation on the part of the City. A record of all such applications shall be kept on file in the PDSU.

G. No Waiver

Issuance of a zoning permit shall not be construed as waiving any provision of this chapter.

H. Period of Validity

Any zoning permit issued under the provisions of this chapter shall be valid only for a period of six months following the date of the issuance.

I. Applications Requiring ZBA Action

When the Planning Manager receives an application for a zoning permit as part of an application that requires Zoning Board of Appeals approval, the application and all supporting information shall be conveyed by the Planning Manager to the Zoning Board of Appeals.

J. Criteria for Approval

The Planning Manager shall issue a zoning permit if it determines that the application complies with this chapter and with all other applicable laws and regulations of the City.

Ordinance No. ORD-20-33, January 31, 2021.

5.29.2 Sign Permit

A. Signs Requiring a Permit

Signs regulated by this Code that are erected, altered, relocated, or maintained require a permit from the City.

B. Exceptions

No permit shall be required for:

1. Ordinary repair and upkeep of an existing *sign*.
2. Changing the *changeable copy* of a *sign* unless the *changeable copy* is being replaced with a *permanent sign*.
3. Temporary signs.
4. Address signs.

C. Application

Application for a sign permit shall be made upon forms provided by the City and shall contain the following information:

1. Name, address, email, and telephone number of the *applicant*.
2. Location of *building*, *structure* or *lot* to which the *sign* is to be attached or erected.
3. Position of the *sign* in relation to nearby *buildings*, *structures* and *lot lines*.
4. Signed drawings, plans, specifications sufficient to determine compliance with applicable requirements, including the method of construction and attachment of the *sign* to the *building* or ground.
5. Name, email, and address of the Person erecting the *sign*.
6. Evidence of all required insurance policies and bonds.
7. Stress sheets and calculations, if deemed necessary by the City, showing the *sign structure* as designed for dead load and wind pressure in accordance with regulations adopted by the City.
8. Such other information as the City may require to show full compliance with this and all other applicable laws of the City and the State of Michigan.

D. Building Permit Requirement

A *sign* or *sign structure* requiring a new footing, framework, or attachment to a *building* or *structure* shall also be required to submit a building permit application, unless determined unnecessary by the Building Official. The building permit application shall include drawings, stress sheets and calculations showing the *sign* and *sign structure* as designed for dead load and wind pressure in accordance with Chapter 100 of this Code and shall bear the certificate or seal of a registered *Architect* or *Professional Engineer*. A *sign* or *sign structure* subject to a building permit shall meet the materials, design and maintenance standards of Chapter 100 regardless of whether the *sign* is visible from a *public right-of-way* or public property. Nothing contained in Chapter 100 shall be construed to permit any *sign* or *sign structure* prohibited by this chapter.

E. Electrical Permit Requirement

Sign illumination, a new electric *sign*, or existing electric *signs* requiring an electrical reconnection shall submit an electrical permit application. All electric *signs* and outside lighting shall be installed in accordance with the Electrical Code adopted by the City as referenced in Chapter 100 of this Code.

F. Projections into Public Property or Right-of-Way

A permit for a *sign* or *sign structure* that projects into a *public right-of-way*, public property, or public easement must be reviewed and is subject to approval of the City Public Services Area or other City department designated by the City Administrator.

G. Criteria for Approval

The City shall issue a sign permit if it determines that the application complies with this chapter and with all other applicable laws, standards, and regulations of the City.

Ordinance No. ORD-20-27, December 20, 2020.

5.29.3 Grading Permit

The City has been granted authority, by the State of Michigan, as a Municipal Enforcement Agency to issue *soil erosion and sedimentation control* permits under Part 91 of 1994 PA 451 (Michigan Compiled Laws) as amended.

A. Applicability

1. Except as exempted by this chapter, no Person shall do any *clearing* or land or trees that results in any disturbance of *natural features* or in a cumulative total loss of more than 10,000 square feet of *canopy* per calendar year, or any *grading*, *stripping*, *excavating* or *filling* of land or trees, unless the Person has a valid *Grading Permit* issued by the Planning Manager.
    a. Permits issued pursuant to this chapter do not relieve the owner of responsibility for securing required permits for work to be done that is regulated by any other applicable code, ordinance, or agency.
    b. Any permit issued shall become invalid if (i) the authorized work is not commenced within six months of the date issued, or (ii) the authorized work is suspended or abandoned for a period of six months after termination of substantial operations as determined by the Planning Manager.
2. A *Grading Permit* shall not be issued prior to any required site plan, final preliminary plat, or PUD site plan approval.
3. A *Grading Permit* shall be applied for and issued prior to a building permit.
4. All public and private *development* shall comply with this chapter, except as exempted by the permit exceptions section of this chapter.
5. A *Grading Permit* is required prior to any *earth change* except as provided elsewhere in Section 5.29.3.

B. Exceptions

Grading Permit exceptions shall not be construed as exemptions from enforcement procedures if excepted activities cause or result in a violation of this chapter. Notwithstanding any other provisions of this chapter, a *Grading Permit* will not be required under the following conditions if there will be no disturbance to *natural features*:

1. An *earth change* of a minor nature, such as an emergency utility repair, that is stabilized within 24 hours of the initial earth disturbance, and that will not contribute *sediment* to lakes, *watercourses*, or *stormwater management systems*.
2. *Earth change* activities that disturb less than 225 square feet in an isolated, self-contained area provided that the Planning Manager determines that by reason of such isolation and self-containment, the *earth change* will not contribute *sediment* to lakes, *watercourses*, or

stormwater management systems, and no danger or nuisance to private or public property will result from associated soil *erosion* and *sediment*. To assist the Planning Manager in making this determination, it may be necessary for plans and/or a Signed affidavit from the land owner to be submitted.

3. City public projects or installations that involve less than one acre of earth disturbance and are located more than 500 feet from the water's edge of a lake, *wetland* or *watercourse*, as determined by the Planning Manager.

    a. All construction plans for City public projects shall include the information required by this Section 5.29.3 regardless of the necessity for a *Grading Permit*.

    b. City public projects are subject to the standards, responsibilities, and enforcement listed in this chapter, regardless of the necessity for a *Grading Permit*.

4. Any other activities exempted in MCL 324.9915, 324.9915a, and 323.1705.

C. Grading Permit Application

An application shall be required for each *Grading Permit* and shall be submitted to the Planning Manager by the landowner. Plans shall be submitted to the Planning Manager with each application for a *Grading Permit* in accordance with the minimum design standards specified in this chapter. The *soil erosion and sedimentation control* plans shall be designed to effectively reduce *accelerated soil erosion and sedimentation*. The plans shall be prepared, signed and sealed by a *Professional Engineer* or by an *Architect*. The Planning Manager may waive the preparation or signature and seal by the *Professional Engineer* or *Architect* when the work entails little *hazard* to the adjacent property, does not disturb any *natural features*, does not include the construction of a *fill* upon which a *structure* may be erected, or is for construction of or addition to one *single-family* or *two-family dwelling* or *accessory structure* on a parcel zoned solely for residential purposes.

D. Application Data Required

The plans and specifications accompanying the site plan, final preliminary plat, PUD site plan, or *Grading Permit* application shall contain the following data:

1. Name, address, and telephone number of the owner, developer, and *applicant*.

2. A vicinity sketch at the scale of not more than one inch = 200 feet, or as otherwise determined by the Planning Manager, indicating the *site* location as well as the adjacent properties within 500 feet of the *site* boundaries, and showing relationship to any *watercourse*.

3. A legal description or boundary line survey of the *site* on which the work is to be performed.

4. A soil investigation report, survey or profile that shall include but not be limited to data regarding the nature, soil type, distribution, credibility,

and supporting ability of existing soils or rock on the *site* in accordance with United States Department of Agriculture soil survey standards.

5. A plan of the *site* at a maximum scale of one inch = 50 feet or as otherwise determined by the Planning Manager, showing:

    a. Existing and proposed topography at a maximum of two foot contour intervals, elevations or similar slope descriptions, extending at least 50 feet beyond the *site* boundary lines.

    b. Location and description of any *structure* or *natural feature* on the *site*, and on the land adjacent to the site, extending at least 50 feet beyond the *site* boundary lines.

    c. Location and description of any proposed *structures* or *development* on the *site*, including the physical limits of each proposed *earth change* and all proposed *temporary* and *permanent soil erosion and sedimentation control measures.*

6. Plans, cross-section and construction-quality details of all *soil erosion and sedimentation control measures*, existing and proposed on-site drainage and dewatering facilities, retaining walls, cribbing, planting, anti-*erosion* devices or other protective devices to be constructed in connection with or as part of the proposed work.

7. The estimated total cost of the required controls during construction, including dust emission control.

8. The estimated total cost of protecting all exposed soil surfaces from *erosion* should construction discontinue.

9. An estimate of the quantity of *excavation* and *fill* involved.

10. The amount of *impervious surface* existing, proposed, and reconfigured to accommodate new improvements.

11. If a *stormwater management system* is required pursuant to Section 5.22 , computations and design of the *stormwater management systems*, including, but not limited to:

    a. Calculations used to derive the runoff coefficient(s).

    b. A map showing the drainage area and land tributary to the *site* and estimated runoff of the area served by any drain.

    c. Required storage volume calculations, including first flush, bankfull, and 100-year storm events.

    d. Calculations for the provided/proposed storage facility.

    e. Required and proposed release rate calculations.

    f. A plan for the continued maintenance of the permanent *stormwater management system.*

    g. Any other pertinent calculations, as determined necessary by the PSA Administrator. If utilizing an alternative method of

stormwater detention, provide a written description of the alternative method of stormwater detention and a written explanation as to why the proposed alternative conforms to the criteria of Section 5.22 .

12. A timing and construction sequence of each proposed *earth change*. The sequence of construction for the *site* shall include installation of *temporary* and *permanent soil erosion and sedimentation control measures*, *stripping* and *clearing*, rough *grading*, installation and *stabilization* of *stormwater management systems*, construction of utilities, roads, infrastructure, and *buildings*, final *grading* and landscaping, and removal of *temporary soil erosion and sedimentation control measures*. The sequence of construction shall identify all proposed phasing consistent with the approved site plan, final preliminary plat, or PUD site plan. A sample sequence of construction may be provided by the Planning Manager upon request.

13. A program proposal for the continued maintenance of all *permanent soil erosion and sedimentation control measures* that remain after *project completion*, including the designation of the Person or party responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the *permanent soil erosion and sedimentation control measures* are located.

14. Other information or data as may be required by the Planning Manager, such as a soil *erosion* impact statement to include:

    a. Consideration of alternative actions with evaluation of each.

    b. A description of probable adverse environmental effects that cannot be avoided.

    c. Identification of any negative impact to *natural features*, including *woody plants*.

    d. An analysis of primary and secondary consequences of short-term uses of the environment in relation to the maintenance and enhancement of long-term productivity. Remedial, protective and mitigation measures are to be developed for any environmentally detrimental aspect.

15. If deemed necessary by the Planning Manager, a hydrological study may be required where the *clearing*, *grading*, or addition of *impervious surface* is proposed within a *floodplain* not regulated by the Michigan Department of Environmental Quality or unmapped *flood* prone areas of any lake, pond, *watercourse*, or *wetlands*. The study shall follow the format used by the Michigan Department of Environmental Quality for hydraulic reports, and shall demonstrate that the proposed activity complies with the review standards of this chapter.

16. All *grading* plans and specifications, including extensions of previously approved plans, shall include provisions for *soil erosion and sedimentation controls*, and *stormwater management*.

E. Review Resources

The *soil erosion and sedimentation control* plan shall be reviewed and approved by the Planning Manager. The most recent versions of the following applicable resources may also be utilized by the Planning Manager as the standards and specifications for this chapter:

1. The Low Impact Development Manual for Michigan.
2. Michigan Department of Environmental Quality "Guidebook of Best Management Practices for Michigan Watersheds".
3. The City Standards and Specifications Manual.
4. The Standards and Specifications of the Natural Resources and Conservation Service.
5. The Standard Specifications for Construction of the Michigan Department of Transportation.
6. The Rules of the Washtenaw County Water Resources Commissioner.
7. The Oakland County Soil Erosion Control Manual dated January 1, 1990.

F. Criteria for Approval

The *soil erosion and sedimentation controls* and *stormwater management systems* shall be designed to the criteria in this chapter to the satisfaction of the Planning Manager. *Grading Permits* shall be issued if the Planning Manager determines that all of the following standards are met:

1. The proposed *grading* will not cause *hazard* to public safety and/or welfare.
2. The proposed work will not damage adjacent public or private property, or alter any existing drainage in such a manner as to damage adjacent or off-site property, or result in deposition of *debris* or *sediment* off-site, or result in deposition into any *wetland*, *watercourse*, *stormwater management system*, or *public right-of-way*.
3. The area for which *grading* is proposed is not subject to *erosion*, settlement, slope instability or any other *hazard* that cannot be protected against during the permitted *grading* activities.
4. The land area for which the *clearing* and/or *grading* is proposed does not lie within a designated *floodplain* or unmapped *flood* prone area of any lake, pond, or *watercourse*, unless the proposed *clearing* and/or *grading* is consistent with the Floodplain Management sections of this ordinance and is determined to have no detrimental influence upon the overall function of the watershed.
5. Disturbance to any *natural feature* is consistent with any approved site plan, final preliminary plat, or PUD site plan.

6. A *soil erosion and sedimentation control* plan is provided that meets the provisions of this chapter.

Ordinance No. ORD-20-33, January 31, 2021.

G. Inspection Review

1. The requirements of this chapter shall be enforced by the Planning Manager.
2. The Planning Manager shall inspect the work and shall require adequate inspection of compaction by a *Professional Engineer* or by a soil testing agency approved by the Planning Manager, unless the Planning Manager determines that such inspection requirements may be waived due to the non-hazardous nature of the *grading*.
3. If the Planning Manager finds any existing conditions not stated in any application, *Grading Permit* or approved plan, the Planning Manager may refuse to approve further work until approval of a revised *grading* plan which will conform to the existing conditions or take actions in accordance with Section 5.35.2A .

H. Bond Requirement

A *Grading Permit* shall not be issued unless the *applicant* shall first post with the City a cash bond, except for the construction of or addition to one *single-family* or *two-family dwelling* or *accessory structure* on a parcel zoned solely for residential purpose. The cash bond shall be posted in accordance with the following provisions:

1. The cash bond shall be in the amount of the estimated total cost of (a) the work to protect all exposed soil surfaces from *erosion* should *development* discontinue and (b) implementing and maintaining all other *soil erosion and sedimentation controls* authorized by the permit. The PDSU Manager may waive all or part of the amount to the extent that the Official determines that the *hazard* or danger created by the work does not justify the full amount, or to the extent that other provisions for securing the improvements are made.
2. The total cost shall be estimated by the Planning Manager. The refund of cash bonds shall be made to the permittee on the basis of work completed, as determined by the Planning Manager.
3. Every cash bond shall be made on the conditions that the permittee shall comply with all of the provisions of this chapter, with all of the terms and conditions of the *Grading Permit* to the satisfaction of the Planning Manager, and shall complete all of the work contemplated under the *Grading Permit* within the time limit specified in the *Grading Permit*.

I. Extension of Time

If the permittee is unable to complete the work within the specified time, the permittee may, prior to the expiration of the permit, present in writing to the Planning Manager a request for an extension of time, setting forth the reasons for the requested extension.

If, in the opinion of the Planning Manager, such an extension is warranted, the official may grant additional time for the completion of the work.

J. Time for Review and Decision

The Planning Manager shall approve, disapprove or require modification of an application for a *Grading Permit* within 30 calendar days following receipt of the application.

5.29.4 Wetland Use Permit

A. Applicability

1. Except as otherwise provided in this section or by a *wetland use permit* approved by the City, no Person shall:
    a. Deposit or permit the placing of *fill* material in a *wetland*.
    b. Dredge, remove, or permit the removal of soil or minerals from a *wetland*.
    c. Construct, operate, or maintain any use or *development* in a *wetland*, including draining or directing water from an upland activity into a *wetland*.
    d. Drain surface water from a *wetland*.
2. Non-regulated activities: The following activities are not regulated by this Section 5.29.4.
    a. The activities that are allowed in a *wetland* without a permit by Pat 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
    b. *Stormwater retention/detention basins* not intended nor acting as mitigation of any *wetlands* disturbed by *development*.
    c. Construction of or addition to a *single-family* or *two-family dwelling* on an approved subdivision or condominium that is less than three-quarters of one acre in size and zoned solely for residential purposes where the *wetland* is wholly contained on the *lot*.

B. Application for Wetland Use Permit

Applications for a *wetland use permit* shall be filed with the PDSU as prescribed below, and shall include the following:

1. A completed copy of the State-approved Application for Permit and Application for Local Wetland Permit, with each section thoroughly completed.
2. Drawings that contain, at a minimum, the information provided for on the Application for Permit.

3. A signed letter from the *applicant* that explains why the project meets the *Wetland use permit* standards and criteria contained in Section 5.23.9 and 5.29.4G.

4. A mitigation plan shall be submitted, if mitigation is proposed. In order to adequately review a proposed mitigation plan, the following information shall be provided to the PDSU:

    a. A brief overview of the plan including the short-range and long-range objectives for vegetation, hydrology, *grading*, and monitoring.

    b. A schedule of all mitigation activities, including coordination with other local and state agencies, if applicable.

    c. A planting plan and plant list for the area(s) to be established. The use of native plants characteristic of local conditions is encouraged. Species should be selected based on the need for wildlife, restoration, landscaping, and recovery. The PSA Administrator shall, in consultation with knowledgeable Persons, maintain and update a list of botanical species which are considered invasive. Mitigation activities shall be performed without the use of *invasive species*.

    d. A *grading* and soil erosion control plan including existing and proposed conditions.

    e. A description of all soils and materials to be used including their approximate volumes and origin.

    f. Hydro-geological information sufficient to determine the *site's* suitability for the mitigation.

    g. Construction detail drawings for planting, soil erosion control, *stabilization*, water conveyance, and all other items necessary to facilitate the review.

5. A monitoring plan (text or drawings or both) shall be submitted, if mitigation is proposed. In order to adequately review a monitoring plan, the following information shall be provided to the PDSU:

    a. A schedule and list of activities to be contracted and conducted related to the *site's* hydrology, including sub-surface and surface water for a period of at least five years. A report and recommendation on the hydrologic conditions of the *site* should be submitted to the PSA Administrator annually.

    b. A schedule and list of activities to be contracted and conducted related to the *site's* plant establishment and control of invasive exotic species for a period of at least five years. A report and recommendation on the plant establishment of the *site* should be submitted to the PSA Administrator annually.

c. To assure that the objectives established in the mitigation plan are successful, the monitoring plan should indicate the mechanisms necessary to execute the recommendations from the annual reports and provide for additional monitoring after the five-year period.

C. Administrative Review Procedures

1. Upon receipt of an application, the *applicant* shall forward the application and supporting documentation and plans to the Michigan Department of Environmental Quality (MDEQ) for review and comment.

2. The PSA Administrator shall review the *wetland use permit* application to verify that all required information has been provided. At the request of the *applicant* or the City, an administrative meeting may be held to review the proposed activity in light of the purposes of this chapter.

3. Upon receipt of a complete application, the PSA Administrator may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received. The receipt of a *wetland use permit* application shall comprise the property owner's permission to complete an on-site investigation.

4. If an MDEQ permit is required, the PSA Administrator shall coordinate field investigations with state agency personnel to the maximum feasible extent.

5. Plans for *wetland* mitigation shall be reviewed only after the requirements of Section 5.29.4G have been met.

6. It shall be the responsibility of the PSA Administrator to select a qualified *wetlands* consultant or retain qualified staff to conduct *wetland* field investigations and complete assessments on behalf of the City, if the PSA administrator determines its necessity.

7. When a *wetland use permit* application is not related to a site plan or activity necessitating review and approval of a site plan or plat by the Planning Commission or City Council, the CSA Administrator shall be responsible for granting or denying the application.

8. Prior to the decision of the CSA Administrator, notice of the *wetland use permit* application shall be sent by first-class mail to property owners within 300 feet of the boundary of the property upon which the activity is proposed at least ten days before the CSA Administrator makes a decision on the application, which notice shall indicate where and when the *wetland use permit* application may be examined and that the property owners receiving notice may file comments with the CSA Administrator.

D. Planning Commission Review

After the CSA and PSA have completed their review of a *wetland use permit* application, the application shall be referred to the Planning Commission if it relates to a proposed site plan or activity that requires review by the Commission pursuant to another

provision of this chapter. The Planning Commission shall:

1. In the case of a site plan for City Council approval or a preliminary plat, make a recommendation to the City Council whether the *wetland use permit* application shall be issued along with the related site plan or preliminary plat recommendation.
2. In the case of a site plan for Planning Commission approval, approve, modify, or deny the *wetland use permit* application.

Ordinance no. ORD-25-24, August 10, 2025.

E. City Council Review

Upon receipt of the Planning Commission recommendation on a *wetland use permit* application and the related site plan or preliminary plat that relates to a proposed *development* or activity that requires City Council approval, the City Council shall approve, modify, or deny the *wetland use permit* application.

Ordinance no. ORD-25-24, August 10, 2025.

F. Wetland Use Permit Conditions

1. A *wetland use permit* shall allow *development* of land consistent with the permit and the plans, regulations, laws, and ordinances in effect at the time the *wetland use permit* is approved.
2. A *wetland use permit* issued under this Section 5.29.4 does not relieve the *applicant* from the duty to obtain any required approvals from other local, state, and federal government agencies, nor shall issuance of permits issued by other agencies relieve an *applicant* of the need to obtain approvals required under this chapter.
3. A *wetland use permit* shall become invalid if the authorized work is not commenced within six months of the date issued, or is suspended or abandoned for a period of six months after termination of substantial operations as determined by the CSA Administrator.
4. Whenever the City approves the issuance of a *wetland use permit*, it may:
    a. Issue permits on a City-wide basis for a category of activities if the City determines that the activities are similar in nature, will cause only minimal environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.
    b. Impose conditions on a *wetland use permit* for a use or *development* if the conditions are designed to remove an impairment to benefits gained from *wetlands*, or if they are designed to mitigate the impact of a discharge of *fill* material, or if they will otherwise improve water quality.
    c. Establish a reasonable time when the construction, *development*, or use is to be completed or terminated.

G. Wetland Use Permit Approval Criteria

Applications made pursuant to this chapter shall be reviewed and shall be modified, approved (with or without conditions), or denied within 90 days of receipt of a complete application. An application for a permit shall not be deemed as received or filed until the City has received all information requested on the application form, the application fee, and other information required by this chapter and necessary to reach a decision. The period for modifying, approving or denying an application begins as soon as all such information and the application feed are received by the City. If the City does not modify, approve, or deny the permit application within 90 days, the permit application shall be considered approved.

In making a determination whether to approve a *wetland use permit* application, the Planning Commission, the City Council, or the CSA Administrator shall consider the following standards and criteria:

1. Failure to supply complete information with a permit application may be reason for denial of a permit. The denial of a permit shall be accompanied with a written reason for denial.
2. Except as provided in Section 5, a permit for an activity listed in Section 5.29.4A and not exempted by Section5.29.4A.1 shall not be approved unless the City determines that the issuance of a *wetland use permit* is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.
3. In determining whether the activity is in the public interest, the benefit that reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect local, state, and national concern for protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:
    a. The relative extent of the public and private need for the proposed activity.
    b. The availability of feasible and prudent methods and alternative locations and methods to accomplish the expected benefits from the activity.
    c. The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the protected *wetland* provides.
    d. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
    e. The probable effect on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
    f. The size of the *wetland* being considered.

g. The amount of remaining *wetland* in the general area.

h. Proximity to any waterway.

i. Economic value, both public and private, of the proposed land change to the general area.

4. A *wetland use permit* shall not be issued unless the *applicant* has shown that the project or activity covered by the permit will not result in an unacceptable disruption to the aquatic resources. In determining whether a disruption to the aquatic resources is unacceptable, the criteria in (i) Section 30302 of Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and (ii) Section 3 shall be considered. A permit shall not be issued unless the *applicant* also shows either of the following:

   a. The proposed activity is primarily dependent upon being located in the *wetland*.

   b. A feasible and prudent alternative does not exist.

5. Upon application for a *Wetland use permit* in a *noncontiguous wetland* that is less than two acres in size, the City shall approve the permit unless the City determines that the *wetland* is essential to the preservation of the natural resources of the City. The City shall provide these findings in writing to the permit *applicant* stating the reasons for its determination. In making this determination, the City must find that one or more of the following exist at the particular *site*:

   a. The *site* supports state or federal endangered or threatened plants, fish or wildlife appearing on a list specified in Part 365 of the Natural Resources and Environmental Protection Act, 1994 PA 451.

   b. The *site* represents what is identified as a locally rare or unique ecosystem.

   c. The *site* supports plants or animals of an identified local importance.

   d. The *site* provides groundwater recharge documented by a public agency.

   e. The *site* provides *flood* and storm control by the hydrologic absorption and storage capacity of the *wetland*.

   f. The *site* provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.

   g. The *site* provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.

h. The *site* provides pollution treatment by serving as a biological and chemical oxidation basin.

i. The *site* provides *erosion* control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

j. The *site* provides sources of nutrients in water food cycles and nursery grounds, and sanctuaries for fish.

H. Wetland Mitigation Approval

1. As authorized by this Section 5.29.4, the City may impose conditions on a *wetland use permit* for a use or *development* if the conditions are designed to remove an impairment to the *wetland* benefits, to mitigate the impact of a discharge of *fill* material, or otherwise improve the water quality.

2. The City shall consider a mitigation plan if submitted by the *applicant* and may incorporate the mitigation actions as permit conditions for the improvement of the existing *wetland* resources or the creation of a new *wetland* resource to offset *wetland* resource losses resulting from the proposed project. *Security* may be required by the City to ensure that mitigation is accomplished as specified by the permit conditions. The City will, when requested by the *applicant*, meet with the *applicant* to review the *applicant's* mitigation plan.

3. In developing conditions to mitigate impacts, the City shall consider mitigation to apply only to unavoidable impacts that are otherwise permissible utilizing the criteria under Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Mitigation shall not be considered when it is feasible and prudent to avoid impacts or when the impacts would be otherwise prohibited under this Section 5.29.4.

4. When considering mitigation proposals, the City shall make all of the following determinations:

   a. That all feasible and prudent efforts have been made to avoid the loss of *wetland* resource values.

   b. That all practical means have been considered to minimize impacts.

   c. That it is practical to replace the *wetland* resource values that will be unavoidably impacted.

5. If the City determines that it is practical to replace the *wetland* resource values that will be unavoidably impacted, the City will consider all of the following criteria when reviewing an *applicant's* mitigation proposal:

   a. Mitigation shall be provided on-site where practical and beneficial to the *wetland* resources.

   b. When subdivision a. of this subsection does not apply, mitigation shall be provided in the immediate vicinity of the permitted

activity and within the same sub-watershed of the Huron River within which the proposed *wetland* use is located (i.e., the Allen Creek, Fleming Creek, Honey Creek, Malletts Creek, Miller Creek, Swift Run Drain or Traver Creek sub-watersheds) where practical to the *wetland* resources. If the proposed *wetland* use is not within one of these listed sub-watersheds, then mitigation may be within the Huron River direct discharge area, provided that mitigation in the Huron River direct discharge area shall be within the City limits or within one mile upstream of the City limits. Mitigation upstream of the proposed *wetland* use is preferred.

c. Only when it has been determined by the PSA Administrator that subdivisions a. and b. of this subsection are inappropriate and impractical shall mitigation be considered elsewhere.

d. Any proposal shall assure that, upon completion, there will be no net loss to the *wetland* resources. Any mitigation plan approved under this Section 5.29.4H shall provide replacement of *wetlands* disturbed at a ratio of no less than 1.5:1 and no more than 2:1, in accordance with the current federal rules and state operating procedures. If those rules and procedures change, the most current ratio shall be used.

e. The proposal shall give consideration to replacement of the predominant functional values lost within the impacted *wetland*.

6. Any mitigation activity shall be completed before initiation of other permitted activities, unless a *phased* concurrent schedule is agreed upon between the City and the *applicant*.

7. Monitoring to establish documentation of the functional performance of the mitigation may be required as a permit condition, as well as necessary corrective actions required, to deliver the *wetland* resource values identified.

I. Approval for Public Projects and Activity in Wetland and Watercourse Buffer Areas

City Council may determine that there is a legitimate public need for a proposed public project that is greater than the need to protect a *wetland*, and that the project may be exempted from certain requirements of this Section 5.29.4. The general criteria below shall also be applied when authorizing activity in *wetland and watercourse buffer areas* as provided in Sections 5.23.8 and 5.23.9.

1. For a project to be considered for exemption from any requirement of this Section 5.29.4, City Council must find, after full review and public hearing, that all of the following exist:

a. The project is either being performed by or required by a public agency.

b. There is a legitimate public need for the project that is greater than the need to protect a *wetland*.

c. The proposed use cannot reasonably be accomplished utilizing alternative designs on-site.

d. A reduction in the size, scope, configuration, or density of the design that would avoid, or result in less, adverse impact on a regulated *wetland* cannot be reasonably accomplished.

e. Mitigation shall be provided to the maximum extent possible within the scope of the project.

2. In determining whether the legitimate public need for the project exceeds the need to protect a *wetland*, the City Council must find the benefit reasonably expected to accrue from the project shall be greater than the reasonably foreseeable detriments of the activity. The following general criteria shall be considered:

a. The relative extent of the public need for the proposed activity.

b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public uses to which the area is suited, including the benefits the *wetland* provides.

d. The probable impact of the project in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.

f. The size of the *wetland* being considered.

g. The amount of remaining *wetland* in the general area.

h. Proximity to any waterway.

i. Economic public value of the proposed land change to the general area.

Ordinance no. ORD-25-24, August 10, 2025.

J. Assessment Revaluation

1. If a w*etland use permit* is denied by the City for a proposed use, the landowner may request a revaluation of the affected property for assessment purposes to determine its fair market value under the *wetland* use restrictions.

2. A landowner who is aggrieved by a determination, action, or inaction under this Section 5.29.4 may protest and appeal that determination,

action, or inaction pursuant to the General Property Tax Act (Act 206, Public Acts of 1893), as amended, (MCL 211.1--211.157).

5.29.5 Special Exception Use

All applications for *special exception uses* shall be reviewed pursuant to this Section 5.29.5.

A. Application

All applications for *special exception uses* shall be in writing, signed and filed with the PDSU and shall contain the following:

1. The *applicant's* name, address and interest in the application as well as the name, address and interest of every Person having a legal or equitable interest in the land covered by the application.
2. A description of the proposed *special exception use* sought.
3. A site plan that meets the requirements of Section 5.29.8. If no *development* is proposed, the Planning Manager may waive inapplicable sections of the required site plan information except for the cover, existing conditions and dimensional site plan sheets.
4. Supporting statements, evidence, data, information and exhibits that address those standards and requirements for assessing *special exception use* permit applications outlined in Section 5.29.5D.

B. Public Hearing

The PDSU shall forward each application for a special exception to the Planning Commission, which shall hold a public hearing on any proposed *special exception use* pursuant to Section 5.28.3.

C. Planning Commission Action

Following the public hearing, the Planning Commission may approve (with or without conditions) or deny the application based on the criteria listed in Section 5.29.5D. The decision on a *special exception use* shall be incorporated in a statement of findings and conclusions relative to the *special exception use* which specifies the basis for the decision and any conditions imposed.

D. Criteria for Approval

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following criteria and, if the decision is to approve or approve with conditions, shall make a finding that these criteria have been substantially met.

1. The proposed use(s) shall be of such location, size and character as to be compatible with the appropriate and orderly *development* of the zoning district and adjacent zoning districts in which the *site* is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:
    a. Will be consistent with the general objectives of the City Master Plan.

b. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

c. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

d. Will not be detrimental to the use, peaceful enjoyment, economic value or *development* of neighboring property, or the neighborhood area in general.

e. Will not have a detrimental effect on the natural environment.

2. The location and size of the proposed use(s), the nature and intensity of the *principal use* and all *accessory uses*, the *site* layout and its relation to Streets giving access to it, shall be such that traffic to and from the use(s), the assembly of Persons in connection with the use(s), and the effect of the proposed use(s) on public services and facilities, will not be *hazardous* or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard the Planning Commission shall consider, at a minimum:

a. The location of and access to off-street parking and the safe provision for pedestrian traffic.

b. The relationship of the proposed use to main traffic thoroughfares and to Streets and road intersections.

c. Vehicular turning movements in relationship to traffic flow routes.

d. The intensity and character of traffic and parking conditions on the *site*, and in the general area.

e. The requirements for additional public services and facilities that will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

3. The standards of density and required *open spaces* for the proposed use shall be at least equal to those required by this chapter in the zoning district in which the proposed use is to be located, unless a variance is granted pursuant to Section 5.29.13.

E. Conditions

1. Reasonable conditions may be imposed upon approval of a *special exception use* to reduce any detrimental effect to a minimum.

2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses

of land; and to promote the use of land in a socially and economically desirable manner.

3. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, shall become part of the site plan, and shall remain unchanged except upon mutual consent of the Planning Commission and the land owner after a public hearing that meets the notification requirements established in Section 5.29.5B.

4. The Planning Commission shall maintain a record of the conditions that are changed.

F. Activation and Continued Operation

Any *special exception use* approval pursuant to this Section 5.29.5 must be activated within three years of the date of approval. If the use is activated within this period, the approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved *site*, unless otherwise specified in the Planning Commission approval.

G. Lapsing

When a use approved and activated under this Section 5.29.5 or existing on August 18, 1983, ceases to function or is abandoned for a period of 24 months, the *special exception use* status shall lapse and shall no longer be in effect. A 12-month extension to the 24-month period may be approved by the Planning Commission if:

1. The *applicant* requests the extension within 24 months of the date on which the date on which the use ceased to function or was abandoned.

2. The active use of the property is anticipated to re-start within 12 months of the request for extension.

3. The anticipated active use of the property will comply with all of the criteria applicable to the initial approval of the *special exception use* that has ceased to function or been abandoned.

5.29.6 Site Plans

A. Applicability and Approving Body

1. Table 5.29-1 establishes the combination of use and *development* activity for which an approved site plan shall be required before applicable permits are issued to construct, install, or place any *building*, *structure*, or site improvement, or removal or disturbance of any *natural feature*, in accordance with the requirements and standards in this chapter.

2. Any *development* activity not included in Table 5.29-1 below shall be conducted through applicable City permits and regulations without the necessity of a site plan.

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE

Required approval is determined by the land use and development activity. See bottom for key.

DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
ZONING/SPECIAL EXCEPTION USE ACTIONS				
Any site plan, area plan, or conceptual PUD plan accompanying a rezoning petition	C	C	C	C
Any site plan accompanying a special exception use petition				P
EXISTING BUILDING WORK/MODIFICATIONS				
Existing Buildings				
Additions more than 300 square feet up to 10,000 square feet and less than 10% of the existing *floor area*		M	M	M
Additions more than 10,000 square feet, or greater than 10% of the existing *floor area*		M	P	P
New Buildings (Principal) and Structures				
New residential *building(s)* in Residential Zoning Districts		M	P	
New residential *building(s)* in Mixed-Use or Special Purpose Zoning Districts	P	P	P	
New mixed-use or nonresidential *building(s)*				P
Wireless communications tower construction or replacement				P
Accessory Buildings and Structures				
Any *accessory building*, *structure*, *canopy*, equipment or similar *structure* greater than 300 square feet not specifically listed below.		M	M	P
Deck, patio, plaza, or combinations of these, up to 1,000 square feet		M	M	M
Deck, patio, plaza, or combinations of these, greater than 1,000 square feet		M	P	P
Outdoor storage area				P
OTHER SITE IMPROVEMENTS				
Sidewalks				
Removal of installed sidewalks		M	P	P
Parking Spaces and Parking Lots				
Rearrangement or reconfiguration of *parking stalls* and aisles within the existing limits of *vehicular use area*		M	M	M
Paving an existing *parking lot*, increasing the area in square feet of *vehicular use area*		M	P	P
Construction of new, or relocation of existing, access road or *driveway*		M	P	P

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE

Required approval is determined by the land use and development activity. See bottom for key.

DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]
Construction of new private street		M	P	P
Natural Features				
Removal or disturbance of any *natural feature*		M	M	M
Site Plan Revisions, Extensions, Administrative Actions				
Landscape Plan: Change of location or type of landscape or screening materials. Where more landscaping area or materials are shown than required by Section 5.20, these elements may be reduced by no more than 20% of the additional amount originally approved.		M	M	M
Natural Features Mitigation: Change in species or placement of plant materials included in an approved *natural features* mitigation plan, as long as there is no net reduction in plant material or area and the change meets the intent of the approved *natural features* mitigation plan		M	M	M
Natural Features Protection: Substitution of areas to be preserved on a *natural features* protection plan, as long as there is no net loss of preserved area, the cumulative area to be changed does not exceed 250 square feet of the original preserved area on the approved protection plan		M	M	M
Natural Features Mitigation or Protection: Any other modification(s) to an approved *natural features* mitigation plan or protection plan not listed in this table.		M	P	P
Phase Lines: Adding or changing phase lines on a site plan		M	M	M
Extension: Extending a valid site plan approval for periods up to two years, if the approval is requested prior to the expiration of the site plan and if the plan is in compliance with current standards and regulations.		M	M	M
Revisions: Moving a *building* placement up to ten feet (before or during construction)		M	M	M
Revisions: Moving a *building* placement more than ten feet (before or during construction)		M	P	P
Revisions: Relocation or addition of up to 50% of the approved *stormwater management system*		M	M	M
Revisions: Relocation or addition of 50% or more of the approved *stormwater management system*		M	P	P
Revisions: Addition or reconfiguration of sidewalks (before or during construction)		M	M	M

TABLE 5.29-1: REQUIRED APPROVALS FOR DEVELOPMENT ACTIVITIES BY LAND USE

Required approval is determined by the land use and development activity. See bottom for key.

DEVELOPMENT ACTIVITY	LAND USE			
	RESIDENTIAL 1-4 DWELLING UNITS	RESIDENTIAL 5 OR 6 DWELLING UNITS	RESIDENTIAL 7 OR MORE DWELLING UNITS	ALL OTHER USES [2]

Key:
M = Site Plan for Planning Manager approval required
P = Site Plan for Planning Commission approval required
C = Site Plan for City Council approval required
Blank = Site Plan approval not required (all other development standards, requirements and procedures still applicable)[1]

Footnotes:
[1] No site plan required; however, this does not exempt the *development* activity from any required permits or corresponding code requirements.
[2] All Other Uses: e.g. Group Housing, Mixed-Use, Nonresidential, Special Purpose
[3] See Section 5.16.6N for requirements for *solar energy systems* as *accessory structures.*

Ordinance No. ORD-24-20, November 10, 2024.

B. Approval Procedures

1. Application

a. Step 1 Concept Meetings

When a site plan application, the *applicant* may meet with the Planning Manager to review applicable procedures and development standards, such as required site plan information, the appropriate approving body, the type of community participation.

b. Step 2 Pre-Submission Meeting

Before submitting a site plan application, the *applicant* shall contact the Planning Manager to schedule a pre-submission meeting to review the full proposed site plan and related application materials for completeness. City staff may provide the *applicant* with comments regarding compliance with applicable regulations or additional information that may be required for review. A pre-submittal meeting fee may be established by the City Council.

c. Step 3 Submission

To initiate a formal review of a site plan application, all materials required by Sections 5.28.1 and 5.29.8 shall be filed with the Planning Manager. A site plan application shall not be considered complete until all required site plan information and any additional petitions, materials, or information has been submitted. A site plan application may be rejected if the application is inadequate to confirm compliance with the requirements of this chapter.

The Planning Manager shall review the site plan and, except in the case of a site plan for Planning Manager approval, shall make a report and recommendation to the Planning Commission.

2. City Council Approval

For *development* activity identified in Table 5.29-1 that requires site plan for City Council approval, the Planning Commission shall make a recommendation to the City Council to approve or deny the site plan.

Upon receipt of the Planning Commission's recommendation, the City Council shall approve (with or without conditions) or deny the site plan within a reasonable time. If approval is conditioned on changes to the site plan, the *applicant* shall submit a revised site plan with the necessary changes to the Planning Manager within six months of approval by the City Council or the site plan approval shall lapse. If the revised drawings include all changes and conditions required by the City Council, the Planning Manager shall approve the site plan. Any changes to a condition placed on the site plan by the City Council shall require City Council approval.

3. Planning Commission Approval

For *development* activity identified in Table 5.29-1 that requires a site plan for Planning Commission approval, the Planning Commission shall approve (with or without conditions) or deny a site plan. If approval is conditioned on changes to the site plan, the *applicant* shall submit a revised site plan with the necessary changes to the Planning Manager within six months of approval by the Planning Commission or the site plan approval shall lapse. If the revised drawings include all changes and conditions required by the Planning Commission, the Planning Manager shall approve the site plan. Any changes to a condition placed on the site plan by the Planning Commission shall require Planning Commission approval.

4. Planning Manager (Administrative) Approval

For *development* activity identified in Table 5.29-1 that requires a site plan for Planning Manager approval, the Planning Manager shall review and approve (with or without conditions) or deny the site plan. Planning Manager approval of site plans, or amendments to site plans previously approved by City Council or Planning Commission shall be reviewed and approved (with or without conditions) or denied, so long as the scope of proposed modifications is consistent with the authority granted in Table 5.29-1.

Ordinance no. ORD-25-24, August 10, 2025.

C. Criteria for Site Plan Approval

1. The City Council, Planning Commission, or Planning Manager shall make its decision on the site plan based on the following criteria:

    a. The contemplated *development* shall comply with all applicable local, state, and federal law, ordinances, standards, and regulations.

b. The *development* shall limit the disturbance of *natural features* to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section 5.29.6F below.

D. Effect of Site Plan Approval

1. For three years from the date of approval of a site plan, permits may be issued and the land developed consistent with that plan and the regulations, laws, and ordinances in effect at the time of approval, unless new regulations, laws, and ordinances are made applicable to previously approved *developments*. After three years from approval, if *development* activities have substantially ceased during the previous year, then no permits shall be issued unless the site plan is reconsidered in the manner provided for new site plans. Nothing in this section shall prevent permits, such as grading and building permits, from being issued after three years from approval provided that substantial and good-faith progress has been made during the previous year.

2. An approved site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of *natural features*.

3. To obtain permits for any *building* or site improvements, the property owner shall agree to construct, install, or place all required site improvements in compliance with the approved site plan. All public improvements must meet current City PSA Standards and Specifications. Prior to issuance of any building permit, site improvements necessary to meet the requirements for fire coverage and emergency access must be installed and approved by the Fire Service unit.

4. The property owner shall have a continuing obligation to maintain the required site improvements, *natural features* to be preserved, and *natural features* mitigation in good condition.

Ordinance No. ORD-19-34, November 19, 2019.

E. Criteria for Review of a Multimodal Transportation Impact Analysis

1. The multimodal transportation impact analysis shall be reviewed by the Public Services Area for completeness and accuracy.

2. Proposed plans that will result in a multimodal level of service D, E, or F may be denied by the Planning Commission or City Council until such time as necessary transportation improvements are scheduled for construction.

Ordinance No. ORD-24-06, May 26, 2024.

F. Criteria for Review of Natural Features Plan

In determining whether a proposed disturbance or removal of *natural features* is limited to the minimum necessary to allow for a reasonable use of the land, the approving body shall apply the following criteria:

1. The importance and overall value of a *natural feature*, both on the site and on a city-wide basis. In general, the importance of a *natural feature* increases with its rarity, size, age, and condition.
2. The existing and overlapping *natural features* in one area. Overlapping *natural features* increase the importance and overall value for preservation of the area.
3. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between *natural features*. Whenever possible, ecological systems and continuity between *natural features* should be preserved.
4. The amount of disturbance in relation to the scale of the proposed *development* and to that permitted by this chapter.
5. The adequacy of the mitigation plan.

Section 5.29.6.F. Required Site Plan Information: repealed by Ordinance No. ORD-20-18, July 19, 2020; Ordinance No. ORD-21-37, January 30, 2022.

5.29.7 Area Plans

A. Applicability

An approved area plan shall be required with:

1. The approval of any plat or site plan if the *applicant* owns or controls contiguous land not included in the proposed plat or site plan.
2. An amendment to the Zoning Map, unless the amendment is to permit a *one-family* or *two-family dwelling* in a Residential Zoning District or to permit a Planned Unit Development (PUD) zoning district.

B. Waiver of Requirement

Upon recommendation of the PDSU Manager, the Planning Commission may waive the area plan requirement upon the determination that no new construction is proposed and a survey of the existing improvements on the *site* is provided, or a preliminary plat or site plan that has been approved or is submitted for approval concurrently with an amendment to the Zoning Map.

C. Procedures

1. Application

Before submitting an area plan for formal review, the *applicant* shall meet with the Planning Manager to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other required materials, as specified in this chapter shall be filed with the Planning Manager. An area plan

may be rejected if these materials are inadequate to make the foregoing determinations. The Planning Manager shall review the materials filed and, after conferring with the *applicant* and appropriate City departments, shall submit a report and recommendation to the Planning Commission.

2. Approval

The Planning Commission shall make a recommendation to the City Council to approve or deny the area plan. Upon receipt of the Planning Commission's recommendation, the City Council shall approve (with or without conditions) or reject the area plan.

If approval by the City Council is conditioned on changes to the area plan, the *applicant* must submit revised drawings with the necessary changes to the Planning Manager within 30 days of approval by City Council or the area plan approval shall lapse. If the revised drawings include all changes and conditions required by City Council, the Planning Manager shall approve the area plan.

Ordinance no. ORD-25-24, August 10, 2025.

D. Criteria for Area Plan Approval

An area plan shall be approved by the City Council after it determines that:

1. The contemplated *development* complies with all applicable state, local or federal laws, ordinances, standards and regulations.
2. The *development* will limit the disturbance of *natural features* to the minimum necessary to allow a reasonable use of the land.
3. If the area plan requires an amendment to the Zoning Map, the proposed uses or other uses permitted under the proposed zoning will be compatible with the City's adopted plans and policies.

E. Effect of Area Plan Approval

An area plan is valid until replaced by an approved plat or site plan. The ordinances and regulations in effect at the time of City Council approval of an area plan shall be applicable to a plat or site plan consistent with the approved area plan for a period of three years, unless amended ordinances or regulations are specifically made applicable to approved area plans during that period.

Section 5.29.7.F. Area Plan Submittal Requirements: repealed by Ordinance No. ORD-20-18, July 19, 2020.

5.29.8 Required Plan Information

Applications for Area Plans, or Site Plans for Planning Manager, *Special Exception Use*, City Planning Commission, or City Council approval shall include the following information as indicated in Table 5.29-2 Required Plan Information, submitted in the format, quantities, and manner determined by the Planning Manager. The scale shall be no greater than 1":50'. Site plan sets should be organized as closely as practical according to the information requirements below but may be further separated or combined for clarity or efficiency depending on the size of the *site* and complexity of the proposed *developments*.

TABLE 5.29-2. REQUIRED PLAN INFORMATION

SITE PLAN SHEET	AREA PLAN	SITE PLAN FOR SPECIAL EXCEPTION USE	SITE PLAN FOR PLANNING MANAGER APPROVAL	SITE PLAN FOR CITY PLANNING COMMISSION OR CITY COUNCIL APPROVAL
Cover Sheet (5.29.8.A)	Yes	Yes	Yes	Yes
Existing Conditions Plan (5.29.8.B)	Yes	Yes	Yes	Yes
Conceptual Dimensional Layout Plan (5.29.8.C)	Yes			
Dimensional Layout Plan (5.29.8.D)		Yes	Yes	Yes
Transportation Impact Analysis (5.29.8.E)	Yes	Yes	Yes	Yes
Natural Features Plan (5.29.8.F)			Yes	Yes
Natural Features Overlay Plan (5.29.8.G)			Yes	Yes
Landscape Plan (5.29.8.H)			Yes	Yes
Utility Plan (5.29.8.I)			Yes	Yes
Grading & Soil Erosion Control & Stormwater Management Plan (5.29.8.J)			Yes	Yes
Massing & Architectural Plans (5.29.8.K)			Yes	Yes
Photometric Plan (5.29.8.L)			Yes	Yes

Ordinance No. ORD-20-18, July 19, 2020.

A. Cover Sheet

The following general project information should be provided on the cover sheet of the plan set and all subsequent sheets as appropriate.

1. Project name, address or location, and type of site or area plan.
2. *Applicant* and agent information, including name, address and contact information. If the *applicant* is not the owner of the land, a letter of authorization to proceed with the application must be provided by the land owner.
3. Statement of interest in the land, including conditions for sale or purchases of parcels such as deed restrictions, reservation of land for other uses, or other conditions which may have bearing on the total land *development*.
4. Vicinity Map:

a. For Area Plans, a vicinity map of all property within 250 feet of the development.

b. For site plans, a vicinity map identifying the location of site within the City, including nearest major roads and significant features such as schools, shopping centers and parks.

5. North indicator (pointing up or to the left) and drawing scale in bar graph form.

6. Legal description of the *site*, including total acreage of the parcel(s) and total acreage of public or private roads contained in the legal description.

7. Sheet index and date of plan set.

8. Required Statements: A brief written statement addressing the following concerns:

a. Identification of associated applications such as annexation petition, rezoning petition, PUD Zoning District petition, *special exception use* petition, planned project modification request, landscape modification request, or variance application. Also, identification of special circumstances associated with the application that require additional procedures or specific approvals such as *wetland and watercourse buffer area* disturbance, *wetland use permit*, brownfield application, historic district certificate of appropriateness, or previously granted variances. Include a history of previous site plan approvals.

b. Proposed development program, including proposed land use, site improvements, *floor area* or number of *dwelling units* and bedrooms, access and circulation, off-street parking, and if construction is proposed, preliminary construction phasing and probable project construction cost.

c. Community Analysis:

i) Impact of proposed development on public schools.

ii) Relationship of intended use to neighboring uses.

iii) Impact of adjacent uses on proposed *development* or *special exception use*

iv) Impact of proposed *development* on the air and water quality, and on existing *natural features* of the *site* and neighboring *sites*.

v) Impact of the proposed use on historic *sites* or *structures* which are located within a historic district or listed on the National Register of Historic Places.

vi) Transportation Impact Statement: The number of trips per unit per peak hour and supporting documentation from the ITE Manual.

vii) Public Sidewalk Maintenance Statement

viii) Additional information for site plans: Natural Features General Descriptions and Impacts: A brief summary of the *natural features* (*woodlands*, *wetlands*, water courses, *landmark trees*, *steep slopes* and *endangered species habitat*) found on the *site*. A detailed report of the quality, character and health of all existing *natural features*, and identification of all proposed impacts to them.

d. Comparison Chart of Requirements and Existing and Proposed Conditions:

i) Zoning Classification.

ii) *Lot area*.

iii) Total area of all *floors* (measured from exterior faces of the exterior walls or from the center line of walls separating two *buildings*), *floor area* and *floor area ratio* (FAR), or Density.

iv) *Open space* and *active open space*.

v) *Required setbacks* and *yards* (*front*, *side* and *rear*).

vi) *height* and *stories*.

vii) Off-street vehicle parking, including accessible and barrier free spaces.

viii) *Bicycle parking spaces*, including class.

ix) Additional information for site plans: Notation of variances granted or proposed, planned project modifications approved or proposed.

Ordinance No. ORD-24-06, May 26, 2024.

B. Existing Conditions Plan

Drawings and written descriptions of the existing conditions of the *site* must be included on the plans, including the following:

1. ALTA Land Survey.

2. Existing and proposed contours extending 50 feet beyond the *site* at a minimum interval of two feet.

3. If new p*ublic utilities*, *stormwater management system*, or Streets are proposed in conjunction with a site plan, the plans must be referenced to the Ann Arbor Geodetic Reference System.

4. Exception: Where there are no existing *public utilities* on the *site*, the Planning Manager may waive the requirements of Section 1 and Section 2 to provide an ALTA Land Survey and minimum two-foot contours for an Area Plan, Site Plan for Administrative Approval, or Site Plan for *Special Exception Use*, or when the combination of existing conditions and proposed *development* are so minor that preparing an ALTA Land Survey and minimum two-foot interval contours would be a significant financial

hardship to the *applicant*. In those cases, a site analysis, prepared by a professional land surveyor and showing the following, must be provided:

a. Existing land use and activity on the *site*.

b. Location and use of all existing *structures* on the *site*.

c. Existing and proposed vehicular, pedestrian and bicycle ways and access points.

d. *Public utility* availability and proposed connections together with all existing *public rights-of-way* and public and private easements.

e. Existing landscaping, fences and retaining walls.

Ordinance No. ORD-20-18, July 19, 2020; Ordinance No. ORD-24-31, February 6, 2025.

C. Conceptual Dimensional Layout Plan – For Area Plans Only

Drawings and written descriptions of the proposed *development*, including the following:

1. Existing and proposed topography at five foot or best available contour intervals and *limits of soil disturbance*.

2. Orientation and general location of all proposed improvements.

3. Vertical sections through the *site* showing existing and proposed improvements will result in a significant change in a Steep Slope.

4. Proposed pedestrian, vehicle, and service circulation patterns on the *site*

5. Proposed Lot lines and *required setback lines*.

6. Areas of *natural features* which are proposed to be removed or distributed and a general description of mitigation plans.

7. An inventory of site conditions including:

   a. Soil types and site vegetation.

   b. A description of all *natural features* on the *site* and within the area 50 feet beyond the property line, including:

      i) The nature and extent of endangered species habitat

      ii) The location of any *floodplain*.

      iii) The location, size and species of all *landmark trees*.

      iv) The location of all *steep slopes*.

      v) The location of all existing *watercourses*.

      vi) The boundary and character of all *wetlands*.

      vii) The boundary and basal area estimate, based on field samples, of any *woodlands*.

   c. Existing and proposed general drainage pattern of the *site* and adjoining area.

8. A summary in the form of an overlay showing how the proposed land use or activity relates to the graphic description of the existing *site* conditions including *natural features*.

Ordinance No. ORD-20-18, July 19, 2020.

D. Dimensional Layout Plan – For Site Plans Only

Drawings and written descriptions of the proposed *development* must be provided on the plans, demonstrating compliance with all applicable development standards such as *building* area, height and placement, off-street parking, Streets and access including the following:

1. Existing and proposed *lot lines*.
2. Minimum and maximum *required setback lines*, including *established front building line* and required increases to the normal minimum *required side* and *rear setback lines*, if applicable; existing and proposed *front*, *side* and *rear yards*.
3. Existing and proposed *buildings*.
4. Vehicle *parking spaces*, aisles and *driveways*. Identify any "no parking" areas or fire lanes and indicate any proposed signage.
5. *Bicycle parking spaces*, including detail of facilities.
6. *Curb cuts*, drive *approaches* and curb radii dimensions, including all *curb cuts* on the opposite side of the Street from the *site*. Dimension of all Fire Department access roads or lanes, if applicable, including width at hydrant, dead end lengths, turn-around location, turning radii, etc.
7. Solid waste container points of storage and points of collection consistent with Chapter 26 and the Solid Waste Regulations.
8. Open space and active open space.
9. Wetland and watercourse buffer area.
10. Buffers and screening.
11. Perspective sketch of *building* showing *streetwall height* and *offset*, if applicable.

Ordinance No. ORD-20-18, July 19, 2020; Ordinance No. ORD-26-11, June 21, 2026.

E. Multimodal Transportation Impact Analysis

1. Site plans that propose to generate more than three trips per unit per peak hour or 50 trips per peak hour shall provide a multimodal transportation impact analysis following the methodology of the 2023 Institute of Transportation Engineers' Multimodal Transportation Impact Analyses for Site Development, or the latest revision thereof.
2. Area plans that proposed to generate more than three trips per unit per peak hour or 50 trips per peak hour shall provide information on trip

generation, trip distribution, modal split, and areas of impact so the magnitude of the rezoning or proposed *development* can be understood.

Ordinance No. ORD-24-06, May 26, 2024.

F. Natural Features Plan

Drawings and written descriptions identifying all *natural features* on the *site*, proposed protection measures for avoiding disturbance to existing *natural features*, alternatives analysis, and proposed mitigation for any disturbed or removed *natural features* to determine compliance with applicable development standards must be included on the plan, including the following:

1. Accurate location and description of all *natural features* within the *limits of soil disturbance* and in an area extending 50 feet beyond the *limits of soil disturbance*, including:
    a. Limits of soil disturbance.
    b. Boundary and description of any *endangered species habitat*.
    c. Boundary and elevation of any 100-year *floodplain*.
    d. Location, species and *critical root zone* and condition of *landmark trees*.
    e. Location of all *steep slopes* and a cross section through the *site* showing the proposed activity in relationship to the topography.
    f. Existing and proposed *watercourses* showing depths, normal water levels, shore gradients, type of bank retention and shore vegetation.
    g. Boundary and character of all *wetlands*.
    h. Boundary and basal area of any *woodland*, with location, species and *DBH* of all trees six inches *DBH* or greater within the *woodland* area.
2. Location and extent of required *wetland and watercourse buffer area*. Identification of any temporary or permanent activity (i.e. impacts or disturbance) within the *wetland and watercourse buffer area*.
3. When any activity within the *wetland and watercourse buffer area* is proposed, a written justification responding to each general criteria for determining a proposed activity in the *wetland and watercourse buffer area* is in the public interest.
4. Protection measures for those existing *natural features* proposed to be protected as part of the *development*, including protections from the construction of the *development*.
5. Identification of all *natural features* proposed to be impacted, disturbed, or removed by the *development*, including the construction of the *development*.

6. Alternatives Analysis: When any *natural features* are proposed to be removed or disturbed, drawings and descriptions of at least two alternative plans that were prepared and considered but are not proposed which demonstrate and justify that the proposed *development* limits the disturbance or removal of *natural features* on and adjacent to the *site* to the minimum necessary to reasonably accomplish the permitted use.

7. Proposed mitigation measures: When any *natural features* are proposed to be removed or disturbed, proposed mitigation measures must be provided including:

    a. Written description of the mitigation program, identifying the type and appropriate quantity (i.e. basal area, square feet, caliper inches) of *natural features* removed or disturbed and the appropriate quantity of the mitigation proposed.

    b. Replacement calculations.

    c. Location of proposed mitigation plantings.

    d. Chart listing the proposed mitigation plantings, including botanical and common names, caliper sizes, root type and height.

    e. Timing schedule for implementation of mitigation measures.

    f. Notation and description of any proposed alternative mitigation measures.

G. Natural Features Overlay Plan

A drawing including the dimensional layout and the existing *natural features* on *site*.

H. Landscape Plan

Drawings and written descriptions of proposed landscaping, screening and buffers demonstrating compliance with applicable development standards such as interior landscaping of *vehicular use areas*, *right-of-way* screening, *buffers and screening*, and *natural features* mitigation in order to determine compliance with applicable development standards must be provided on the plans, including the following:

1. Location, size and species of existing trees and vegetation, and *natural features*.

2. Location of light poles, solid waste container points of storage and points of collection, mechanical equipment and hydrants.

3. Limits of *vehicular use area* and notation of its size in square feet.

4. Proposed locations of required landscaping, screening and buffers, Street trees and plantings.

5. Table identifying *vehicular use area*, interior landscape islands, *right-of-way* screening, buffers and screening, and Street tree planting requirements and proposed plantings and areas to satisfy requirements.

6. Proposed plant list, including caliper sizes, root type, height of material, botanical and common name, type and amount of mulch, ground cover and grasses.
7. Notation of requested modifications if any.
8. Planting and staking details in accordance with the standards established by the PSA Administrator.
9. Specification for treatment of compacted soil on the entire *site*.
10. Specification for planting media in landscape areas.
11. Irrigation plan or water outlets (hose bibs).
12. Landscape maintenance program, including a statement that all diseased, damaged, or dead material shall be replaced in accordance with this chapter by the end of the following planting season as a continuing obligation for the duration of the site plan.
13. Identification of snow storage areas, including a statement that snow shall not be pushed onto interior landscape islands unless designed for snow storage.
14. Berms, retaining walls, screen walls, *fences*, tree wells to preserve existing trees, culverts to maintain natural drainage patterns, or any other construction details necessary to resolve specific *site* conditions.

Ordinance No. ORD-26-11, June 21, 2026.

I. Utility Plan

Drawings and written descriptions of the existing and proposed *public utilities* serving the *site* must be provided on the plans, including the following:

1. Location and size of existing and proposed public water, sanitary sewer and storm sewer mains and leads. Note invert elevations of storm and sanitary mains.
2. Location of existing and proposed fire hydrants. Indicate a 250-foot or 350-foot radius, as appropriate for the type of proposed *development*, around each hydrant. Show and dimension hose lay to any external portion of a *structure* via an approved fire route from any hydrant or combination of hydrants. Location of fire department connections (FDC) to *buildings*. Dimension distance of the hose lay from the FDC to the nearest hydrant via an approved fire route (provide dimension following an actual hose laying route). Location of Knox Box, if applicable. Include a separate Fire Protection and Access Plan sheet if necessary for clarity.
3. Location of existing *public utility* easements, including liber and page number.

4. Location and dimension of proposed Public Easements. Notation that legal descriptions of proposed easements will be provided with construction drawings and engineering plan submittals as required.

5. Sanitary sewer flow mitigation calculations.

6. Location and notation of firewalls within existing or proposed *buildings*, or notation that none are existing or proposed.

J. Grading and Soil Erosion Control and Stormwater Management Plan

Drawings and written descriptions demonstrating compliance with the applicable development standards for *grading* and soil erosion controls must be provided on the plans, including the following:

1. Vicinity map showing location of *site* and all adjacent properties within 500 feet of the *site* boundaries showing relationship to any *watercourse*.

2. Soil investigation report, survey or profile of data regarding the nature, soil type, distribution, erodibility, and supporting ability of existing soils or rock on the *site* in accordance with the United States Department of Agriculture soil survey standards.

3. Existing and proposed topography at a maximum of two-foot contour intervals, elevations or similar slope descriptions, extending at least 50 feet beyond *site* boundary.

4. Location of any existing *structure* or *natural feature* on the *site* and on land extending at least 50 feet beyond the *site* boundary lines.

5. Location of proposed structures or development on the site including physical limits of each proposed earth change and all proposed *temporary* and *permanent soil erosion and sedimentation control measures*.

6. Plans, section and construction –quality details of all *soil erosion and sedimentation control measures*, existing and proposed on-site drainage and dewatering facilities, retaining walls, cribbing, planting, anti-*erosion* devices or other protective devices to be constructed in connection with, or as part of, the proposed work.

7. Estimated total cost of the required controls during construction, including dust emission control.

8. Estimated total cost of protecting all exposed oil surfaces from *erosion* should construction discontinue.

9. Estimate of the quantity of *excavation* and *fill* involved.

10. Amount of *impervious surface* existing and proposed, and square footage of *impervious surface* reconfigured to accommodate new improvements.

11. If a *stormwater management system* is required, computations and design of the *stormwater management system*, such as:

    a. Calculations used to derive the run-off coefficients.

b. Map showing the drainage area and land tributary to the *site* and estimated runoff of the area served by any drain.

c. Required storage volume calculations, including first flush, bankfull, and 100-year storm events.

d. Calculations for the provided/proposed storage facility.

e. Required and proposed release rate calculations.

f. A plan for the continued maintenance of the permanent *stormwater management system.*

g. Any other pertinent calculations as determined necessary by the PSA Administrator.

h. If an alternative method of stormwater detention is proposed, a written description of the alternative method of stormwater detention and a written explanation as to why the proposed alternative conforms to the development standards of this chapter.

12. Timing and construction sequence of each proposed *earth change*, including: installation of *temporary* and *permanent soil erosion and sedimentation control measures*, striping and *clearing*, rough *grading*, installation and *Stabilization* of *stormwater management systems*, construction of utilities, roads, infrastructure, and *buildings*, final *grading* and landscaping, and removal of *temporary soil erosion and sedimentation control measures*; identify all proposed phasing consistent with the approved site plan or final preliminary plat.

13. A program proposal for the continued maintenance of all *permanent soil erosion and sedimentation control measures* that remain after *project completion*, including: designation of the Person or party responsible for the maintenance; maintenance responsibilities shall become part of any sales or exchange agreement for the land on which the *permanent soil erosion and sedimentation control measures* are located.

14. Other information or data as may be required to demonstrate compliance, such as a soil erosion control statement including:

a. Consideration of alternative actions with evaluation of each.

b. Description of probable adverse environmental effects that cannot be avoided.

c. Identification of any negative impact to *natural features*, including *woody plants.*

d. Analysis of primary and secondary consequences of short-term uses of the environment in relation to the maintenance and enhancement of long-term productivity. Remedial, protective and mitigation measures are to be developed for any environmentally detrimental aspect.

15. If determined necessary by the Planning Manager, a hydrological study may be required where the *clearing*, *grading*, or addition of *impervious surface* is proposed within a *floodplain* not regulated by the MDEQ or unmapped *flood* prone areas or any lake, pond, *watercourse*, or *wetlands*. The study shall follow the format used by the MDEQ for hydraulic reports and shall demonstrate that the proposed activity complies with the review standards of this chapter.

K. Massing and Architectural Plans

Drawings and written descriptions of the massing, architectural design and details, and façade materials of proposed *buildings* must be provided on the plans, including:

1. Dimensioned floor plans of each *building floor* identifying areas excluded from *floor area* and excluded from FAR calculations.
2. Vertical sections through the *site* showing existing and proposed elevations.
3. Dimensioned architectural design and details with labeled materials.
4. Perspective renderings of the proposed *development*.

L. Photometric Plan

Drawings and written descriptions of proposed lighting demonstrating compliance with the applicable development standards, including:

1. Location, type and details of proposed lighting fixtures.
2. Photometric diagram showing predicted maintained lighting levels of the proposed lighting fixtures.

Ordinance No. ORD-20-18, July 19, 2020.

5.29.9 Subdivisions

No Person shall divide land for which plat or land division approval is required; unless the approvals required by this chapter and any necessary permits have first been obtained.

A. Plats

1. Natural Features Necessity

Proposed plats shall be processed according to the Subdivision Control Act of 1967, as amended, (MCL 560.101 et seq.), and the requirements of this chapter.

2. Plat Procedures

a. Preliminary Procedures

Drawings and other required materials shall be filed with the Planning Manager. The Planning Manager shall review the materials filed and, after conferring with the *applicant* and appropriate City departments, shall submit a report and recommendation to the Planning Commission.

b. Recommendation and Approval Procedures

The Planning Commission shall make a recommendation to the City Council on the tentative approval of a preliminary plat. The Planning Commission shall also make a report and recommendation to the City Council prior to the time the City Council must act on the final approval of a preliminary plat. Prior to approval of the final plat, the City Administrator will provide the City Council with a report and recommendation on the plat.

3. Standards for Plat Approval

Tentative approval of a preliminary plat shall be granted by the City Council only after it determines that the *development* meets all of the standards for an area plan in Section 5.29.6. Final approval of a preliminary plat shall be granted by the City Council only after it determines that the *development* meets all of the standards for a site plan in Section 5.29.6 and Section 5.29.8. A final plat shall be approved by City Council if it is consistent with the approved final preliminary plat and meets all applicable laws, ordinances and regulations.

B. Land Divisions

The purpose of this section is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended). A land division in violation of any provision of this Section 5.29.9 shall not be recognized as a land division on the City tax assessment rolls and no building permit shall be issued for any resulting parcel.

1. Necessity

Proposed land divisions of unplatted parcels within the City shall be approved according to the State Land Division Act and the requirements of this Section 5.29.9B. The following shall be exempted from this requirement:

a. A parcel proposed for subdivision through a recorded plat pursuant to Section 5.29.9A and the State Land Division Act.

b. A division that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997.

c. An exempt split as defined by the State Land Division Act.

2. Procedure

a. A land division application shall be submitted to the Planning Manager.

b. The land division application shall be reviewed by PDSU, the Assessor Services Unit, Fire Services Unit, and PSA, and comments from each reviewing unit shall be forwarded to the Planning Manager.

c. Within 45 days of the complete filing of a land division application, the PDSU Manager will provide written notice to the

applicant as to whether the land division is approved, approved with reasonable conditions, or denied and, if denied, the reasons for denial.

d. The City Assessor shall maintain official records of all approved land divisions.

Ordinance no. ORD-25-20; July 6, 2025.

3. Application

Applications for land division approval shall include the following information and shall be submitted to the PDSU:

a. A written request, signed by the property owner(s) of the affected *lot(s)*, describing the request and identifying the addresses and tax identification numbers of the *lot(s)*, the history and specifications of any previous divisions of land to establish that the *lot* was lawfully in existence as of March 31, 1997. A copy of the deed shall be provided for any *lots* lawfully created after March 31, 1997.

b. Complete and accurate legal description(s) of the existing *lot(s)*.

c. Complete and accurate legal description(s) of the proposed *lot(s)*.

d. A survey drawing of the proposed *lots* drawn to a scale of approximately one inch = 50 feet or larger. The drawing shall include, at minimum, the following information:

i) Date, north arrow, scale, and name of the individual or firm responsible for completing the drawing.

ii) Existing and proposed *lot lines* and their dimensions.

iii) Existing *structures* on the Lot(s) and *required setback lines*, setback dimensions of all *structures* to proposed property lines and any other *structure*, public or private Street, and driveways within 50 feet of all proposed property lines unless determined unnecessary by the Planning Manager to determine compliance with State and City requirements.

iv) Location and nature of proposed ingress and egress locations to any existing public or private streets.

v) Location of any public or private Street, driveway, or utility easements to be located within any proposed *lot*.

vi) Zoning designation of all proposed *lots*.

vii) General location and description of any *natural features* located on the site and the general location and size of existing *public utilities* serving the *lots*.

e. Copies of the instruments describing and granting such easements for ingress and egress, driveways or utilities.

4. Criteria for Approval

The Planning Manager shall approve a land division only after determining that the land division meets all of the following criteria:

a. Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, *public utility* easements, accessibility, and the other requirements of this section.

b. Each resulting parcel has a width not less than the width required by this chapter.

c. Each resulting parcel has a depth of not more than four times the width.

d. Each resulting parcel has an area not less than the area required by this chapter.

e. Each resulting parcel is accessible by meeting at least one of the following requirements:

i) Each resulting parcel is served by a *driveway* that provides vehicular access to an existing road or Street and meets all City standards and those of the authority having jurisdiction over the road or Street to which access is planned.

ii) Each resulting parcel is served by an existing or proposed easement that provides vehicular access to an existing road or Street and meets all City standards and those of the authority having jurisdiction over the road or Street to which access is planned.

f. Each resulting parcel has adequate easements for *public utilities* from the parcel to existing *public utility* facilities.

5. Further Division of Platted Lots

Any *lot*, outlot or other parcel of land in a recorded plat shall not be divided into more than four parts unless the division is in full compliance with the provisions of the State Land Division Act. Any division of a platted *lot* or outlot into four parts or fewer shall be approved according to the procedures and standards described in this Section 5.29.9B.

6. Administrative Land Transfers

The City Assessor and the Planning Manager may approve land transfers between two or more adjacent parcels, if the transfer results in no new parcel being created upon which a *principal building* could be erected and if it does not cause a violation of this chapter. The *applicant* shall provide to the Planning Manager the required materials as specified for land divisions in this chapter.

C. Required Approvals and Compliance

1. Approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations and is not a determination that a *lot* is buildable.
2. To obtain permits for any *building* or site improvement, the property owner shall agree to construct, install or place all required site improvements in compliance with an approved plat or land division. All public improvements must meet current City PSA Standards and Specifications. Prior to the issuance of any building permit, site improvements necessary to meet the requirements for fire coverage and emergency access must be installed and approved by the Fire Service Unit.
3. The property owner shall have a continuing obligation to maintain required site improvements, *natural features* to be preserved, and *natural features* mitigation in a good condition.

5.29.10 Rezoning

A. Purpose

For the purpose of establishing and maintaining sound, stable and desirable *development* within the territorial limits of the City, the boundaries of any zoning district as shown on the Zoning Map shall not be amended except to correct an error, because of a change in municipal policy, or because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions of that district.

B. Zoning and Rezoning Iinitiation

Subject to the limitations of Section 5.29.10A an amendment to the Zoning Map may be initiated by:

1. City Council by resolution.
2. The Planning Commission.
3. Application by property owner.

C. Action of the Planning Commission

1. The Planning Commission shall hold a public hearing pursuant to Section 5.28.3 on any proposed amendment to the Zoning Map. Notice of the public hearing shall be given in the same manner as provided in Section 5.28.2. The Planning Commission shall hold the public hearing before transmitting its report to City Council.
2. The Planning Commission shall cause a complete study of the application to be made by the Planning Manager and shall recommend to City Council such action as the Commission deems proper.

D. Public Hearing by City Council

A public hearing shall be held by the City Council before adoption of any proposed

amendment to the Zoning Map. Notice of the public hearing shall be given according to Section 5.28.2.

E. Protesting a Proposed Rezoning

1. Procedure

A protest against any proposed amendment to the Zoning Map may be presented in writing to the City Clerk prior to the final approval of the rezoning. The protest shall be duly signed by the owners of at least 20% of the area of land included in the proposed change excluding any publicly owned land, or the owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change excluding any publicly owned land.

2. Effect

Following the filing of a valid protest application, adoption of an amendment to the Zoning Map shall require at least eight affirmative votes of City Council at the second reading on the ordinance.

F. Procedure for Rezoning Applications

1. Filing of Applications

All applications for amendments to the Zoning Map shall be on forms provided by the PDSU and shall be filed with the PDSU.

2. Contents of Application

All applications for amendments to the Zoning Map shall contain at least the following:

a. The *applicant's* name, address, signature, and interest of every Person having a legal or an equitable interest in the land covered by the application.

b. The nature and effect of the proposed amendment.

c. An area plan as provided in Section 5.29.8, or a site plan as provided in Section 5.29.8, except if the amendment is for a *single-family* or *two-family dwelling* in a Residential Zoning District for which a fully-dimensioned map is required that includes the following:

i) The land that would be affected by the proposed amendment.

ii) A legal description of the land.

iii) The present zoning classification of the land.

iv) The zoning classification of all abutting zoning districts.

d. All public and private rights-of-way and easements bounding and intersecting the land under consideration. The names and addresses of the owners of all land within the area to be changed by the proposed amendment.

e. The alleged error in the Zoning Map, if any, that would be corrected by the proposed amendment together with a detailed explanation of the alleged error in the Zoning Map, and detailed reasons as to how the proposed amendment will correct that error.

f. The changed or changing conditions, if any, in the area or in the municipality generally, that make the proposed amendment reasonably necessary.

g. All other circumstances, factors and reasons which *applicant* offers in support of the proposed amendment.

5.29.11 Planned Unit Development (PUD)

The City provides for PUD zoning and corresponding site plan approval for property owners to obtain more flexibility in *development* than is provided by the City's standard base and overlay zoning districts, as described below.

A. Applicability

The provisions of this section shall apply to all PUD zoning districts:

B. Alternative Standards Permitted

The Planning Commission may recommend and City Council may approve, as *Supplemental Regulations*, modifications that increase, decrease, or eliminate the requirements in Sections listed below for equivalent land uses and intensities:

1. Section 5.15 Permitted Uses
2. Section 5.16 Use Specific Standards
3. Section 5.17 Area, Height and Placement Regulations
4. Section 5.18 Special Dimensional and Site Layout Standards
5. Section 5.19 Parking Standards
6. Section 5.20 Landscaping, Screening and Buffering

Ordinance No. ORD-19-34, November 17, 2019; Ordinance no. ORD-25-24, August 10, 2025.

C. The PUD Process

The PUD process involves five steps: community participation, pre-application conference with staff, pre-petition conference with Planning Commission, PUD zoning district review, and PUD site plan review. The pre-application conference shall occur before the *applicant* has submitted a formal application. Community participation, PUD zoning district reviews and PUD site plan review occur after the *applicant* has submitted a formal application in accordance with the procedures set forth for each in this chapter unless the Planning Commission has determined that the PUD zoning district review and approval must occur prior to PUD site plan review and approval.

1. Community Participation

As part of a PUD application, the *applicant* shall comply with the community

participation requirements provided in Section 5.28.4.

2. Pre-Application Conference with Planning Manager

Before submitting a PUD application, the *applicant* shall contact the Planning Manager to schedule a pre-application conference to present the proposed *conceptual PUD plan* and *PUD Development Program.* The Planning Manager may provide the *applicant* with comments regarding applicable procedures and standards, compliance with ordinance of the proposed land uses, the proposal's conformance with adopted comprehensive plans and policies.

3. Pre-Application Conference with Planning Commission

Before submitting a PUD application, the *applicant* shall contact the Planning Manager to schedule a pre-application conference at a regularly scheduled meeting or a working session of the Planning Commission. At the conference, the *applicant* shall present the proposed *conceptual PUD plan* and *PUD Development Program.* The Planning Commission and Planning Manager may provide the *applicant* with comments regarding the appropriateness of the proposed land uses, the proposal's conformance with adopted comprehensive plans and policies, and the beneficial effects to be achieved. The Planning Commission may decide whether or not a model may be required and whether *applicant's* requests for PUD zoning district approval and PUD site plan approval should be presented together at the same meeting or independently at separate meetings.

4. PUD Zoning District Review and Approval

As provided below, PUD zoning district review involves Planning Manager and Planning Commission review of the *conceptual PUD plan*, the *PUD Development Program*, and *Supplemental Regulations* to determine consistency with or the appropriateness for deviating from the City's adopted plans and policies and its suitability for inclusion in the land use and zoning plans of the City and adoption by City Council as part of the zoning ordinance. Once approved by the City Council, the property shall be zoned to a PUD zoning district, and use of the property shall be regulated by the *Supplemental Regulations* in the approved PUD and all other applicable code requirements.

5. PUD Site Plan Review and Approval

As provided below, review and approval of a PUD site plan is required prior to the issuance of permits. If the PUD zoning district provides that a PUD may be developed in *phases*, as shown on the *conceptual PUD plan*, approval of a PUD site plan for each *phase* is required prior to the issuance of permits for that *phase.* An approved PUD site plan shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved PUD site plan and any Development Agreement, including but not limited to the measures for protection and mitigation of *natural features.*

Ordinance no. ORD-25-24, August 10, 2025.

D. PUD Zoning District Submittal Requirements

The *applicant* for any PUD zoning district shall submit a complete application together with the following materials:

1. The entire parcel or parcels for which application is made shall be under one ownership, or the application shall be made with the written authorization of all property owners who have a legal or equitable ownership interest in the property or properties. Application for a PUD zoning district may be made only by or with the written authorization of the owner(s) of the parcel(s) involved. All property that is proposed to be part of the *development* shall be included in the PUD zoning district request.

2. A *conceptual PUD plan* containing the information required by Section 5.29.6 for area plans. The plan shall include but not be limited to area, height, and placement standards, the location and relationships of permitted land uses, parking and circulation systems, landscape features, preserved *natural features*, proposed phasing, and any other unique physical characteristics which warrant the PUD zoning.

3. A boundary survey and legal description of the parcel(s) to be zoned PUD.

4. A *PUD Development Program* describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district, why this beneficial effect cannot be achieved under any other zoning designation, and its conformity to adopted comprehensive plans and policies of the City or detailed compelling justification for departures from the plans and policies.

5. Proposed *Supplemental Regulations* for the PUD zoning district shall include, but not be limited to, permitted land uses; *accessory uses*; minimum and maximum standards of *lot area* and *lot area* per *dwelling unit*, if applicable; minimum *open space* as a percentage of *lot area*; *required setbacks*; height and number of *stories*. The *Supplemental Regulations* shall include sufficient analysis and justification for the beneficial effect and detailed performance standards by which the *development* will be evaluated and the beneficial effect achieved. Such analysis and justification may include, but are not limited to:

    a. A comprehensive analysis of the surrounding neighborhood, providing such details as scale of *structures*, minimum and maximum height and number of *stories*, minimum and maximum *required setbacks*, historic or architectural styles or features, *building* materials and colors, and other unique features and a detailed analysis of how the PUD site plan and design contribute to the neighborhood.

    b. A comprehensive analysis of the unique features of the *site*, including such components as topography, site orientation, circulation, or special condition and a detailed analysis of how the

PUD site plan and design contribute to the preservation, protection, utilization, and enhancement of the *site's* unique features.

6. Any additional visual materials, such as a three-dimensional study model, a virtual model, graphics, photographs, or written materials requested by the Planning Manager, Planning Commission or City Council to assist the City in visualizing and understanding the proposal and assessing the possible benefits and impacts.

7. Materials supporting a request for additional residential density in accordance with Section 5 if applicable.

E. PUD Zoning District Approval Procedures

A PUD zoning district is established as follows:

1. All required materials shall be filed with the Planning Manager. Copies of the materials will be distributed by the Planning Manager to the appropriate City service units and other reviewing agencies for review to determine the following:

    a. If the *development* can be accommodated by the existing *public utility*, Street, and general City service facilities, or if any additions to, or extension of facilities are necessary for the project.

    b. If the proposal meets the standards for PUD zoning district approval listed below.

    c. If the *development* will comply with all applicable local, state, or federal laws, ordinances, standards, and regulations or provides sufficient compelling justification for modifications of those local ordinances, standards or regulations as permitted for PUD.

    d. If the proposal conforms to the adopted comprehensive plans and policies or provides sufficient compelling justification for departure from the adopted plans and policies.

2. The Planning Manager will notify the *applicant* of any questions raised by the City service units and other reviewing agencies and shall submit a report to the Planning Commission for its consideration including an evaluation of the planning aspects of the project and its impact on the present and future development of the City.

3. The Planning Commission shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.

4. The Planning Commission shall recommend to City Council action as it deems proper and shall transmit its recommendation together with any recommended conditions of approval and all related reports and minutes to City Council.

5. Before taking final action on the application, the City Council shall hold a public hearing with notification as required by Sections 5.28.2 and 5.28.3.

6. A protest of a proposed PUD zoning district may be presented as provided in Section 5.29.10E.

7. The Planning Manager shall keep a record of all approved PUD zoning districts and *Supplemental Regulations*. Notice of approvals shall be published as required by Section 5.29.10.

F. Standards for PUD Zoning District Approval

The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

1. The use(s), physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:

    a. Innovation in land use and variety in design, layout and type of *structures* that furthers the stated design goals and physical character of adopted land use plans and policies.

    b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.

    c. Provision of *open space*.

    d. Preservation and protection of *natural features* that exceeds the requirements of this chapter, especially for those *natural features* prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.

    e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.

    f. Expansion of the supply of affordable housing dwelling units.

    g. The use and reuse of existing *sites* and *buildings* that contributes to the desired character and form of an established neighborhood.

2. This beneficial effect for the City shall be one that could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.

3. The use or uses proposed shall not have a detrimental effect on *public utilities* or surrounding properties.

4. The use or uses proposed shall be consistent with the comprehensive plans and policies adopted by the City or the *applicant* shall provide adequate justification for departures from the approved plans and policies.

5. If the proposed district allows residential uses, the residential density proposed shall be consistent with the residential density recommendation of the comprehensive plans, or the underlying zoning when the comprehensive plan does not contain a residential density recommendation, unless additional density has been proposed in order to provide *affordable housing dwelling units* in the following manner:

    a. For proposed PUD projects exceeding the residential density recommendation of the comprehensive plan by up to 25%, the PUD project shall provide 10% of the total *dwelling units* as *affordable housing dwelling units* or 15% when exceeding by more than 25%. When the comprehensive plan does not contain a residential density recommendation and the proposed PUD project exceeds the FAR of the underlying zoning by up to 25%, the proposed PUD project shall provide 10% of the *floor area* as *affordable housing dwelling units* or 15% when exceeding by more than 25%.

    b. *Affordable housing dwelling units* shall be provided by the *development* as units on-site, or payment of an affordable housing contribution in lieu of units consistent with the formula adopted by annual resolution of City Council, or by a combination of affordable housing development and contributions. When a number of *affordable housing dwelling units* is required, the payment in lieu shall be based on the average size of all *dwelling units* in the PUD project.

    c. When the required percentage of affordable housing results in a fractional unit, either a whole *affordable housing dwelling unit* shall be provided or a payment of an affordable housing contribution in lieu shall be made for the fractional unit based on the following formula: (average *floor area* of all *dwelling units* in the PUD project) x (fractional unit) x (contribution in lieu payment).

    d. The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council, in its sole discretion, may approve or deny payment of an affordable housing contribution in lieu of units.

    e. Provisions to implement the affordable housing proposal shall be included in the PUD *Supplemental Regulations* or the Development Agreement, or both, as determined by the City.

6. The *Supplemental Regulations* shall include analysis and justification sufficient to determine what the purported benefit is, how the special benefit will be provided, and performance standards by which the special benefit will be evaluated.

7. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the district shall be provided and, where

feasible, the proposal shall encourage and support the use of alternative methods of transportation.

8. Disturbance of existing *natural features*, historical features and historically Significant Architectural features of the district shall be limited to the minimum necessary to allow a reasonable use of the land and the benefit to the community shall be substantially greater than any negative impacts.

Ordinance ORD-19-34, November 17, 2019; Ordinance no. ORD-25-24, August 10, 2025.

G. Effect of PUD Zoning District Approval

1. Approval of the PUD zoning district by City Council shall rezone the property to a "PUD" zoning classification for the land uses, the area, height, and placement standards, and the objectives, purposes, beneficial effects, and special conditions provided in the *PUD Development Program*, the *conceptual PUD plan*, and *Supplemental Regulations* for the zoning district. In the case of differences between plans and written documents, written documents shall govern.

2. The approval shall confer upon the owner(s) or subsequent owner(s) the right to seek PUD site plan approval for the proposal or for any of its approved *phases* in accordance with Section 5.29.11H, the approved PUD zoning district and *Supplemental Regulations* and City regulations and ordinances.

3. A PUD zoning district and its *Supplemental Regulations* shall remain in effect as approved until a change to the PUD zoning district has been approved.

H. PUD Site Plan Review and Approval

An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any *natural feature* for all planned unit developments.

1. Application and Procedures

a. The *applicant* for PUD site plan approval shall file with the Planning Manager all drawings and other materials required for site plans in Section 5.29.8; all drawings and other materials required in this chapter for PUD zoning district approval; and the additional information listed below. A PUD site plan application shall not be considered technically complete and filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.

b. The *applicant* for a PUD site plan approval shall file a Development Agreement as described in Section 5.28.6.

c. If a PUD site plan application is required to be submitted after PUD zoning district approval, the applicant shall comply with the requirements for community participation in Section 5.28.4

d. If requested by the Planning Commission or City Council, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the City in visualizing and understanding the proposal. Additional detailed information including but not limited to plans, elevations, *building* and *site* sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.

e. The Planning Manager will distribute these materials to the appropriate City departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district *Supplemental Regulations* and *conceptual PUD plan*, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a Development Agreement as provided in this chapter. The Planning Manager will notify the *applicant* of any questions raised by the City departments and other reviewing agencies and negotiate a Development Agreement with the *applicant* if it is determined that such an agreement is needed. The Planning Manager shall submit a report and recommendation to the Planning Commission based on this review.

f. The Planning Commission shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to City Council.

2. Standards for PUD Site Plan Approval

City Council, after receiving all related reports and minutes and a recommendation from the Planning Commission, shall approve, approve with conditions, or deny a PUD site plan. A PUD site plan shall be approved by City Council only after it determines that:

a. The *development* would comply with the PUD zoning established pursuant to the requirements of this chapter, and with all applicable local, state, or federal laws, ordinances, standards and regulations.

b. The *development* would limit the disturbance of *natural features* to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a Natural Features Plan as provided in Section 5.29.6F.

3. Effect of PUD Site Plan Approval

For three years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the

regulations, laws and ordinances in effect at the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved *developments*. After three years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided in 5.30.3A.

Ordinance no. ORD-25-24, August 10, 2025.

5.29.12 Appeals to the ZBA

A. General Appeals Procedure

1. Appeals shall be commenced by a Person aggrieved by a decision filing a notice of appeal with the body or official from whom the appeal is taken and with the ZBA on a form supplied by the Planning Manager. The notice of appeal shall specify the particular grounds upon which the appeal is based, and shall be signed by the appellant. In order to be aggrieved by a decision, the Person must have a property interest recognized under law, and sufficient standing as recognized under law to challenge the decision.
2. Appeals shall be filed within 60 days of the date of the decision in question.
3. The body or official from whom the appeal is taken shall immediately transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken for their next regularly scheduled meeting.
4. An appeal to the ZBA stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the ZBA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the ZBA or circuit court.
5. The ZBA shall hold a public hearing pursuant to Section 5.28.2 on all applications before taking action on the application. Notice of the public hearing shall be made as set forth in Section 5.28.2B. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 5.28.2A and given to the Person making the request.
6. Any Person shall be accorded the right to appear in person or be represented by a duly authorized agent or attorney.
7. The ZBA shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
    a. The relevant administrative records and the administrative orders issued on those records relating to the appeal.
    b. The notice of appeal.

c. Those documents, exhibits, photographs, or written records as may be submitted to the Board for its consideration.

d. Minutes of meetings.

8. The ZBA may reverse or affirm in whole or in part, or modify the order, requirement, decision or determination and may direct the issuance of a permit.

9. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of an administrative official or body.

10. The ZBA shall state the grounds of any determination made by the board.

11. The requisite written findings of fact, the conditions attached and the decisions and orders by the ZBA in disposing of the appeal shall be entered into the official record after they have been signed by the Chair of the ZBA and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal, the Planning Manager, and the City Clerk. The record of the proceedings shall be filed in the office of the City Clerk. The Chair shall, within ten days after the date the ZBA has reached its final decision on an appeal, sign the necessary orders to effectuate the decision of the ZBA.

B. Land Division Appeal Procedure

In the case of an appeal of a decision of the Planning Manager regarding an application for land division:

1. The appeal shall be decided by the Planning Commission following a public hearing.

2. The appeal must be filed within 30 days after the decision of the Planning Manager or the appeal shall not be accepted by the City.

3. A written notice shall be sent to the *applicant* and to the property owners and residents within 300 feet of the boundary of the property not less than ten days before the Planning Commission hearing indicating the time, date and location of the hearing.

4. A notice of the hearing shall be provided in accordance with Section 5.28.2A.

5. The Planning Commission shall hold its hearing at its first regular meeting for which these notice requirements may be met.

6. The decision of the Planning Commission shall not create parcels that would not be permitted under the provisions of the zoning district in which the parcel is located and shall not create parcels that would not be permitted under the State Land Division Act.

5.29.13 Variance

A. Application

1. An application for a variance from the standards of this chapter shall be filed with the Zoning Board of Appeals (ZBA) on a form provided by the Planning Manager. The application shall specify the requirements from which a variance is sought and the nature and extent of such variance.
2. The ZBA shall have the authority to grant nonuse variances relating to the construction, structural changes, or *alteration* of *buildings* or *structures* related to dimensional requirement of the zoning ordinance or to any other nonuse-related standard in the ordinance.
3. The ZBA does not have the authority to grant use variances.

B. Public Hearing and Decision

The ZBA shall hold a public hearing on the application for a variance pursuant to Section 5.28.3 Notice of the public hearing shall be provided consistent with Section 5.28.2 .

1. Any Person shall be accorded the right to appear in person or be represented by a duly authorized agent or attorney.
2. The ZBA shall approve (with or without conditions) or deny the application after applying all of the criteria in Sections 5.29.13C and 5.29.13D as applicable.
3. The concurring vote of a majority of the members of the ZBA is necessary to grant a variance in the zoning ordinance.
4. The requisite written findings of fact, the conditions attached and the decisions and orders by the ZBA in granting or denying the variance shall be entered into the official record after they have been Signed by the Chair of the ZBA and after written notice of the disposition of the variance has been served, either in person or by mail, upon the parties to the appeal, the Planning Manager, and the City Clerk. The record of the proceedings shall be filed in the office of the City Clerk. The Chair shall, within ten days after the date the ZBA has reached its final decision on a variance, sign the necessary orders to effectuate the decision of the ZBA.

C. General Criteria

1. A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:
2. That the alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.
3. That the alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

5. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.

6. The variance to be approved is the minimum variance that will make possible a reasonable use of the land or *structure*.

D. Alternative Criteria for Specific Types of Variances

Variances to the following types of standards shall require that the ZBA make an affirmative finding that the application meets the specific criteria listed below that are applicable to that type of variance application.

1. Dish Antennas

In the case of an application for a variance from the *dish antenna* standards of Section 5.16.6A.3, the topographic features or special characteristics of the *site* create special conditions such that the strict application of those standards will prevent the reception of usable satellite Signals.

2. Stormwater Management

In the case of an application for variance from the stormwater management standards in Section 5.22 , that *stormwater management systems* have been provided to the maximum extent feasible with the goals of meeting the Rules of the WCWRC related to stormwater management.

3. Wireless Communications Antennas

A variance may be granted from the height limits found in Section 5.16.5D only to the minimum extent demonstrated as necessary to comply with operational needs and applicable federal regulations.

4. Wetlands

In the case of an application for a variance from the *wetland*protection standards of Section 5.23.9, evidence supports at least one of the following affirmative findings:

a. The general variance criteria in Section 5.29.13C have been met.

b. The public benefit intended to be served by the standards in Section 5.23.9 will be retained, despite more disruption of the *wetland* than permitted by those standards.

c. The topographical features or special characteristics of the *site* create conditions such that strict application of the standards in Section 5.23.9 will result in less protection of the *wetland*.

d. The application of the standards in Section 5.23.9 would deny all reasonable use of the property.

5. Signs

For a *building* or property that is designated as historic by Federal, State, or local government, the Zoning Board of Appeals may consider it to be a hardship or practical difficulty and may grant a variance if the Historic District Commission has made a determination that a proposed *sign* is necessary and integral to the historic character of a property.

6. Parking Standards

In the case of an application for a variance from the parking requirements of Section 5.19 , a variance may be granted if the variance is in harmony with the general purpose and intent of the requirements.

7. Landscaping, Screening and Buffering

In the case of an application for a variance from the landscaping, screening and buffering requirements of Section 5.20 , a variance may be granted from the strict application of that section when the evidence supports that the public benefit intended to be secured will exist with less than the required landscaping or screening.

8. Floodplain

a. In a case of an application for a variance from the *floodplain* overlay zoning district regulations in Section 5.14.2, the evidence considers the following factors:

i) The potential danger to life and property due to increased *flood* heights or velocities caused by encroachments.

ii) The danger that materials may be swept onto other lands or downstream to the injury of others.

iii) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.

iv) The susceptibility of any proposed use and its contents to *flood* damage and the effect of such damage on the individual owner.

v) The importance of the services to be provided by the proposed use to the community.

vi) The requirements of the facility for a waterfront location.

vii) The availability of viable alternative locations for the proposed use that are not subject to Flooding.

viii) The compatibility of the proposed use with existing *development* and *development* anticipated in the foreseeable future.

ix) The relationship of the proposed use to the Comprehensive Land Use Plan and *floodplain* management program for the area.

x) The safety of access to the property in times of *flood* for ordinary and emergency vehicles.

xi) The expected heights, velocity, duration, rate of rise and sediment transport of the *flood* waters expected at the *site*.

b. Adherence to State Floodplain Management Standards. A variance shall not allow a use that is not allowed in that zone, or permit standards lower than those required by state law or other applicable codes in Section 5.6.2.

c. Flood Insurance Notice. The ZBA shall notify the *applicant* for a variance that: 1) The issuance of a variance to construct a *structure* below the *base flood elevation* will result in increased premium rates for flood insurance; and 2) Such construction below the *base flood* level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

Ordinance No. ORD-20-33, January 31, 2021.

E. Rehearing

An application for a rehearing shall be made in the same manner as for an original hearing. The application for a rehearing shall be denied by the ZBA if the *applicant* is unable to present evidence to show that there has been a substantial change in facts, circumstances, or scope or nature of relief requested.

F. Lapsing

The ZBA may, upon review and public hearing, and unless good cause can be shown, declare an approved variance null and void if:

1. Construction authorized by the variance has not been commenced within one year after the date of approval; or has not been pursued diligently to completion.
2. Occupancy of land or *buildings* authorized by the variance has not commenced within one year after approval.

5.30 Amendments and Modifications

5.30.1 Landscape Modifications

A. Eligible Requirements Sections

The following sections of Landscaping, Screening and Buffering requirements may be modified as provided in this section:

1. Section .5.20.3 (Vehicular Use Area Landscaping and Screening)
2. Section 5.20.4 (Public Park and District Buffers)
3. Section 5.20.5 (Private Streets and Shared Driveway Buffers)
4. Section 5.20.6 (Refuse/Recycling/Compost Container Screening)
5. Section 5.20.7 (Material and Design Standards)

6. Section 5.20.10 (Trees in the Public Right-of-Way)

B. Modification Conditions

The eligible requirement sections listed in paragraph A above may only be modified if one or more of the following conditions are met:

1. The *site* is located in a special parking district as designated in Section 5.19.3.
2. Strict application of this chapter will result in a loss of existing *parking spaces* required by Sections 5.19.2 or 5.19.3 and the *site* does not abut residential uses.
3. The topography or elevation of the *site* relative to adjacent *sites* is such that the required landscaping and screening will result in less effective screening and landscaping than alternative landscape designs which achieve the same purpose.
4. Planting or installing required landscaping and screening materials would be more detrimental to existing vegetation and would result in conditions less desirable or effective for landscaping and screening than if located and spaced as required.
5. The soil conditions underlying the required landscaping and screening area prevent strict application of the requirements because, for example, soils are contaminated, soils are unsuitable for infiltration, or there is a significantly-sized and shallow-depth public utility or private utility.
6. Landscape elements which are a part of a previously approved site plan may be maintained and continued as nonconforming provided no alterations of the existing landscape elements are proposed.
7. Planting a new Street tree is prevented by an existing and unmovable obstruction, impediment, or public infrastructure such as, but not limited to, fire hydrants, overhead utility lines, poles, traffic control devices, transit shelters, or barrier-free accessible routes.

Ordinance No. 24-31, February 6, 2025.

C. Standards for Approval

The landscape modifications may be approved by the approving body if each of the following conditions are met:

1. The modifications are consistent with the purposes stated in Section 5.20.1; and
2. One or more of the conditions in paragraph B above are met; and
3. The *applicant* provides a statement of justification identifying which conditions warrant the requested modification and how the modification meets the intent of the ordinance as provided in this Section 5.30.1.

Ordinance No. ORD-19-34, November 17, 2019; Ordinance No. ORD-22-12, September 4, 2022; Ordinance No. 22-12, September 4, 2022.

5.30.2 Natural Features Mitigation

A. Alternative Natural Features Mitigation

Alternative mitigation measures for not more than 50% of the required mitigation may be allowed by the approving body if each of the following conditions are met. The alternative mitigation shall be specifically approved by a motion of the Planning Commission or City Council, depending on which is the approving body

1. The alternative mitigation is consistent with Section 5.23
2. The alternative mitigation provides an overall ecological value to the *site* or the City that is at least as beneficial as the required mitigation.
3. The alternative mitigation meets one of the following standards:
    a. It is a restoration or management of an important *natural feature* on the *site* or public land in the vicinity.
    b. It provides funds for the management and restoration of important *natural features* or public lands in the vicinity.
    c. It dedicates important natural areas to the City park system.
    d. It provides funds to the City Street tree planting program.

B. Relief from Natural Features Mitigation

Where providing *natural features* mitigation required in Section 5.23 will cause undue hardship, and the conditions for approval of alternative *natural features* mitigation provided in Section 5.30.2A cannot be met, the *applicant* may request relief from the approving body as part of the site plan or plat approval. Any such relief must be specifically approved by the Planning Commission or City Council, depending on which is the approving body. Relief will be granted only when the *applicant* provides evidence supporting all of the following findings:

1. The hardship is exceptional and peculiar to the site and results from conditions which do not exist generally throughout the City.
2. The condition upon which the requested relief is based in not a self-imposed hardship.
3. The relief proposed is the minimum amount necessary to make a reasonable use of the land.

5.30.3 Amendments to Development Approvals

A. Approved PUD Site Plans

A minor change to an approved PUD site plan may be approved as provided in subsection 5.29.6, except that the proposed changes shall not alter the fundamental design, conceptual integrity, *natural features* shown to be preserved, any specific conditions of the *PUD Development Program*, the *conceptual PUD plan* or the *Supplemental Regulations*. The following restrictions shall also apply:

1. Adjustment in approved *phase* lines shall not result in a change greater than 10% of the total gross land area in any *phase*, or 10% of the number

of approved *lots*, or 10% of the approved maximum *building* square footage.

2. Any decrease in *building* size or changes in bedroom counts per *dwelling unit* shall not reduce the size or number of affordable housing units approved as part of the PUD site plan.

B. Approved Special Exceptions

Modification of a *special exception use* shall be permitted as provided in this Section 5.30.3B, except as otherwise provided by this chapter.

1. A *site* may be modified per the requirements of this chapter for site plan for Planning Commission approval or administrative approval.

2. For those uses that have previously received *special exception use* approval, an amended *special exception use* application and a revised site plan shall be required. The amended application and revised site plan shall be reviewed in conjunction with the previously approved *special exception use* and site plan to determine the aggregate impact of the proposed changes in conjunction with the existing use. The Planning Commission, upon review of the new or amended *special exception use* application, may then:

   a. Approve the new *special exception use* or amend the previously-approved *special exception use*.

   b. Amend the previously-approved *special exception use* and impose additional conditions to assure continued compatibility.

   c. Deny the new *special exception use* and site plan or the previously-approved *special exception use* and revised site plan. Denial of the request does not change the status of the previously approved *special exception use* or site plan.

3. If the nature of a requested modification to a *special exception use* requires a site plan for City Council approval, per the requirements of this chapter, the Planning Commission shall require a *special exception use* application and a site plan for those *special exception uses* that have not previously received *special exception use* approval.

C. Approved Grading Plans

All modifications of the approved *grading* plans shall be submitted to and approved by the Planning Manager. All necessary reports shall be submitted with any proposal to modify the approved *grading* plan. No *grading* work in connection with any proposed modification shall be permitted without the approval of the Planning Manager.

Section 5.30.4 Approved Planned Projects repealed by Ordinance No. ORD-21-20, July 25, 2021.

5.30.4 Changes to a PUD Zoning District

A change to a PUD zoning district may be accomplished by amending the PUD zoning district by the process provided for establishment of a PUD zoning district in Section 5.29.11 or by rezoning to a different zoning district pursuant to the procedures in Section 5.29.10. When a

PUD zoning district consists of multiple parcels, a parcel owner within the PUD zoning district may apply for a change to the PUD zoning district with respect to their parcel without obtaining authorization from the other parcel owners in the PUD zoning district.

Ordinance no. ORD-25-19, June 22, 2025.

5.30.5 Chapter Text Amendment

A. Comprehensive Review of Chapter

The Planning Commission shall from time to time examine the provisions of this chapter and the location of zoning district boundary lines and shall submit a report to City Council recommending changes and amendments, if any, that are deemed to be desirable in the interest of public health, safety and general welfare.

B. Procedure

1. The text of this chapter may be amended by the same procedure used for a rezoning of land, as described in Section 5.29.10, except that only notice pursuant to Section 5.28.2A shall be required. Notices pursuant to Sections 5.28.2B and 5.28.2C shall not be required.
2. Applications for amendments to this chapter shall be on forms provided by the PDSU, shall be filed with the PDSU, and shall contain at least the following:
    a. *Applicant's* name, address, signature, and interest in the amendment.
    b. The section or sections proposed to be amended and the proposed text.
    c. The nature and effect of the proposed amendment.
    d. The reason for the proposed amendment, including a detailed explanation if there is an alleged error, the changed or changing conditions that make the proposed amendment reasonably necessary, and any other circumstances, factors and reasons to support the proposed amendment.

C. Criteria for Approval

The Planning Commission may recommend approval of a change to the text of this chapter (with or without modifications), and City Council may approval a change to the text of this chapter (with or without modifications), if it finds that the proposed change:

1. Would promote the health, safety, and general welfare of the citizens of the City.
2. Is consistent with the adopted plans of the City.
3. Is consistent with all applicable state and federal law.

Article VI: Nonconformities

5.31 Purpose Statement

It is the intent of this Article VI to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or *structures* that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is also the intent of this Article VI that any elimination of *nonconforming uses* or *nonconforming structures* shall be effected so as to avoid any unreasonable invasion of established private property rights.

5.32 General Standards

5.32.1 Nonconforming Use

A *nonconforming use* may be continued and shall be maintained in good condition, but it shall not be:

A. Changed to another non-conforming use, except, after approval of the Zoning Board of Appeals. When granting such approval, the Zoning Board of Appeals shall determine that such change in use will have a less detrimental effect on neighboring property than the existing non-conforming use.

B. Structurally altered so as to prolong the life of the *building*.

C. Expanded or increased in intensity of use (for example, such as by the addition of one or more *dwelling units*, by providing additional Manufacturing or selling area, or the addition of facilities that would allow the establishment of another use or other uses).

D. Re-established after discontinuance for a period of at least one year.

E. Re-established in cases of residential usage in any "R" dwelling district after damage or destruction of the *building* or *structure* devoted to such non-conforming use if the estimated expense of reconstruction exceeds 70% of the appraised replacement cost (as determined by the Building Official) of the entire *building* or *structure* exclusive of foundations, prior to its damage or destruction. In cases of other than residential usage in any "R" dwelling district, the limitation on the expense of reconstruction shall be 50% of such appraised replacement cost.

F. Re-established in any zoning district other than an "R" dwelling district except under the same provisions as in Subsection A.5 above, providing that the limitation on the expense of reconstruction shall be 70% rather than 50% of the appraised replacement cost (as determined by the Building Official) of the entire *building* or *structure* exclusive of foundations prior to its damage or destruction.

5.32.2 Nonconforming Structure

A. A *nonconforming structure* may be maintained or restored, but no *alteration* shall be made to a *nonconforming structure* unless one of the following conditions is met:

1. Alterations to nonresidential *nonconforming structures*.

The *alteration* is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

2. Alterations to residential *nonconforming structures*.

a. The *alteration* does not expand an existing nonconformity.

b. The *alteration* does not create a new nonconformity on the *lot*.

c. The *alteration* maintains compliance with all other dimensional standards of the zoning district for the *lot* on which it is located.

d. The alteration will meet all other code and ordinance requirements.

B. For purposes of this Section 5.32.2, *alteration* shall mean any change in a *building* that results in additional *floor area* being fit for occupancy, a greater number of *dwelling units* or rooming units or an increase in the exterior dimensions of the *building*.

C. A *nonconforming structure* shall not be replaced after damage or destruction of the *nonconforming structure* if the estimated expense of reconstruction exceeds 75% of the appraised value, as determined by the Building Official, of the entire *building* or *structure*, exclusive of foundations.

Ordinance No. ORD-25-05, April 27, 2025.

5.32.3 Nonconforming Lot

Where the owner of a *nonconforming lot* does not own and cannot reasonably acquire sufficient land to enable the owner to conform to the requirements of this chapter regarding *lot area*, *lot width*, or both, such a *nonconforming lot* may be used by such an owner under the following conditions.

A. Permitted Use

1. A nonconforming lot in a Single-Family or Two-Family Residential District may be used for single-family use.

2. A nonconforming lot in a Multiple-Family Residential District may be used for single-family use.

3. A nonconforming lot in a Mixed-Use Zoning District may be used for any permitted principal use in the O district.

4. A nonconforming lot a Nonresidential or Special Purpose Zoning District may be used for any permitted principal use in the RE or ORL district.

B. Area, Height and Placement Standards

Structures on *nonconforming lots* shall conform to the area, height, and placement standards of its zoning designation with the following exceptions:

1. The ZBA grants a variance in accordance with the procedures in Section 5.29.13.
2. In the R4C district, the setback, placement and height standards of the R1C district may be used for *single-family dwellings*.
3. In the R2A district, the setback, placement and height standards of the R1D district may be used for *single-family dwellings*.

C. Corner Lots

When the *front required setbacks* on a *corner lot* reduces the width suitable for a *building* to less than 25 feet, the minimum *front required setbacks* may be decreased so that a *building* 25 feet wide may be Developed.

D. Two Abutting Lots

Where two abutting *lots* are under the same ownership, and where one or both of those *lots* are nonconforming, the *lots* shall be considered as a single *nonconforming lot* subject to all of the provisions of this section.

E. Three or More Abutting Lots

Where three or more abutting *lots* of record are under the same ownership, and where one or more of those *lots* are nonconforming, the requirements of this chapter regarding *lot area* and *lot width* shall not be avoided by the sale or conveyance of any portion of such *nonconforming lots*.

5.33 Special Standards

5.33.1 Nonconforming Off-Street Parking

A. Nonconforming *parking lots* and *driveways* lawfully constructed prior to January 1, 1986, may be maintained and continued as *nonconforming uses*. All *parking lots* or additions to existing *parking lots* legally constructed after January 1, 1986, must meet the requirements of this chapter.

B. Nonconforming *bicycle parking spaces* lawfully installed prior to November 26, 1995, may be maintained and continued as *nonconforming uses*. All new *bicycle parking spaces* or additions to existing *bicycle parking spaces* legally constructed after November 26, 1995, must meet the requirements of this chapter.

5.33.2 Nonconforming Signs

A. Unless otherwise provided in this chapter or other applicable law, *nonconforming signs* may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming, subject to the provisions in Subsections B through D below.

B. No Nonconforming Sign:

1. Shall be changed to another *nonconforming sign*.
2. Shall have any change made in the *structure*, shape, size, type, design, or mechanical or electrical equipment of the *sign* unless the change brings

the *sign* into compliance with this chapter; however, the Building Official may order repair of a *nonconforming sign* for safety.

3. Shall be re-established or maintained after the *premises*, *building*, *business*, *lot*, *dwelling unit* or use that which it is associated has been unoccupied for 90 days or longer.

4. Shall be repaired or erected after being damaged if the repair or erection of the *sign* would cost more than 50% of the cost of an identical new *sign*.

5. Shall have any change made that would result in different type of or greater illumination of an illuminated *sign* or change a non-illuminated *sign* to an illuminated *sign*.

6. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this chapter.

C. If the owner of a *sign* or the *premises* on which a *sign* is located changes the location of a *building*, *lot line* or *sign* or changes the use of a *building* so that any *sign* on the *premises* is rendered a *nonconforming sign*, such *nonconforming sign* must be removed or made to conform to this chapter.

D. A *freestanding sign* over 200 square feet lawfully existing as of April 10, 2013 (referred to as "billboards" in prior versions of this Code), may be maintained or repaired in the same form and type so as to continue use in the same manner as its use as of April 10, 2013, however such *signs* may not be expanded, enlarged, or extended and may not be altered to add illumination, *changeable copy*, or other features that were not lawfully present as of April 10, 2013. Such a nonconforming *sign* may be removed for maintenance or repair purposes in accordance with this subsection 5.33.2D upon obtaining a permit from the City, however, if the *sign* is not reinstalled within 90 days of removal, the *nonconforming use* of the *sign* shall be deemed abandoned and may not be reinstalled. The *sign area* of such a nonconforming *sign* shall not be included in the calculation of any maximum *sign area* permitted under this Code.

Ordinance No. ORD-20-27, December 20, 2020.

5.33.3 Nonconforming Activities on Wetlands

A use or activity regulated by Section 5.23 that was lawfully begun before the passage of the predecessor regulations to Section 5.23 on December 5, 1994, and that is not in conformity with the provisions of Section 5.23 , may be continued subject to the following:

A. The use or activity shall not be expanded or enlarged in any way unless it is permanently changed to a conforming use.

B. If a *nonconforming use* or activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.

C. If *nonconforming use* or activity is destroyed, it shall not be resumed except in conformity with the provisions of this chapter.

5.33.4 Nonconforming Curb Cuts

Curb cuts lawfully made prior to August 2, 1976 that do not meet the standards of this chapter shall be considered non-conforming but may be maintained except as provided in Sections 5.21.2D, 5.21.2E, and 5.21.2F .

5.33.5 Nonconforming Easements

Where access and utility easements exist that are not in conformance with this chapter, the existing easement shall be considered a legal nonconforming access and may continue to serve the existing *lots* associated with it. Any division of *lots* served by a legal nonconforming access and utility easement shall conform to the requirements of Section 5.21 .

5.33.6 Nonconforming Short-Term Rental - Non-Principal Residence

A *Short-Term Rental - Non-Principal Residence* lawfully established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 5.32.1.

Ordinance No. ORD-21-12, May 21, 2021.

5.33.7 Nonconforming Planned Project Site Plans

Buildings with modified height or placement standards approved under previous Section 5.30.1 Planned Project Site Plan Modifications (repealed by Ordinance No. ORD-21-20) are subject to the provisions of this Article provided that any conditions of approval and justifications for which the modifications were approved are maintained.

Ordinance No. ORD-21-20, July 25, 2021.

5.33.8 Nonconforming Outdoor Lighting

Nonconforming *luminaires* may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming. Replacement of any nonconforming *luminaire* shall require compliance with Section 5.25 . Application for any site plan or plat shall require full compliance with Section 5.25 .

Ordinance No. ORD-21-23, September 26, 2021.

Article VII: Enforcement, Violations, and Penalties

5.34 Enforcement and Violations

5.34.1 Enforcement

A. It shall be the duty of the PDSU to enforce the provisions of this chapter, except when a different City department or City official is granted specific enforcement provisions under Chapter 1, Section1:17(1) of the City Code.

B. To enforce this chapter, the PDSU, or other department or Person granted specific enforcement powers under this chapter, shall have the authority to conduct an on-site inspection of the land where such violation is alleged to have occurred. If needed, inspections inside a *structure*, *building*, dwelling, *dwelling unit* or *accessory building* shall be made during reasonable hours. Entry without consent of an owner or occupant shall require an order of the court as provided by State law.

5.34.2 Violations

A. General Provisions

1. Each violation of this chapter shall be deemed a nuisance per se.
2. Each violation of this chapter shall be a civil infraction. Each day on which a violation exists shall constitute a separate violation and a separate offense. The imposition of a fine or penalty under this chapter shall not be construed to excuse or permit the continuation of any violation.

B. Types of Violations

Violations of this chapter that are subject to the remedies and penalties provided for in this chapter include but are not limited to:

1. *Development* without permit or approval. To engage in any *development*, use, construction, remodeling, *alteration*, placement of signs or other activity of any nature upon land that is subject to this chapter without all of the approvals required by this chapter.
2. *Development*, use or sign inconsistent with permit, approval or variance. To engage in any *development*, use, construction, remodeling, *Alteration*, placement of signs or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approved site plan, certificate, approval or other form of authorization required in order to engage in such activity.
3. *Development*, use or *sign* inconsistent with this chapter. To engage in any *development*, use, construction, remodeling, *alteration*, placement of signs or any other activity of any nature in any way except as permitted or required by this chapter.

4. Increasing intensity or density of use. To increase the intensity or density of use of any land, *building* or *structure*, except in accordance with the procedural requirements and substantive standards of this chapter.

5. Violating certificate of occupancy requirements. Failure to obtain a certificate of occupancy when required or failure to meet requirements for obtaining a certificate of occupancy.

6. Violating dimensional requirements. To reduce or diminish any *lot area* so that the *lot area*, *required setbacks* or *open spaces* shall be smaller than prescribed by this chapter or to increase the height or bulk of any *building* or *structure* in violation of the requirements of this chapter.

7. Removing or defacing required notice. To remove, deface, obscure or otherwise interfere with any notice required by this chapter.

8. Obtaining permit or approval in a fraudulent manner. To obtain any permit, approval, certificate or other form of authorization required by this chapter in a fraudulent manner.

9. Deviation from approved PUD. To deviate from an approved PUD zoning district or PUD site plan, except as authorized in this chapter.

10. All other violations. To establish or operate other activities, *structures* or land uses in violation of any specific provisions, or the general purpose and intent of this chapter.

5.35 Powers and Procedures

5.35.1 General Enforcement Powers

A. The City may use any lawful remedy or enforcement power against the owner or occupant of property for any violation of this chapter, including, but not limited to, one or more of the following.

1. Withhold, deny or condition permit.

The City may withhold or deny any and all permits, approvals, certificates of occupancy or other forms of authorization:

a. From an *applicant* on any land or *structure* or improvements when there is an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, approval, certificate of occupancy or other authorization previously granted by the City on the parcel of land that is the subject of the application.

b. On any land or *structure* or improvements owned or being developed by a Person who owns, developed or otherwise caused an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, approval, certificate of occupancy or other authorization previously granted by the City.

c. In addition to withholding or denying a permit or other authorization as described in Subsections a and b, the City may

grant such permit or other authorization subject to the condition that the violation be corrected.

d. The provisions of Subsections a, b, and c above shall apply regardless of whether the current owner or *applicant* is responsible for the violation in question.

2. Revoke Permits

Any *development* permit, certificate of occupancy or other form of authorization required under this chapter may be revoked if the City determines that (1) there is departure from the plans, specifications or conditions as required under terms of the permit; (2) that the *development* permit was procured by fraudulent means or was issued in error; or (3) that any of the provisions of this chapter are being violated. Any permit or other authorization revoked under this procedure shall become null and void.

3. Complete Work

For violations that the City determines have a significant adverse impact on the public health, safety or welfare of residents or the appearance of the City, or may increase traffic risks or driver confusion, the City may commence work itself to enforce the provisions of this chapter and bring property into compliance, or may require the owner or occupant to complete work to remedy the violation (for example to restore as nearly as possible the *wetland* affected by the violation to its original condition immediately before the violation).

4. Stop Work

With or without revoking permits or other forms of authorization, the City may stop work on any *building* or *structure* located on any *lot* or parcel of land on which there is a violation of a provision of this chapter or of a permit or other form of authorization issued pursuant to this chapter or another section of the City Code.

5. Notice of Violation

Prior to issuing a civil infraction citation, the City may send a letter notifying the owner or occupant of the violation and requiring that it be remedied within a particular amount of time.

6. Municipal Civil Infraction

Except as otherwise provided in Section 5.36.2 of this chapter or by another section of this Code, a violation of this chapter shall constitute a municipal civil infraction, which upon an admission or finding of responsibility shall be punishable by a fine of up to $30,000.

7. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this chapter or of a permit, approval, certificate or other form of authorization granted by this chapter.

8. Declaration of Nuisance

A violation of this chapter is a nuisance per se and the City may institute appropriate actions or court proceedings to correct, or abate any violation of the provisions of this chapter. If the owner or occupant fails to abate a violation, the City may take action to abate the violation. The abatement may be performed by the City, by a contract vendor, or by other means determined by the City. The cost of such an action, plus an administrative fee, shall be a personal debt of the owner, and may be assessed as a lien against the property until paid.

9. Other Remedies

The City shall have all enforcement powers granted from time to time under all applicable federal, state, and local laws, rules and regulations.

B. Cumulative Powers

The remedies and enforcement powers established in this chapter shall be cumulative, and the City may exercise them in any order.

5.35.2 Specific Enforcement Powers

A. Stormwater Management and Soil Erosion

Whenever the performance of any act is required or prohibited by the provisions of Section 5.22 or a related provision of Sections 5.29.3 or 5.29.4, a failure to comply with those provisions shall constitute a violation of this chapter. The Planning Manager may issue a stop work order on the remaining portion of construction or may refuse the issuance of building permits or certificates of occupancy. The Planning Manager may also cause such work, as necessary for compliance with this chapter, to be performed and the expense of work performed shall become a debt to the City from the landowner and may be collected as a single lot assessment under Section 1:292 of this Code, or in any other manner in which an indebtedness due the City may be collected. Additional enforcement provisions are included in Chapter 100 of this Code and the Michigan Construction Code.

B. Sign Inspection

A Person who owns or controls a *sign* or a *sign structure* and a Person who owns or controls the property where a *sign* or *sign structure* is located shall make the *sign* or *sign structure* available for City staff to inspect for compliance with the City Code or other applicable law upon the City's request.

Ordinance No. ORD-20-27, effective December 20, 2020.

5.35.3 Enforcement Procedures

A. For any violation of this chapter, the City may provide, by certified mail, notice of the violation to the property owner or occupant as indicated by the records of the City Assessor. The notice should specify the amount of time within which to correct or remedy the violation before further enforcement action may be taken.

B. For any violation of this chapter, the City may issue a municipal civil infraction citation to the owner or occupant, whether or not the City has provided initial

notice of a violation. The citation shall be formatted in compliance with state law. The City may issue a new citation every day that a violation remains uncorrected.

C. Alternatively, or in addition, the City may choose to enforce this chapter with a nuisance lawsuit.

5.36 Penalties

5.36.1 General Provisions

A. If the City chooses to enforce a violation of this chapter through issuance of a civil infraction the following penalties shall apply to each day that the violation remains uncorrected, with a maximum fine of up to $30,000.

1. The first offense shall be punishable by a fine of not more than $500.
2. The second offense shall be punishable by a fine of not less than $1,000.
3. The third offense shall be punishable by a fine of not less than $2,500.

B. The owner or occupant may also be responsible for all costs, direct or indirect, which the City has incurred in connection with the violation.

C. A penalty may be collected as a special assessment against the property as provided in Section 1:292 of this Code, or in any other manner in which indebtedness due the City may be collected.

5.36.2 Specific Provisions

A. Stormwater Management and Soil Erosion Control

1. Except as set forth in Subsections 2 and 3 below, a violation of Section 5.22 is a municipal civil infraction subject to a civil fine of no more than $2,500.00, plus costs, plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation. Each day and each violation is a separate violation.
2. A Person who knowingly violates Section 5.22 or a related provision of Sections 5.29.3 or 5.29.4 or knowingly makes a false statement in an application for a permit or in a *soil erosion and sedimentation control* plan is responsible for a civil infraction and is subject to the payment of a civil fine of not more than $10,000.00 for each day of violation, plus costs plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.
3. A Person who knowingly violates Section 5.22 or a related provision of Sections 5.29.3 or 5.29.4 after receiving a notice of the violation is responsible for a civil infraction and is subject to the payment of a civil fine of not less than $2,500.00 or more than $25,000.00 for each day of

violation, plus costs, plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.

B. Signs

It shall be unlawful for any Person to erect, construct, maintain, enlarge, alter, move, or convert any *sign* or *sign structure* in the City, or cause or permit the same to be done, in violation of this chapter. A violation of this chapter shall be a civil infraction punishable with a fine of not more than $500.00 and not less than $100.00 plus costs and all other appropriate remedies. Each day that a violation continues shall be deemed a separate violation. A *sign* or *sign structure* constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the City, without notice to any Person, at the expense of the owner and such expenses may be assessed under the provisions of Section 1:292 of this Code. The City Attorney may apply to a court of appropriate jurisdiction for an order requiring an appropriate remedy, including removal, for a *sign* or *sign structure* in violation of this chapter.

Ordinance No. ORD-20-27, December 20, 2020.

Article VIII: Definitions

Words and phrases used in this chapter shall have their usual and customary meaning, except that the following terms shall have the meanings stated below. In addition to the definitions below, the definitions from the following documents shall apply to this chapter: (1) Part 91 of 1994 PA 451 (Michigan Compiled Laws) as amended; (2) Rules of the Washtenaw County Water Resources Commissioner; and (3) Ann Arbor City Code Chapter 103 *Historical Preservation.* All words defined in the Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and used in this chapter, shall have the meaning specified in that Act and the administrative regulations passed pursuant to that Act, unless a different definition for that term is provided in this Article VIII.

5.37.1 Generalized Terms

The following generalized terms are used for specific groupings of zoning districts as follows:

A. **Single-Family Zoning Districts** – collectively refers to the R1A, R1B, R1C, R1D, and R1E Single-Family Dwelling districts.

B. **Two-Family Zoning Districts** – collectively refers to the R2A and R2B Two-Family Dwelling districts.

C. **Multiple-Family Zoning Districts** – collectively refers to the R3 Townhouse Dwelling district and the R4A, R4B, R4C, R4D, and R4E Multiple-Family Dwelling districts.

Ordinance No. ORD-20-27, December 20, 2020.

5.37.2 Specific Terms

Editor's Note: Specific terms defined below are italicized in this document.

A.

Accelerated Soil Erosion
The increased loss of the land surface that occurs as a result of human activities.

Accessory Building
See Building, Accessory

Accessory Dwelling Unit (ADU)
A *dwelling unit* for not more than one *family* which is an integral part of a *single-family dwelling* or is included in a detached *accessory building*, and that meets all of the requirements of Section 5.16.6D.

Accessory Use
See Use, Accessory

Adult Bookstore
An establishment having as a *principal activity* the sale of books, magazines, newspapers, video tapes, video discs, and motion picture films that are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

Adult Day Care Center
A facility licensed by the state for aged, infirmed, or disabled adults (18 years old or older) that is operated during a part of the day only and provides supplementary care and protection of individuals who reside elsewhere, except the home or residence of an individual who cares for only Persons related to him by blood or marriage.

Adult Entertainment Business
One or a combination of more than one of the following types of businesses: *adult bookstore*, *adult motion picture theater*, *adult mini-motion picture theater*, *adult personal service business*, *adult novelty business*, *adult nightclub*.

Adult Foster Care
Use of a *structure* constructed for residential purposes that is licensed by the state under the Adult Foster Care facility licensing act, 1979 PA 218, MCL 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

Adult Motion Picture Theater
An enclosed *building* with a capacity of 50 or more Persons having as a *principal activity* displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.

Adult Mini-Motion Picture Theater
An enclosed *building* with a capacity of less than 50 Persons having as a *principal activity* the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

Adult Novelty Business
A *business* that has as a *principal activity* the sale of devices of simulated human genitals or devices designed for sexual stimulation.

Adult Personal Service Business
A *business* having as a *principal activity* a Person, while nude or *partially nude*, providing personal services for another Person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and individual theatrical performances. It does not include activities performed by Persons pursuant to, and in accordance with, licenses issued to such Persons by the State of Michigan.

Adult Nightclub
A *business* with the *principal activity* of providing entertainment by nude or *partially nude* performers.

Affordable Housing Dwelling Unit
Housing units reserved for households with income levels that are less than 60% of Area median income as defined by the United States Department of Housing and Urban Development (HUD) where the occupant is paying no more than the current HUD Fair Market Rents for Ann Arbor, including taxes and utilities.

Agriculture/Greenhouse
The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products, conducted on either unenclosed land or in enclosed *structures*, such as *greenhouses* and *barns*.

Airport, Municipal
A publicly owned area of land that is used or intended for the use for the landing and takeoff of aircraft, and includes its *buildings* and facilities, if any. *Accessory uses* may include but are not limited to aircraft storage, servicing, fueling, or leasing; private aviation clubs or associations.

Alteration
Any change or rearrangement in the supporting members of an existing *buildings*, such as bearing walls, columns, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a *building* or *structure*, whether horizontally or vertically, or the moving of a *building* or *structure* from one location to another.

Applicant
A Person submitting an application or petition for review.

Approach
An area improved for vehicular traffic on a public Street *right-of-way* that connects the traveled portion of the Street with a *driveway*.

Archaeological Resources
Any material remains of past human life and activities that are of either historic or prehistoric archaeological interest.

Architect
A Person licensed by the State of Michigan to engage in the practice of architecture or landscape architecture, as defined by Act 299 of the Public Acts of 1980 (as amended), being (Section 2001 or 2201 of the Michigan Compiled Laws of 1979).

Artist Studio
Work space for one or more artists or artisans, including space for the accessory sale of art produced on the *premises*.

Asphalt and Concrete Mixing Plant
A plant for the manufacture or mixing of asphalt or concrete, including any apparatus and uses incident to such manufacturing and mixing.

Automobile, Motorcycle, Recreation Vehicle, Equipment Sales and Rental
The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, construction equipment, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial *parking lots* available for short-term use.

Automobile, Truck and Construction Equipment Repair
Any *building*, *structure*, or *lot* used for the *business* of repairing automobile, truck and construction equipment or the sale and installation of tires, batteries, and other minor

accessories and services for automobiles, trucks, or construction equipment. This shall not include retail sale of vehicle supplies, tires, or parts unrelated to repairs being performed on the *premises*, the retreading and/or vulcanizing of tires, *fueling stations*, or convenience stores that sell gasoline or lubricating oil, except other vehicle accessories or services are included in this use.

Awning
A rooflike cover attached only to the face of a *structure* that projects (usually over windows and doors) generally for the purpose of providing shelter.

Ordinance No. ORD-19-34, November 17, 2019. Ordinance No. ORD-20-27, December 20, 2020. Ordinance No. ORD-21-20, July 25, 2021; Ordinance No. ORD-26-18, August 9, 2026.

B.

Bank, Credit Union, Financial Services
An establishment that provides retail banking, mortgage lending, and financial services to individuals and *businesses*, and including check-cashing facilities. *Accessory uses* may include automatic teller machines and *administrative/executive offices*.

Banquet Hall
A *building* or portion of a *building* made available for a temporary assembly or gathering of people such as a conference or meeting, party, wedding, reception, fundraiser, display, or similar occasion which may or may not have food and beverage service.

Barn
An agricultural *building* required to serve the farm on which it is located.

Base
The portion of a *building* located between the Street grade and the *streetwall height* (see Figure 1).

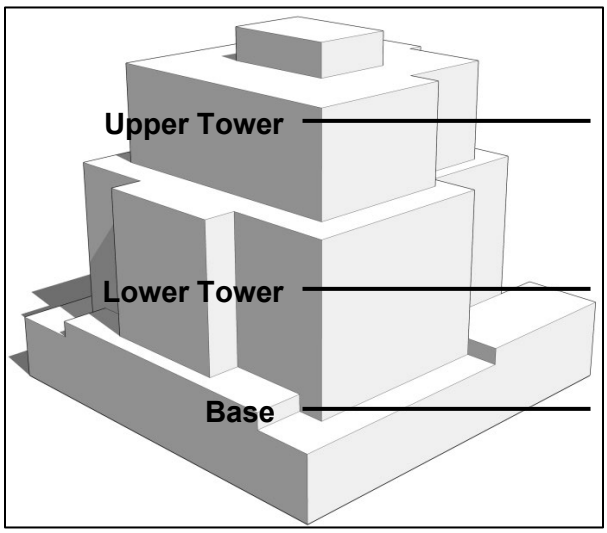


Figure 3: Base, Lower Tower, and Upper Tower

Base Flood
The *flood* having a 1% chance of being equaled or exceeded in any given year. The *base flood* is also known as the 100-year frequency *flood* event.

Base Flood Elevation
The elevation shown on the *Flood Insurance Study* that indicates the water surface elevation resulting from a *flood* that has a one percent chance of equaling or exceeding that level in any given year.

Basement
Any area of a *structure*, including crawl spaces, having its floor or *base* subgrade (below ground level) on all four sides, regardless of the depth of *excavation* below ground level.

Beauty Salon
A *personal services* establishment that provide beauty treatments such as hair cutting, coloring and styling; hair removal; manicure; pedicure; skin care; and therapeutic massage.

Bed and Breakfast (Principal)
A type of *hotel* in which the operator typically lives and provides, but is not required, to serve meals to guests.

Bed and Breakfast (Accessory)
A *building* designed as a *single-family dwelling* in which the operator lives and provides guestrooms of lodging accommodations by prior arrangement to no more than 3 guests for compensation to nonfamily members where occupancy of the *dwelling unit* including guests complies with the requirements for the zoning district in which the *dwelling unit* is located. It may or may not include serving of meals to guests.

Bicycle Parking Space
An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks that meet the requirements the for bicycle parking in this chapter.

Bioretention
A stormwater infiltration system capable of retaining and infiltrating runoff from the first one-half (1/2) inch of rainfall during any storm event.

Boarding House
See Group Housing.

Borrow Pit
An area from which soil or other unconsolidated material are removed and used, without additional Processing, as *fill* for other *development*-related activities.

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. When separated by division walls from the ground up without openings, each portion of such *structures* shall be deemed a separate *building*.

Building, Accessory
A *building* that is subordinate in use, area and purpose to the *principal use* and *principal building* in which an *accessory use* is contained or conducted on the *lot*. *Accessory buildings* can be attached or detached to a *principal building*. When attached, the *accessory building* shall be considered part of the *principal building* for setback purposes.

Building, Principal
A *building* or group of *buildings* in which the main or *principal use* is conducted on a *lot*.

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.

Building Frontage
The portion of a *building* facing any adjacent public Street.

Building Height
The vertical distance of a *building* measured from the *finished grade* to the highest point of the *roof* surface of a flat *roof*; to the deck line of a mansard *roof*; and to the average height between the eaves and the ridge of the highest *roof* section for a gable, hip and gambrel *roof*.

Business
Any legal use of a *building* by a Person other than for a *religious assembly*, *child care center*, school, *home occupation*, or residence. Although contained in the same *building* as another *business* and owned by the same Person, a use may be treated as a separate *business* if it is physically separated, uses different personnel, and provides different products or services.

Business Frontage
The length of the portion of a *building* occupied by a single *business* facing a Street adjacent to the *premises* on which the *business* is located, or in the case of a multiple-tenant *building*, a single *business* facing a shared access drive or parking area.

Business Hours
The period from one-half hour before to one-half hour after the established hours of operation.

Business Services
Service rendered to *business* establishment or individual on a fee or contract basis including but not limited to actuarial, advertising, janitorial, office or business equipment rental, photocopying, and other such services.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-20-33, January 31, 2021; Ordinance No. ORD-21-23, September 26, 2021; Ordinance No. ORD-23-37, February 11, 2024.

C.

Canopy
For purposes of *natural features* and *stormwater management*, the area within the outermost spreading vegetative layer of any woody plant(s) delineated by the *critical root zone*.

For purposes related to *structures*, *buildings*, and *signs*, a rooflike *structure* supported by poles extending over or in front of a place such as over a *vehicular use area*, Sidewalk, patio, door, or

entryway, usually to provide shelter from the elements.

Cemetery
Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundaries of the *cemetery*.

Certification
A signed, written statement by the Planning Manager that specific improvements, inspections, or tests, where required, have been performed and that they comply with the applicable requirements of this chapter or regulations adopted pursuant to this chapter.

Changeable Copy
That portion of a *sign* that is designed or used to display characters, letters, words, or graphics that can be readily changed or rearranged by manual, mechanical, or electronic means. This definition does not include *electronic message signs*.

Child Care Center
A facility that receives one or more children for care for periods of less than 24 hours a day.

Christmas Tree Sales
A temporary *retail sales* operation, generally conducted wholly outside, that offers for sale Christmas trees and related holiday items, such as wreaths and tree stands.

Clearing
The severing of *woody plants* above ground level, leaving root system and stumps intact.

Club Headquarters or Community Centers
Buildings and facilities owned or operated by a corporation, association, Person, or Persons for a place of meeting, social, cultural, or educational, or Recreational purposes, to which membership or residency requirements are is required for participation.

Coal and Coke Dealer
Establishment engaged in the sale or distribution of coal and coke.

Color Rendering Index (CRI)
A standard measure of how closely the color spectrum of a light source corresponds to that of a pure thermal spectrum, for sources having CCT less than 5,000 K. A value of $CRI = 100$ indicates perfect correspondence.

Community Recreation
Use of a *buildings* and facilities accessory to *townhouse dwellings* and *multiple-family dwellings* for a social, educational, or recreational purpose, to which residency of the *townhouse dwellings* or *multiple-family dwellings* are required for participation and that does not render a service customarily carried on as a *business*.

Conceptual PUD Plan
A graphic depiction in plan form of the elements of a Planned Unit Development district that illustrates the *PUD Development Program* and the district's *Supplemental Regulations*.

Conference Center
A facility used for service organizations, business and professional conferences, and seminars,

and limited to accommodations for conference attendees.

Contractors, General Construction and Residential Builders
Individuals or businesses offering services related to construction of *buildings* and *development* of land such as Residential Trade Contractors and home builders, Highway and Street, heavy construction and general *buildings*; *coal and coke dealers*.

Corner Lot
See Lot, Corner.

Correlated Color Temperature (CCT)
Quantity describing the perceived color of light. It is specified by the temperature of a pure thermal spectrum having the same perceived color. The corresponding thermal temperature is ordinarily given in degrees Kelvin.

Critical Facilities
As referenced in the Michigan Building Code, *critical facilities* are typically any facility which is critical to the health and welfare of the population and, if Flooded, would create an added dimension to the disaster. This category of buildings corresponds to Type III and Type IV buildings as defined in the ASCE 24-14. *Critical facilities* include, but are not limited to, schools hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a *flood*; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during, and after a *flood*; public and private utility facilities important to maintaining or restoring normal services before, during, and after a *flood*; and those *structures* or facilities which produce, use, or store highly volatile, flammable, explosive, toxic, and/or water reactive materials.

Correctional Facility
A publicly or privately operated facility to house Persons awaiting trial or Persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

Critical Root Zone
The circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the *critical root zone* is, in feet, the same numerical value as the tree's *diameter at breast height* (*DBH*) in inches, and is measured outward from the center of the tree. For example, the *critical root zone* of a 12-inch *DBH* tree has a radius of 12 feet.

CSA
Community Services Area.

Cultural Services
A facility, such as a *museum*, art gallery, or similar public or semi-public use, that displays, preserves, and exhibits objects of community, cultural, or scientific interest.

Curb Cut
That section of curb removed to permit ingress and egress from the pavement to the adjacent property and shall be measured between the points of tangency of the *opening* radii with the normal Street curbing.

Cut or Excavation
Any act, by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-20-33, January 31, 2021; Ordinance No. ORD-21-23, September 26, 2021.

D.

Data Processing and Computer Center
An establishment that conducts computer programming, software development, and training, and services and maintains electronic data processing equipment.

DDA
The Ann Arbor Downtown Development Authority.

Debris
Loose refuse or earth material not suitable for use as presently situated or constituted.

Development
Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, *clearing*, *grubbing*, or *grading* of land, and structural improvements (e.g., *buildings*, walls, *fences*, *signs*, and vehicular areas).

Diameter at Breast Height (DBH)
The diameter of a tree measured 4.5 feet above the existing grade.

Dish Antenna
A Signal-sending or receiving device for communicating with orbiting satellites.

Dormer
A window vertical in a *roof* or the *roofed structure* such as a window.

Drive-Through 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.

Driveway
An access roadway between a public Street and a *parking space*, *parking structure*, or *parking lot*.

Dwelling Unit
One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by a single-family. See also *accessory dwelling unit*, *manager's dwelling unit*, *assisted living dwelling*, *multiple-family dwelling*, *single-family dwelling* (or *one-family*), *townhouse dwelling*, *two-family dwelling*.

Dwelling Unit, Accessory
See Accessory Dwelling Unit.

Dwelling Unit, Manager's
An *accessory dwelling unit* located on a *site* used for nonresidential uses specifically for managers,

security staff and caretakers of the *principal use.*

Dwelling, Assisted Living
A *multiple-family dwelling* which may or may not be licensed by the State of Michigan where accessory services primarily for, but not limited to, older adults are provided to help with normal daily activities as an integral part of the *dwelling unit. Assisted living dwellings* may also be known as assistive living, continuing care community, senior independent living, senior living community, senior housing and care, and housing with services establishment, or other similar marketing term.

Dwelling, Multiple-Family
A *building* containing three or more *dwelling units* arranged either side by side or one above the other.

Dwelling, Single-Family (or One-Family)
A detached *building* connected to public water and sanitary sewer services containing one *dwelling unit.*

Dwelling, Townhouse
A *building* containing three 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.

Dwelling, Two-Family
A detached *building* containing two *dwelling units*, but not including two otherwise freestanding *single-family* units that are attached at one point or by a non-structural decorative feature.

E.

Earth Change
Any *excavation* or *cut, fill* or *grading* as herein defined.

Electric, Gas and Sanitary Services
All lines and facilities related to the provision, collection, distribution, and transmission of water, storm and sanitary, power, and Gas Services.

Electric Vehicle (EV)
An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood *electric vehicles*, electric motorcycles, and the like, powered, in part, by one or more electric motors that may be charged by on-board electric energy sources such as batteries, solar panels and electric generators, and/or are plugged into, or charged via an off-vehicle electrical energy supply source.

Electric Vehicle Charging Station (EVCS)
A system of components, software, and communications protocols that provide an electrical current output, meeting a minimum industry Level 2 requirement, with a minimum of 20 amps per plug, that is supplied to a vehicle for the purpose of recharging *electric vehicle* storage batteries.

Emergency Shelter
A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency.

Endangered Species Habitat
The habitat necessary to maintain the existence of those plants and animals listed on the current federal and state list of endangered or threatened species.

Entertainment, General
Any establishment where generally non-sporting indoor entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with another use. Examples include, but are not limited to, arcades, *pinball parlors*, dancing, music, karaoke, and similar uses. This use does not include any activity that meets the definition of *indoor recreation* or *outdoor recreation*.

Erosion
The process by which the ground surface is worn and carried away by the action of wind, water, gravity or a combination thereof.

Established Building Line
A line parallel to the *lot line*, extending from the point at which an existing *building* is closest to the *lot line* outward to the *lot lines*.

Established Front Building Line
The established building line that is parallel to the front lot line.

Excavation
See Cut or Excavation

Ordinance No. ORD-20-35, February 14, 2021.

F.

Family
An individual or group of individuals occupying a *dwelling unit* as a single *housekeeping unit*, or a group of Persons whose right to live in a single *dwelling unit* is protected by the federal Fair Housing Act Amendments of 1988.

Family Day Care Home
A private *dwelling unit* in which up to 6 minor children are received for care and supervision for periods of less than 24 hours a day.

Fence
Any artificial permanent *fence*, partition, *structure*, or gate erected as a dividing marker, Barrier, or enclosure.

Fill
A deposit of soil or rock placed or replaced by people or machine.

Final Acceptance
Certification by the City Administrator that all obligations and work set forth in an approved site plan and Development Agreement, if any, have been satisfactorily performed.

Finished Grade
The level of the ground adjacent to a *structure* for purposes of regulating height. This level shall be determined by: Step 1) establishing an average level of the ground for each side of a *structure*

using the highest and lowest point on each side, as measured six feet from the exterior walls of the *structure*; then, Step 2) establishing the *finished grade* by averaging together the levels calculated in Step 1.

Flag
A piece of cloth or fabric, typically attached to a flagpole or staff, that displays a message or symbol (e.g. American flag, State of Michigan flag).

Flood
A temporary increase in the flow or stage of a stream or in the state of a *wetland* or lake that results in the inundation of normally dry areas.

Floodplain
The lands within the City of Ann Arbor, typically adjacent to a body of water or watercourse, that are subject to inundation by the *base flood*.

Floodproofing
Any combination of structural and non-structural additions, changes, or adjustments to *structures* which reduce or eliminate *flood* damage to real estate or improved real property, water and sanitary facilities, *structures* and their contents that meets the requirements of the Michigan Building Code.

Floodway
The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to store and discharge the *base flood* without cumulatively increasing the water surface elevation more than 0.1 feet, as designated by the Michigan Department of Environmental Quality and indicated on the *Flood Insurance Rate Map* prepared by the Federal Emergency Management Agency.

Flood Fringe
That portion of the *floodplain* outside of the *floodway*. *Flood fringe* is synonymous with the term "floodway fringe" used in the *Flood Insurance Study* for Washtenaw County, Michigan.

Flood Hazard Areas
The land area covered by the floodwaters of the *base flood* is the Special Flood Hazard Area (SFHA) on National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's *floodplain* management regulations must be enforced and the area where the mandatory purchase of *flood* insurance applies. The SFHA includes Zones A, AO, AH, AE, and the 0.2 percent annual chance flood hazard.

Flood Insurance Rate Map
A map prepared by FEMA that depicts the *flood hazard areas* within a community. This map includes insurance rate zones, *floodplains*, *floodways*, and *base flood elevation*.

Flood Insurance Study
The official report by FEMA providing an examination, evaluation, and determination of *flood* hazards and corresponding *flood* profiles and water surface elevations of the *base flood*. Also known as an FIS.

Flood Protection Elevation
An elevation no lower than one foot above the elevation of the 0.2% annual chance *flood*. The

0.2% annual chance *flood* elevation is the elevation shown on the *Flood Insurance Study* that indicates the water surface elevation resulting from the *flood* that has a 0.2% chance of equaling or exceeding that level in any given year. If the 0.2% annual chance elevation is not shown on the reach profile in the *Flood Insurance Study*, use 2 feet above the 1% annual chance *flood* elevation.

Floor
The top surface of an enclosed area in a *building* (including *basement*), i.e., top of slab in concrete slab construction and top of wood flooring in wood frame construction.

Floor Area
The sum of the area, in square feet, of the *floor* of all *stories* of a *building* or *structure* measured from the exterior faces of the exterior walls or from the center line of walls separating two *buildings*, excluding: stairwells (including landings), escalators, elevator shafts, ramps, vertical chases or chutes, and attics in which occupancy is prohibited under Chapter 105 (Housing Code) of City Code in *buildings* that contain only residential uses.

Floor Area Ratio
The sum of the *floor area* of all *principal buildings* and *accessory buildings* and *structures* on a *lot* divided by the *lot area* expressed as a percentage. When calculating *floor area ratio*, the following shall be excluded: *floor area* used for required premium or PUD vehicle parking and required *bicycle parking spaces*, and *floor area* used for below grade parking where below grade means more than half of the volume of that *story* is below the *finished grade*.

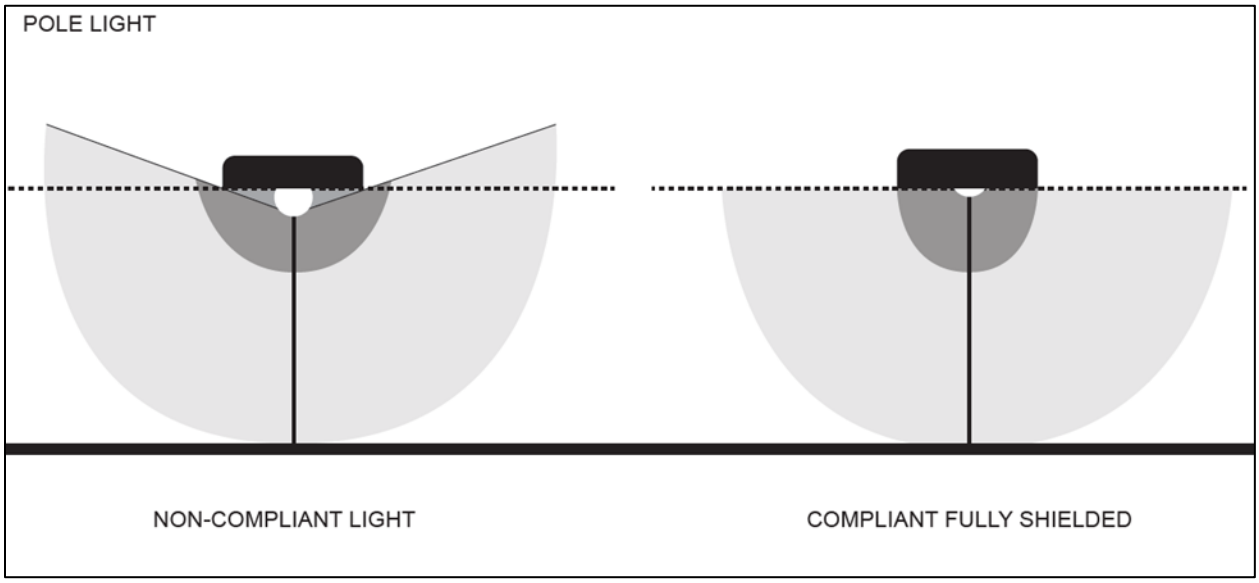
Foot-Candle
Measurement unit for *illuminance*, corresponding to one *lumen* of light falling on a one square foot surface. This brightness is measurable with a light meter. One *foot-candle* equals 10.76 *lux*. One *foot-candle* is the *illuminance* of a surface by a candle at a distance of one foot.

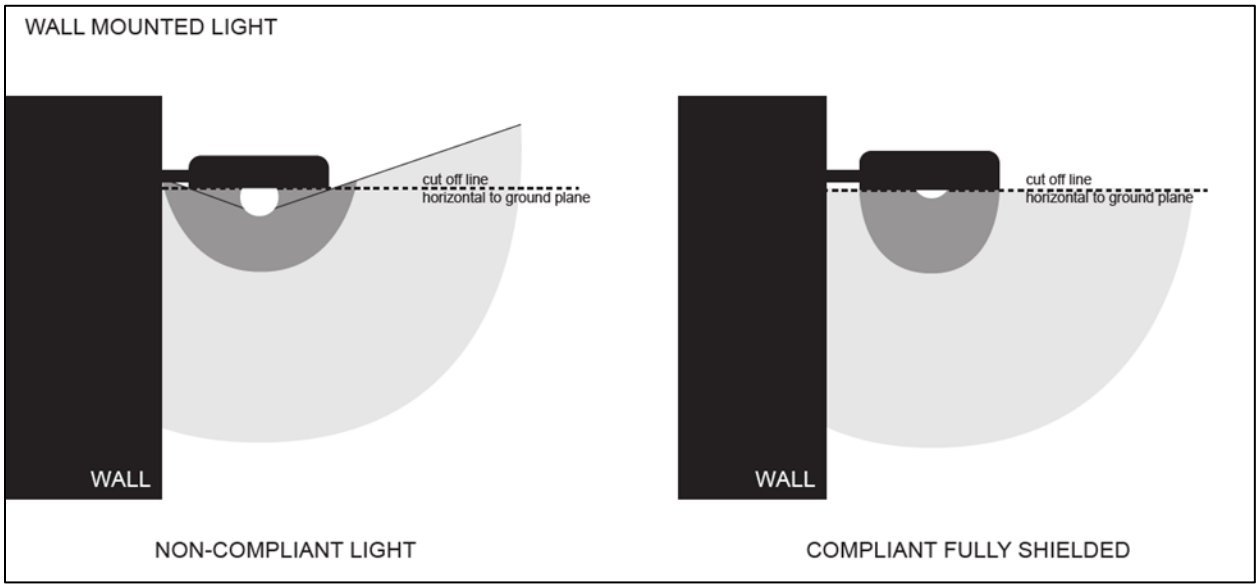
Fraternity or Sorority House
A *building* used by a college fraternity or sorority as a principal place of residence for its members. Such house shall have an affiliation with the University of Michigan, or a postsecondary college or university that operates campus facilities in the City of Ann Arbor. Affiliation shall be through the recognition of membership of the resident fraternity or sorority in associations or councils recognized by a college or university.

Fueling Station
A facility for the sale or distribution of gasoline or equally inflammable fuel oils. This use does not include any services other than distributing the fuel or sales of any other goods except those directly related to fuel sales and distribution. Other services or sales shall be considered separately.

Fully Shielded
Designation for a *luminaire* from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion (see Figure 37-F-2).

Figure 37.2.F-1: Fully Shielded Luminaires





Funeral Services
A *building* or place where ceremonies for the deceased are conducted.

Functional Family
A group of people plus their *offspring*, having a relationship which is functionally equivalent to a *family*. The relationship shall be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. *functional family* shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the *housekeeping unit* is temporary.

Ordinance No. ORD-18-06, July 29, 2018; Ordinance No. ORD-20-33, January 31, 2021; Ordinance No. ORD-21-23, September 26, 2021; Ordinance No. 24-20, November 10, 2024.

G.

Glare
Excessive brightness from a light source whose contrast against the background causes impaired vision or physical discomfort.

Government Offices and Courts
An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: City hall, post office, Courts, employment office, library, waste treatment facilities, *correctional facility*, public assistance office, or motor vehicle licensing and registration services.

Grade or Grading
Any *stripping*, *excavating*, *filling*, *stockpiling* or any combination those activities, and shall include the land in its excavated or filled condition.

Grading Permit
A *soil erosion and sedimentation control* permit issued to authorize work to be performed under this ordinance.

Group Day Care Home
An *accessory use* of a private *dwelling unit* in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.

Group Housing
A *building* containing a group of rooms forming a single habitable unit used or intended to be used for living and sleeping. Separate kitchen and dining facilities may or may not be provided within the *building*. Also known as a *rooming house* or *boarding house*. See also "family living arrangement" in Section 5.16.1A.2.

Grubbing
To clear ground of roots and stumps by digging them up.

Guest House
A place for temporary lodging for *family* members of a patient at a *hospital* that usually has a resident manager, provides one or more meals per day to guests, and offers other support services.

Ordinance No. ORD-19-32, October 27, 2019. Ordinance No. ORD-21-23, September 26, 2021.

H.

Haul Road
An on-site roadway constructed to prevent the spread of *debris* onto the *public right-of-way*.

Hazard
Any danger to public health, welfare, and safety including exposure to risk of damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. *hazards* can include *flooding* and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire, and disease.

Heavy Manufacturing
An *Industrial Plant, Manufacturing, Processing, or Assembling* use that does not meet the definition of *light manufacturing*.

Home Occupation
An *accessory use* of a nonresidential nature that is performed within a *dwelling unit* or within an *accessory building*, and conducted by members of the *family* residing in the *dwelling unit*, and not more than one additional employee.

Hospital
An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where Persons suffering from permanent types of illness, injury, deformity or deficiency or age are supervised or given care and treatment on a prolonged or permanent basis.

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. This use includes motels.

House Trailer
Any vehicle used or intended for use as a *dwelling unit*, regardless of whether such vehicle is self-propelling or is moved by other agencies.

Housekeeping Unit
A *dwelling unit* organized as a single entity in which the members of the household share common facilities.

I.

Illuminance
Brightness of light falling on a surface or plane perpendicular to the direction of the light source; illumination. *Illuminance* is measured in *foot-candles* or *lux* (metric system).

Impervious Surface
All paved or hard surfaced areas, such as areas covered by *buildings* and *structures*; roads and drives; *parking lots*; formed curb and gutters; *vehicular use areas*; brick or gravel surfaces; sidewalks; bike paths; patios; and any areas of concrete or asphalt or non-absorbent material.

Incidental Sales and Services
Incidental and accessory sale and services intended for the convenience of occupants of the district, including newsstands, coffee shops, snack shops, *indoor recreational* facilities, dry cleaning, shoe shining, *beauty salon* or spa, *child care centers*, *restaurants*, and *medical or dental offices*.

Industrial Plants, Manufacturing, Processing, Assembling
An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of

metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

Institution of Higher Learning, Private
Private colleges, universities and other institutions of higher learning, offering courses in general, technical, or religious education.

Institution of Higher Learning, Public
A post-secondary public college or university that awards associate, bachelor, or higher degrees.

Invasive Species
Botanical species included on the City's Invasive Species list that is maintained and updated in the Building department, as provided under this Code.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-21-23, September 26, 2021.

J.

K.

Kennels and Animal Boarding
An establishment where pets are temporarily fed, housed, groomed, exercised, and generally cared for by non-owners, for commercial purposes.

Ordinance No. 23-37, February 11, 2024.

L.

Laboratory
A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the *laboratory*.

Landmark Tree
Any tree of 24-inch *DBH* or greater, or that is a type and *DBH* equal to or greater than shown on the *landmark tree* list in the land development regulations, and that has a health and condition standard factor of over 50% based on the standards established by the Internal Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the structure of the tree, the presence of insects or disease, the crown development, and the life expectancy. The definition of a *landmark tree* shall not include any tree identified as an *invasive species* on the City's Invasive Species list.

Laundry, Cleaning, and Garment Service
An establishment where laundry or dry cleaning is dropped off and picked up by customers and that also includes on-site laundry and/or cleaning activities and garment tailoring services.

Laundry and Dry Cleaning Plant
An industrial facility where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Lawn Extension
The unimproved portion of any *public right-of-way*.

Library
A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

Light Manufacturing
An *industrial*, *manufacturing*, *processing*, *or assembling* plant using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety *hazards* outside of the *building* or *lot* where such *manufacturing*, *processing or assembly* takes place, where such processes are housed entirely within a *building*.

Light Source
When illuminating a *sign*, that part of a lamp or device that emits light, such as a bulb or diode.

Light Trespass
Light that is cast beyond the boundary of the *lot* on which the lighting installation is sited.

Limits of Soil Disturbance
A line marking the perimeter of the area within which there will be construction activity and any disturbance to the soils on a *site*.

Lot
A parcel of land, not including a public or private Street, that may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel of land that meets the requirements of this code.

Lot, Corner
A *lot* or parcel of land abutting two or more Streets at their intersection, or two parts of the same Street forming an interior angle of less than 135 degrees.

Lot, Nonconforming
A lawfully-established *lot* that does not conform to the area or width regulations of this chapter.

Lot Area
The total horizontal land area in square feet within the *lot lines* of a *lot*, including land donated or to be donated to the City for public park purposes which is accepted by the City, and excluding any area of dedicated or proposed *public right-of-way* and private street easements.

Lot Line
The boundary of a *lot* (see Figure 36-2 and Figure 36-3).

> **Front Lot Line**
> The *lot line* separating a *lot* from a Street, excluding Lot Lines separating I-94, U.S. 23, M-14, and Alleys.
>
> **Rear Lot Line**
> The *lot line* opposite and most distant from the *front lot line*; or in the case of irregularly-shaped *lots*, a line ten feet in length entirely within the *lot*, parallel to and at a maximum distance from the *front lot line*.

Side Lot Line
Any *lot line* other than a Front or *rear lot line.*

Figure 4: Lot Lines (midblock Lot)

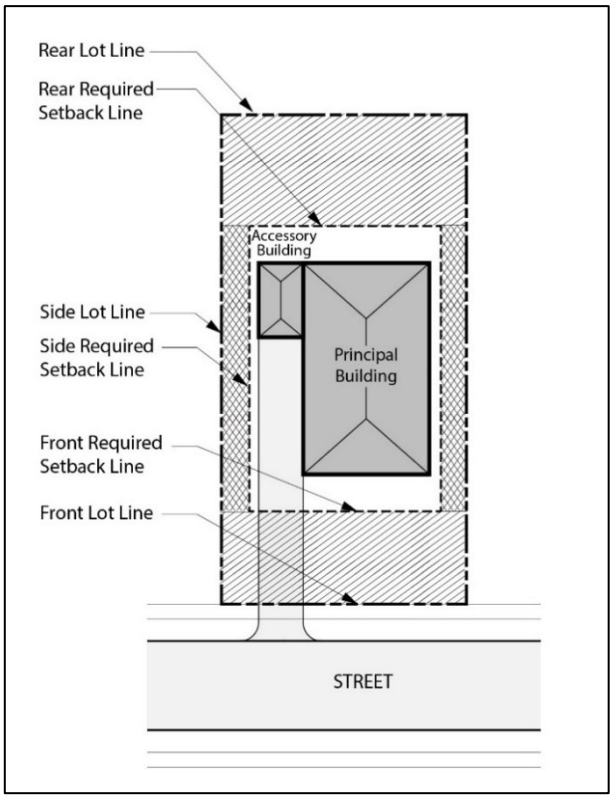
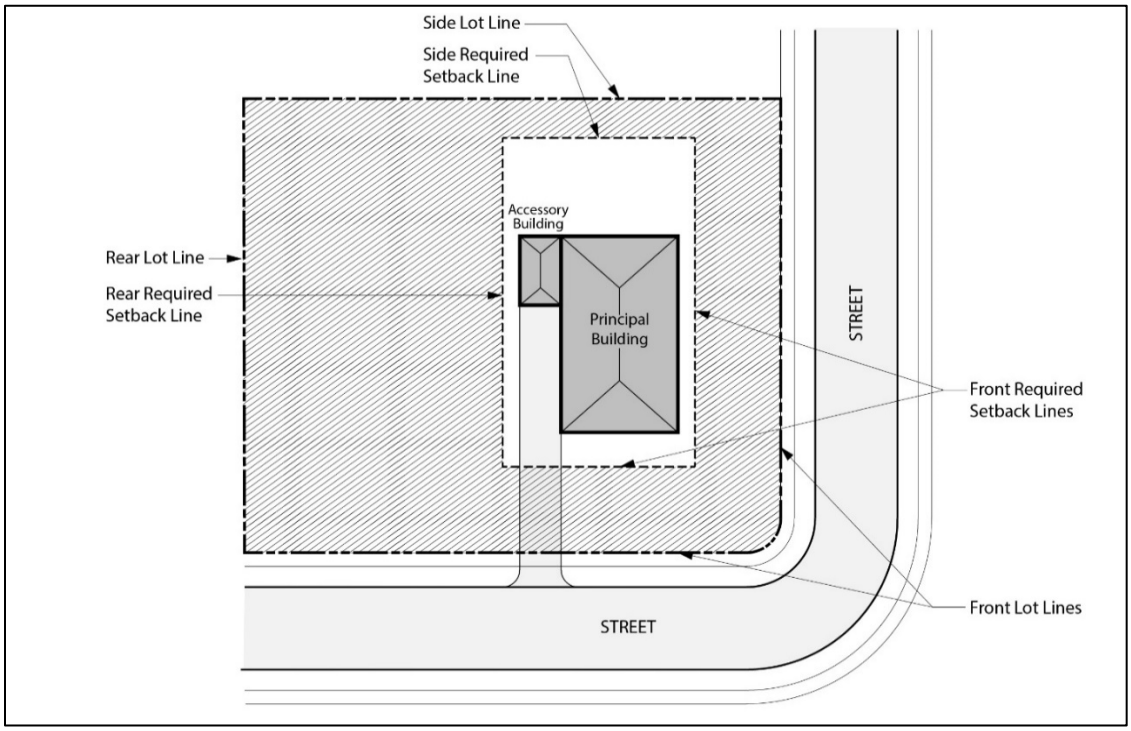


Figure 5: Lot Lines (Corner Lot)



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 that exists as described in those records.

Lot Width
The length of a straight line drawn between the points where the *front required setback line* cuts the *side lot lines*.

Lowest Floor
The *lowest floor* of the lowest enclosed area (including *basement*). An unfinished or *flood* resistant enclosed area, used solely for parking of vehicles, *building* access, or storage in an area other than a *basement* area, is not considered a *building's lowest floor*, provided that such enclosed area is not built so as to render the *structure* in violation of other provisions of this ordinance.

Lumen
Measurement unit for the power per solid angle of visible light emitted by a source.

Luminaire
A complete lighting unit consisting of one or more light-emitting devices together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, excluding the mounting surface or pole.

Lux
Metric system measurement unit for *illuminance*, corresponding to one *lumen* of light falling on one square meter surface.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-20-33, January 21, 2021; Ordinance No. ORD-21-23, September 26, 2021.

M.

Management/Maintenance Office and Storage
Use within a *principal* or *accessory building* for storage of maintenance supplies to be used on the *site* of the *principal use*, or occupied by a Person for day-use for the purpose of managing a property, *building*, or facility.

Marihuana
That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, or as defined in the Michigan Regulation and Taxation of Marihuana Act, as applicable.

Marijuana
See definition of Marihuana.

Designated Marijuana Consumption Facility
A licensed commercial space where customers may consume, via smoking, ingestion, or other means, *marijuana* as authorized by the Michigan Regulation and Taxation of Marihuana Act (and referenced as "Designated Consumption Establishment").

Licensee
As used in the context of *marijuana*, a Person holding a *State Marijuana License.*

Marijuana Facility
A location at which a *licensee* is licensed to operate under the Medical Marihuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act.

Marijuana Grower
A *licensee* that cultivates, dries, trims, or cures and packages *marijuana* for sale to a Processor, *medical marijuana provisioning center*, or *marijuana retailer* as further defined by the Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as applicable.

Marijuana Plant
Any plant of the species Cannabis sativa L.

Marijuana-Infused Product
A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation, as further defined by the Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as applicable.

Marijuana-Infused Product Processor
A *licensee* that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale *marijuana-infused products* to licensed *medical marijuana provisioning centers*, *marijuana retailers*, or other Processors.

Marijuana Microbusiness
A *licensee* that cultivates, processes, and sells or transfers *marijuana* directly to consumers, as further defined in the Michigan Regulation and Taxation of Marihuana Act.

Marijuana Processor
A *licensee* that is a commercial entity located in this state that purchases *marijuana* from a *marijuana grower* and that extracts resin from the *marijuana* or creates a *marijuana-infused product* for sale and transfer in packaged form to a *medical marijuana provisioning center* or *marijuana retailer*.

Marijuana Safety Compliance Facility
A *licensee* that is a commercial entity that receives *marijuana* from a *marijuana facility* or registered *primary caregiver*, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the *marijuana* to the *marijuana facility* or *primary caregiver*.

Marijuana Secure Transporter
A *licensee* that is a commercial entity located in this state that stores *marijuana* and transports *marijuana* between *marijuana facilities* for a fee.

Marijuana Retailer
A *licensee* that purchases *marijuana* from a *marijuana grower* or *marijuana processor*, or *marijuana-infused product*, and sells, supplies, or provides *marijuana* to customers as further defined by and in compliance with the Michigan Regulation and Taxation of Marihuana Act.

Medical Marihuana Facilities Licensing Act
The Medical Marihuana Facilities Licensing Act, as amended, MCL 333.27101 *et seq.*, also referred to as the MMFLA, and the administrative rules authorized by the MMFLA.

Medical Marijuana Home Occupation
An *accessory use* of a nonresidential nature that is conducted by a registered *primary caregiver* who resides in the *dwelling unit* and (A) is performed within a *single-family dwelling* or within an *accessory building* to that *single-family dwelling*, (B) is for the purpose of assisting one or more registered *qualifying patients* with the *medical use of marijuana* who do not reside in the *dwelling unit*, and (C) complies with the MMMA.

Medical Marijuana Provisioning Center
A *licensee* that is a commercial entity located in this state that purchases *marijuana* from a *marijuana grower* or *marijuana processor* and sells, supplies, or provides *marijuana* to registered *qualifying patients*, directly or through the Qualified Patients' registered *primary caregiver*. This use includes any commercial property where *marijuana* is sold at retail to registered *qualifying patients* or registered *primary caregivers*. A noncommercial location used by a *primary caregiver* to assist a *qualifying patient* connect to the *primary caregiver* through the department's *marijuana* registration process in accordance with the MMMA is not a *medical marijuana provisioning center*.

Medical Use of Marijuana
The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of *marijuana* or paraphernalia relating to the administration of *marijuana* to treat or alleviate a registered *qualifying patient's* debilitating medical condition or symptoms associated with the debilitating medical condition.

Michigan Medical Marihuana Act
The Michigan Medical Marihuana Act, as amended, MCL 333.26421 *et seq.*, also referred to as the MMMA, and the administrative rules authorized by the MMMA.

Michigan Regulation and Taxation of Marihuana Act
The Michigan Regulation and Taxation of Marihuana Act, as amended, MCL 333.27951 *et seq.*, also referred to as MRTMA, and the administrative rules authorized by the MRTMA.

MMMA
See Michigan Medical Marihuana Act.

Primary Caregiver
As used in the context of *marijuana*, a Person who is at least 21 years old and who has agreed to assist with a patient's *medical use of marijuana* and who has never been convicted of a felony involving illegal drugs.

Qualifying Patient
As used in the context of *marijuana*, a Person who has been diagnosed by a physician as having a debilitating medical condition.

State Marijuana License
As used in the context of *marijuana*, or unless the context requires a different meaning, "license" means a state operating license that is issued under the Medical Marihuana Facilities Licensing Act or a state license under the Michigan Regulation and Taxation of Marihuana Act.

Market Value (of A Structure)
The *Market Value of a Structure* is the true cash value as shown in the City of Ann Arbor Tax Assessor's records. The *Market Value of a Structure* does not include the value of the land, or other *structures* on the property.

Massing Articulation
The way in which a *building* wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 36-4).

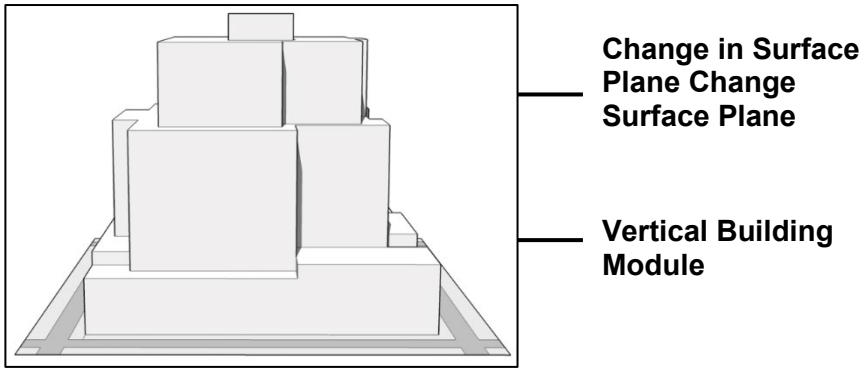


Figure 6: Massing Articulation

Maximum Diagonal
The longest horizontal dimension of a *building* or *tower*, as measured from corner to corner of a *story* (see Figure 36-5).

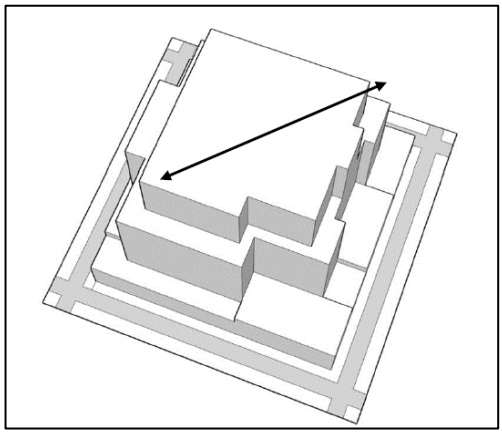


Figure 7: Maximum Diagonal

Medical Laboratory
A facility or area for conducting medical research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the *laboratory*.

Medium-Term Car Storage
Parking of excess inventory of new, used or recalled vehicles owned by a licensed vehicle dealership for a specified period of time. Does not include storage of damaged vehicles, display of vehicles for customers, or retail sales of vehicles.

Mobile Home Park
A parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

Mobile Food Vending Service
Any vehicle or trailer, designed to be portable and not permanently attached to the ground, from which food is prepared and/or sold.

Municipal Airport
See Airport, Municipal

Museum
A *building* having public significance by reason of its architecture or former use or occupancy or a *building* serving as a repository for a collection of natural, scientific, or literary objects of interest, or works of art, and arranged and designed to be used by members of the public for viewing, with or without admission charge, and which may include as an *accessory use* the sale of goods that are related in topic with the primary purpose of the *museum*.

Ordinance No. ORD-18-22, November 4, 2018; Ordinance No. ORD-19-15, June 16, 2019; Ordinance No. ORD-19-16, June 16, 2019; Ordinance No. ORD-19-32, October 27, 2018; Ordinance No. ORD-20-23, January 31, 2021; Ordinance No. ORD-20-27, December 20, 2020.

N.

Native or Prairie Plantings
The exclusive use of plants in a landscape planting that were in the City prior to European settlement in Michigan.

Natural Feature
Any one or more of the following: endangered species habitat, floodplain, landmark tree, Steep Slope, watercourse, wetland, and woodland.

Nit
A measure of luminance equal to one candela per square meter.

Nonconforming Lot
See Lot, Nonconforming.

Nonconforming Sign
See Sign, Nonconforming

Nonconforming Structure
See Structure, Nonconforming

Non-Erosive Velocity
A speed of water movement that is not conducive to the development of *accelerated soil erosion.*

Nonprofit Corporation
An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nursing Care Facility
Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals, but not including *hospitals*, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This use includes *guest houses* for relatives of *hospital* patients.

Nursery School
A daytime group facility that 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.

Ordinance No. ORD-20-33, January 31, 2021.

O.

Office, Administrative/Executive
Space for executive, administrative, management and support staff of the *principal use*, which is typically a *research/development* or industrial use.

Office, General
An establishment in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, but is intended for the conduct or service by a commercial enterprise, or space for the conduct of professional or *business services.* Examples include, but are

not limited to, administrative, legal, accounting, management, advertising, general business not listed elsewhere, consulting, and real estate offices.

Office, Medical or Dental
An establishment where patients who are not lodged overnight are admitted for examination and treatment by an individual physician or dentist or a group of physicians and dentists in practice together.

Office, Veterinary
An establishment where pets are admitted for examination, consultation, diagnosis, treatment, and necessary boarding during the treatment period by a veterinarian.

Offset
The distance that the exterior wall of a *tower* or upper *stories* of a *building* is set back from the *streetwall* or the exterior wall of the *base* (see Figure 36-6). For purposes of this definition, unenclosed balconies are not considered to be part of the exterior wall of a *tower*.

Figure 8: Offset

Offspring
Descendants, including natural children, adopted children, foster children and legal wards.

Oil and Gas Wells
Any well drilled, to be drilled, or used for the intended or actual production of natural oil, gas,

or other hydrocarbons.

Opacity
The degree to which a *fence* is impervious to rays of light. This condition will be measured by observation of any two square yard area of *fence* between one foot above the ground level and the top of the *fence*. The observation shall be from a direction perpendicular to the plane of the *fence*.

Opening
The point of connection of the *driveway* and *approach* at the Street *right-of-way* line. Its width and location shall be determined by extending the *driveway* line to the Street *right-of-way* line.

Open Space
The unenclosed portion of a *lot* that is devoted to space for recreation, greenery, and 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 recreation purposes, permanent or seasonal water surfaces, and protected natural areas. It shall not include areas covered by *parking lots*, *driveways*, solid waste container points of storage or points of collection, or enclosed *accessory structures*.

Open Space, Active
The portion of *open space* devoted to and suitable for *outdoor recreation* and household activities measuring at least six feet by ten feet if intended for common or shared use by all households and at least four feet by ten 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*, stormwater management basins, *wetlands*, *wetland and watercourse buffer area*, *buffers and screening*, *vehicular use area* interior landscape islands, or screening.

Open Space, Permanent
The portion of a *lot* or *lots*, exclusive of road rights-of-way, vehicle access and utility easements, and required stormwater management, *soil erosion and sedimentation control* facilities, which is restricted by a recorded conservation easement or similar binding instrument. *Permanent open space* shall be 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.

Ordinary High-Water Mark
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.

Outdoor Display and Vending Machines
Display of General Merchandise sold by owner or operator of *principal use* and vending machines.

Outdoor Residential Recreation Facility
A private swimming club or an outdoor playground, volleyball, basketball or tennis court, or other similar Recreational facility, located in a residential development, where equipment is permanently installed.

Outdoor Sales, Temporary
Temporary display and sales of merchandise sold by the owner or operator of *principal use.*

Outdoor Sales, Temporary by Others
Temporary outdoor sales or display of goods and services normally sold in the zoning district by a party other than the owner or operator of the *principal use.*

Outdoor Sales, Permanent
Permanent outdoor sales or display of goods and services normally sold in the zoning district on the same *lot* as the *principal building.*

Outdoor Storage
The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or *equipment* for sale in a sales lot.

Ordinance No. ORD-23-37, February 11, 2024; Ordinance No. ORD-26-11, June 21, 2026.

P.

Parking Attendant Building
A shelter to house the on-site attendant of a *parking lot.*

Parking Lot
A total surface area on one parcel of 1200 or more square feet or five or more parking spaces used for parking and maneuvering of motor vehicles, which includes unenclosed *parking structures.*

Parking Space
A private area designed or used for the parking of a motor vehicle and properly accessed from a public Street by a *driveway* or private street.

Parking Structure
A *building* or *structure* used to store motor vehicles.

Parks, Recreation, and Open Space
Land owned or leased by the City or other public agency for use as a neighborhood park, an urban park or plaza, a recreation facility, a historic site, a community-wide park, and/or a natural area as described in the Parks and Recreation Open Space Plan.

Partially Nude
Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

Partially Shielded
Designation for a *luminaire* from which some light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion, for the purpose of illuminating specific targets above grade. Any light from the *luminaire* that is not illuminating the target shall be *fully shielded*. See Figure 37.2.P-1.

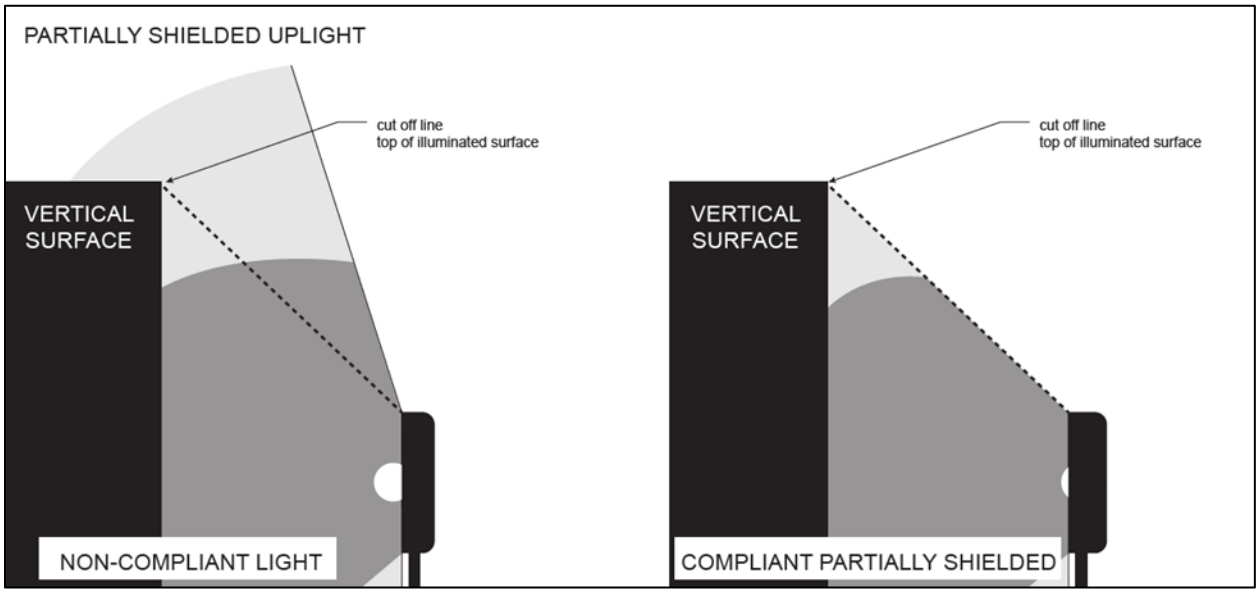


Figure 37.2.P-1: Partially Shielded Luminaires

Pennants
A series of triangular or irregular pieces of fabric or other material, attached in strings or strands, or supported on small poles, and which flap in the wind.

Permanent Resident
The Person(s) occupying a *dwelling unit* as their *principal residence*.

PDSU
The Ann Arbor Planning and Development Services Unit.

Personal Services
An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to; catering establishments, custom dressmaking, film processing, licensed massage salons, optical and optician services, service and repair establishments, sun tan centers, bicycle rental, and small craft rental. This definition does not include *laundry, cleaning and garment services*.

Phase
A portion of a larger *development* that contains independently adequate (1) pedestrian and vehicular access, (2) sanitary, water and stormwater conveyance and management systems, and

(3) required site improvements such as, but not limited to, landscaping, *open space* and parking and is specifically identified as a *phase* on an approved plan.

Pilot Manufacturing
The production of a product, process, or piece of equipment on a simulated factory basis, and. limited to *pilot manufacturing* of engineering, *laboratory*, scientific, electronic and research instruments and associated equipment.

Pinball Parlor
A pinball facility meeting all requirements of Chapter 87, Section 7:327.

Planning Manager
The Manager of the PDSU.

Plant
Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

Power and Fuel Rights-of-Way
All lines and facilities related to the provision, collection, distribution, and transmission of Power and Fuel Rights-of-Way.

Premises
The contiguous land in the same ownership or control that is not divided by a public Street or Alley.

Principal Activity
A use accounting for more than 20% of a *business's* stock in trade, display space, floor space, live entertainment time or movie display time per year.

Principal Residence
The *dwelling unit* where an owner of a property or a tenant of a period of greater than 30 days has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a *principal residence* until another *principal residence* is established.

Principal Use
See Use, Principal

Principal Building
See Building, Principal

A *building* or group of *buildings* in which the main or *principal use* is conducted on a *lot*.

Prior Zoning and Development Regulations
The provisions of each of those chapters of the Code listed in Section 5.9.1 as they existed immediately prior to the adoption of this chapter.

Professional Engineer
A Person licensed by the State of Michigan to engage in the practice of Professional Engineering as defined by Act 299 of the Public Acts of 1980 (as amended), being Section 2001 of the Michigan Compiled Laws of 1979.

Project Completion
The point at which all permitted improvements for a project have been completed consistent with all permit approvals, as well as with any approved amendments or modifications, and for which all final inspections have been made and approved by the City.

PSA
Public Services Area.

Public Right-of-Way or Right-of-Way
For purposes of this chapter only, all public Streets, Highways, Sidewalks and Alleys.

PUD Development Program
A written document or portion of a document describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district.

Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-21-12, May 23, 2021; Ordinance No. ORD-21-23, September 26, 2021.

Q.

Ordinance No. ORD-19-32, October 27, 2019.

R.

Railroad and Public Transportation Rights-of-Way
A public or private *right-of-way* on which tracks for trains are constructed.

Recreation, Indoor
An indoor establishment having as its principal or predominant use the offering of sporting-related, participatory or spectator entertainment, and which may or may not sell alcohol for consumption on the *premises*. Sandwiches, light meals, snacks, and/or full service meals may be available for consumption on the *premises* but are not the principal or predominant use of the establishment. Examples include, without limitation: court game facilities, swimming pools, skating rinks, health clubs, and bowling alleys.

Recreation, Outdoor
Establishment providing *outdoor recreation* service, such as: miniature golf, golf driving ranges, commercial swimming pools, outdoor theaters and canoe liveries.

Religious Assembly
A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other *structure*, together with its *accessory structures*, including a parsonage or rectory. This use does not include home meetings or other religious activities conducted in a privately occupied residence. *Accessory uses* may include religious education classes, meeting rooms, and childcare provided for Persons while they are attending assembly functions.

Research/Development
A *structure* or complex of *structures* designed or used for research development intended to advance knowledge and develop technology related to academia or industry and similar fields of endeavor but not facilities for the manufacture or sale of products, except as incidental to the

primary purpose of the *laboratory*.

Residential Occupancy
The use of land or *buildings* by a tenant(s) for overnight use.

Restaurant, Bar, Food Service
An area or *structure* in which the principal *business* is the preparation and sale of foods and beverages to the customer in a ready-to-consume state. Operations may or may not include outdoor seating areas or outdoor food service, but the operation does not include a *drive-through facility*, or an establishment primarily devoted to the serving alcoholic beverages by the drink and in which the service of the food is only incidental to the consumption of such alcoholic beverages.

Retail Center
A group of predominantly commercial establishments managed as a total entity.

Retail Sales, General Merchandise
A facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; auto parts without service, dry goods; groceries and convenience and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include other uses defined separately in this Article VIII.

Roof
The cover of any *building*, including the eaves and similar projections.

Rooming House
See Group Housing.

Rules of the WCWRC
The Rules of the Washtenaw County Water Resources Commissioner, Procedures and Design Criteria for Stormwater Management Systems, October 17, 2016 (Section III revised 1/1/2023).

Ordinance No. ORD-24-20, November 10, 2024.

S.

School, Private
A private institution intended for the purpose of elementary or secondary education, but also including dance schools, and art schools, but not trade schools, and which does not secure the major part of its funding from public sources.

School, Public
A public institution intended for the purposes elementary or secondary education, including public school academies (commonly known as charter schools) and similar institutions as recognized by state regulations.

Security
For non-*warranty* purposes, cash or certified check or money order made payable to the City. For *warranty* purposes, surety bond, cash or certified check or money order made payable to the

City.

Sediment
Any solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been moved from its site of origin by the process of soil *erosion*.

Setback

Building Setback
The distance at which an existing *building* is located from a *lot line*.

Required Setback (Front, Side, and Rear)
The minimum or maximum distance specified by this chapter that shall be provided between a *lot line* and a *structure*.

Required Setback Area (Front, Side and Rear)
The portion of a *lot* between the *required setback line* and the *lot line*.

Required Setback Line (Front, Side, and Rear)
A line parallel to a *lot line* representing the minimum *required setback* from that *lot line* and, together with the *lot line*, defines the *required setback area*.

Skyglow
Unnatural brightening of the night sky due to artificial light at night.

Short-Term Car Storage
Parking of personal, privately owned vehicles in *parking lots* for up to 14 days. The use is typically associated with car sharing services or park-n-ride services.

Short-Term Rental - Non-Principal Residence
Any *dwelling unit* that is not the owner's *principal residence* and is rented wholly or partly for compensation for periods of 30 consecutive days or less.

Short-Term Rental – Principal Residence Homestay
Activity where *permanent resident* hosts visitors in their home, for compensation, for periods of 30 consecutive days or less, while the *permanent resident* lives on-site, in the same *dwelling unit*, throughout the visitor's stay.

Short-Term Rental – Principal Residence Whole House
Activity where *permanent resident* hosts visitors in their home, for compensation, for periods of 30 consecutive days or less, while the *permanent resident* is not present or occupied by the *permanent resident* throughout the visitor's stay.

Sign
Any display or object which is primarily used to identify or display information about or direct or attract attention to a Person, institution, organization, *business*, product, event, or location, or any religious, political, social, ideological, or other message, by any means which is visible from any public Street, Sidewalk, Alley, park, or public property and is located or set upon or in a *building*, *structure*, or piece of land. *Sign* does not include any goods displayed in a window.

Address Sign
A *permanent sign* that contains only the address of a location consistent with the address recognized by the United States Postal Service.

Canopy Sign
A *sign* that is part of or attached to a *canopy*.

Electronic Message Sign
A *sign* whose message is primarily composed of *light sources* designed to be directly visible and that may be changed through electronic means, such as an LED, LCD, or plasma display.

Freestanding Sign
A *permanent sign* that is affixed or anchored to the ground and not attached to a *building*, *awning* or *canopy*.

Neon Sign
A *sign* that is a neon tube or other visible light-emanating gas tube that is bent to form letters, symbols, graphics, or other messaging.

Nonconforming Sign
A lawfully-established *sign* that does not conform to the *sign* regulations of this chapter.

Permanent Sign
A *sign* that is not a *temporary sign* and which is permanently affixed or anchored to the ground or to a *building*, *awning* or *canopy*.

Projecting Sign
A *sign*, such as a blade *sign*, that is attached to and projects from a *building*, generally perpendicular to the *building* wall. *Projecting signs* do not include *wall signs* and *signs* on an *awning* or *canopy*.

Temporary Sign
A *temporary sign* means a *sign* constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, and any other *sign* intended for a limited period of display that is not permanently anchored to the ground or a *building*.

Wall Sign
A *sign* that is on or attached to and is generally parallel with a *building* wall or door.

Window Sign, Interior
A *sign* that is affixed to or placed on the inside of a window, regardless of the window's opacity or perforation, and a *sign* located within 20 feet of a window that is visible and legible from the exterior.

Window Sign, Exterior
A *sign* that is affixed to or placed on the outside of a window, regardless of the window's opacity or perforation.

Sign Area
The surface area of a *sign*, measured as described in this chapter.

Sign Structure
The necessary poles, posts, walls, frames, brackets, or other supports holding a *sign* or its attached *sign* illumination in place, to the extent they are not themselves a *sign*. This definition does not include *awnings* or *canopies*.

Site
For purposes of applying site plan review and approval standards, one or more *lots* that have been identified on a plan for existing or proposed *development*.

For purposes of applying *grading* and drainage standards, and *lot* or parcel of land or combination of contiguous *lots* or parcels of land where *grading* is performed or permitted.

For purposes of applying Streets and *curb cut* standards, all contiguous land under the same ownership or one platted *lot* in the case of land for which a recorded plat exists.

Soil Erosion and Sedimentation Control Measures, Permanent
Control measures that are installed or constructed to control soil *erosion* and sedimentation and that are maintained after *project completion*.

Soil Erosion and Sedimentation Control Measures, Temporary
Interim control measures that are installed or constructed to control soil *erosion* and sedimentation and that are not maintained after *project completion*.

Soil Erosion Control Facility
A facility placed or constructed as necessary for the successful control or abatement of *accelerated soil erosion*.

Solar Collector Surface
Any part of a solar energy system that absorbs *solar energy* for use in the system's transformation process. The collector surface, is considered the front of the *SES*, and does not include frames, supports, and mounting hardware.

Solar Energy
Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System (SES)
A system (including solar collector surface and ancillary solar equipment) either affixed to a permanent *principal building* or *Accessory building* or functioning as a freestanding *structure*, that collects, stores, and distributes *solar energy* for heating or cooling, generating electricity, or heating water. *Solar energy systems* include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

SES, Personal-Scale
A ground-mounted or *building*-mounted *SES* that is accessory to the principal residential use on the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

SES, Ground-Mounted
A freestanding solar energy system that is not attached to and is separate from any *building* on the same parcel of land on which the solar energy system is located.

SES, Building-Mounted
A solar energy system that is attached to a *building* on a parcel as the principal method of physical support.

Special Event Sales
A temporary outdoor use on private or public property that is approved in conjunction with a special event designated by City Council resolution and often subject to special conditions that address the duration and impacts of the special event. Examples include, but are not limited to, art fairs, home football games at the University of Michigan Stadium, Sidewalk sales, festivals, and carnivals.

Special Exception Use
A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.

Stabilization
The establishment of vegetation or the proper placement, *grading*, or covering of soil to ensure its resistance to soil *erosion*, sliding, or other earth movement.

Steep Slope
A naturally occurring landform with a vertical change in elevation of ten feet or more, a slope of 20% or more, and a length of 50 feet or more measured parallel to the contour lines.

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*.

Stockpiling
The depositing of earth materials or rock for temporary periods of time for the purpose of facilitating construction operations.

Stormwater Management System
A system that is designed and constructed or implemented to control runoff, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce *flooding*, overland flow, environmental degradation, and water pollution or otherwise affect the quality and quantity of the discharges. The *stormwater management system* includes but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, Streets, storm sewers, detention basins, infiltration devices, swales, and pumping Stations.

Stormwater Retention/Detention Basin
An artificial impoundment constructed in upland that serves to restrain or filter stormwater runoff.

Street Frontage
The length of a *premises* abutting one or more Streets.

Streetwall
The exterior face of a *building* that fronts a Street between the Street grade and the *streetwall height* (see Figure 36-7).

Figure 9: Streetwall and Streetwall Height

Streetwall Height
The height of the *streetwall* portion of the *building*, as measured in *stories* above the Street grade (see Figure 7).

Stripping
Any activity that removes or significantly disturbs the vegetative surface cover, including *clearing* and *grubbing* operations.

Structural Amenity
When used in the context of landscaping, a non-plant element in the landscape that adds to the public benefit of the proposed landscape plan, such as outdoor art, benches, sculptural solar lighting, water features, and similar items.

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.

Structure, Nonconforming
A lawfully-established *building* or *structure* that does not conform to the area, height, or placement regulations of this chapter.

Student Cooperative Housing
A facility for housing students who 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 must be an organized legal entity, such as a corporation, and recognized by the national association for student cooperatives.

Substantial Improvement
As defined in the current Michigan Building Code and Michigan Residential Code as applicable, but calculated cumulatively over a 10-year period.

Substantially Improved
A level of improvement meeting the threshold of *substantial improvement.*

Superintendent
The Superintendent of the department of Parks and Recreation.

Supplemental Regulations
A written document that contains the zoning and site development requirements that, once approved, become part of the ordinance establishing the PUD zoning district, and, in addition to current City regulations and ordinances, shall be in effect for the district.

Ordinance No. ORD-19-15, June 16, 2019; Ordinance No. ORD-19-32, October 27, 2019; Ordinance No. ORD-20-27, December 20, 2020; Ordinance No. ORD-20-33, January 31, 2021; Ordinance No. ORD-21-12, May 23, 2021; Ordinance No. ORD-21-20, July 25, 2021; Ordinance No. ORD-21-23, September 26, 2021; Ordinance No. ORD-26-18, August 9, 2026.

T.

Temporary Outdoor Activity
Activities and events that traditionally occur outdoors in large *parking lots* that are open to the public for temporary shopping, amusement, entertainment, and recreation. Examples include, but are not limited to: specialty products, and seasonal plant and decoration sales; farmers markets; carnivals with games, rides, and play structures; concerts and live performances; starting and finishing lines of races; concession and souvenir stands; and car and recreational vehicle shows.

Theatre, Enclosed
An indoor establishment for the production, display, or transmission of entertainment, such as radio and television studios, excluding transmission and receiving towers, assembly halls, concert hall or similar places of assembly or entertainment.

Tower
Any portion of the *building* that rises above the *base*. *Towers* often include a lower *tower* section and an upper *tower* section (see Figure 1).

Transit Center, Station, or Depot
A *building*, facility, or area designed and used for Persons using or changing transportation modes, or for the storage or parking of motor-driven buses.

Transportation Facilities
Municipal Airports, rail Stations, bus Stations, bicycle centers, auto and bicycle parking facilities, and similar facilities.

Ordinance No. ORD-19-15, June 16, 2019.

U.

Use, Accessory
A land use that is subordinate in use, area, or purpose to a principal land use on the same *lot* and serving a purpose naturally and normally incidental to such principal land use.

Use, Nonconforming
A lawfully-established use of land that does not conform to the use regulations of this chapter.

Use, Principal
The primary use of any *lot*.

Use, Special Exception
See Special Exception Use

Utility, Public
As provided in the Public Services Standard Specifications: City-owned, operated, and maintained utilities and their appurtenances including, but not limited to, systems for sanitary sewer, water, stormwater, communication conduit and cable, streetlights, and traffic control.

Utility, Private or Franchise
As provided in the Public Services Standard Specifications: Utilities not owned by the City, including but not limited to, privately-owned natural gas and electric distribution systems, and telephone, communication cable and conduit systems, and all appurtenances thereto.

Ordinance No. ORD-24-31, February 6, 2025.

V.

Vehicular Use Area
Any area of 1,200 square feet or more of a property that is not located within an enclosed *structure* and that is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles, loading areas, service areas and drives. The area within a carport is considered part of the *vehicular use area*. Any paved area designed to be used solely for access between the Street and the *vehicular use area* shall not be considered part of the *vehicular use area*.

Vehicle Wash
The use of a *site* for washing and cleaning of passenger vehicles, Recreational vehicles, and other light-duty equipment, only by automatic, coin-operated, or moving line wash facilities.

W.

Warehousing and Indoor Storage
An establishment in an enclosed *building* primarily engaged the storing raw materials, goods, or property, or in the sale or distribution of goods and materials in large quantity to retailers, or other *business* for resale or distribution to individual or business customers. This shall not include *heavy manufacturing*, resource extraction, bulk storage of *hazardous* materials, or scrap or salvage operations.

Warranty
Promise that all defects in or failures of materials or installation that appear or are identified, including any damage resulting from the defects, shall be corrected at the expense of the promisor.

Watercourse
Any naturally occurring open waterway, river, stream, creek, lake, or any body of surface water having well-defined banks and bed, whether continually or intermittently flowing.

WCWRC
The Washtenaw County Water Resources Commissioner, or the office of the Commissioner.

Wetland
Any land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support *wetland* vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wetland, Noncontiguous
A *wetland* that is not "contiguous" as defined by law for *wetland* regulation.

Wetland and Watercourse Buffer Area
The minimum area adjacent to *wetlands* and *watercourses*, as provided under this chapter.

Wetland Use Permit
The City approval required for activities regulated by this chapter, issued by the CSA Administrator.

Wholesale, Resale, Building Material and Supplies
An establishment in an enclosed *building* primarily engaged in the sale or distribution of goods and materials in large quantity to retailers, or other *businesses* for resale or distribution to individual or business customers. This shall not include *heavy manufacturing*, resource extraction, bulk storage of *hazardous* materials, or scrap or salvage operations.

Wireless Communications Antenna
An antenna that is an *accessory use* or attached to a *wireless communication facility* and is 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.

Wireless Communications Facility
Includes *wireless communications antennas* or *wireless communications 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.

Wireless Communications Tower
A tower, including but not limited to self-supporting lattice, guyed, or monopole that elevates the *wireless communications antenna* and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

Woodland
A forested area of 1/2 acre or more with a gross basal area of 30 square feet per 1/2 acre, containing 20 trees per 1/2 acre greater than 6 inches in *diameter at breast height* (*DBH*), or a plantation of 1/2 acre or more with a minimum average *DBH* of 10 inches. The *critical root zone* of all trees in the perimeter of the forested area or plantation defines the area of a *woodland*.

Woody Plants
Trees two inches or greater in diameter measured four feet above the existing grade, shrubs two inches or greater in diameter measured at the existing grade (ground level), or trees and shrubs ten feet or greater in height.

X.

Xeriscaping
A combination of landscaping features and techniques that in aggregate reduce the demand for, and consumption of, water.

Y.

Yard

Front Yard
The portion of a *lot* between each *front lot line* and the Established Front *building* Line facing that *front lot line*, as extended to cut the *side lot lines*. All area directly between the façade of the *principal building* facing a *front lot line* and that *front lot line* shall also be considered a *front yard* (see Figure 36-8 and Figure 36-9).

Rear Yard
The portion of a *lot* between a *rear lot line* and the Established Rear *building* Line, as extended to cut the *side lot lines* (see Figure 36-8 and Figure 36-9).

Side Yard
The portion of a *lot* between a *side lot line* and the Established Side *building* Line that is not included in the *front yard* or *rear yard* (see Figure 36-8 and Figure 36-9).

Figure 10: Setback Areas (midblock Lot)

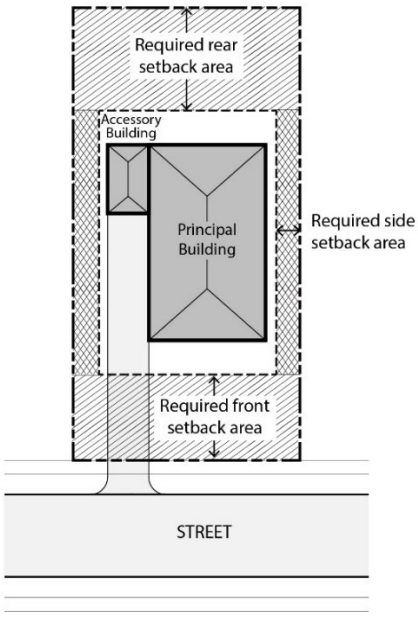
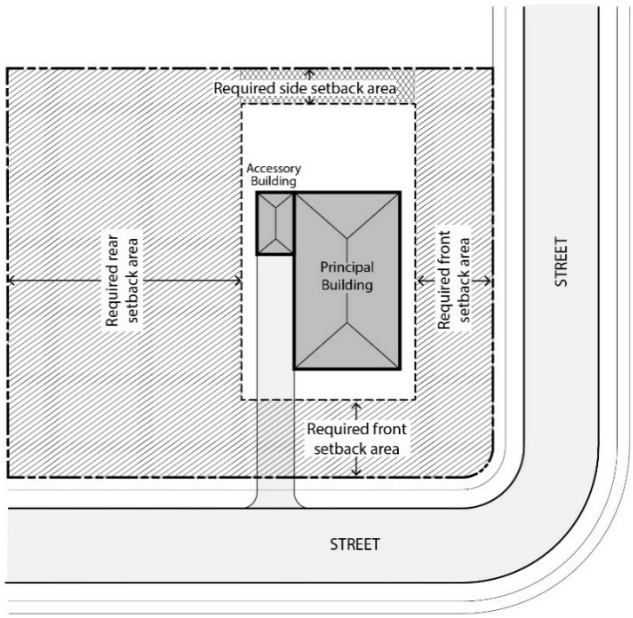


Figure 11: Setback Areas (corner Lot)



Z.

Ordinance No. ORD-19-26, September 22, 2019.