

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of July 21, 2020

SUBJECT: Amendments to Chapter 55 (Unified Development Code) related to Accessory Dwelling Units, Security for Completion of Improvements, Building Materials, FAR Determination, Fence Graphic, Marijuana Processor, and Dimensional Tables

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendments to Chapter 55 Unified Development Code, Sections 5.16.6.D, 5.28.8, 5.17.6.C, 5.17.4, and 5.26.2.A, including Tables 5.15-1, 5.15-2, 5.17-1, 5.17-2, 5.17-3, 5.17-4 and 5.17-5 to allow accessory dwelling units in the R2A district, expand security for the completion of improvements, regulate fiber cement boards, provide right-of-way for sidewalks in FAR determination, correct a fence graphic, correct marijuana processor use permission, and correct dimensional standards tables.

STAFF RECOMMENDATION:

Staff recommends that the amendments to the Unified Development Code be **postponed** because additional amendments to the dimensional standards tables are still under revision and consideration.

SUMMARY:

Several changes and corrections are proposed to the Unified Development Code. Changes including: reformatting existing ADU requirements for improved clarity, Title and reference amendments to Table 5.15-2, expanding the site improvements for which security can be posted prior to issuance of a temporary certificate of occupancy, prohibiting fiber cement products as a primary façade material in the D-1 and D-2 districts, allowing areas dedicated for public sidewalks to be considered as part of the lot area for FAR calculations, and amendments to presentation of dimensional tables.

Corrections include: allowing accessory dwelling units in the R2A district, correcting a fence graphic label, correcting a footnote reference, correcting marijuana processor use permissions, and correcting errors in dimensional tables.

REPORT:

Amendments to Title and Key of Tables 5.15-1 and 5.15-2 (Section 1 of attached Ordinance)

An amendment is proposed to the titles of Table 5.15-1 and 5.15-2 in Section 5.15 by deleting the word “permitted” to both. In addition, the Table 5.15-1 Primary Use Table key will be amended to delete “A=Permitted Accessory Use” since there are none and the Table 5.15-2 Accessory Use Table key will be amended to delete “P=Permitted” and “E=Special Exception” for the same reason. These changes for clarity are proposed to reduce the possibility of misinterpreting the contents of the table.

Included in the amendments to the Primary Use Table and the Accessory Use Table are corrections related to accessory dwelling units in the R2A district and marijuana processors in the M2 district, discussed further below.

Amendments to Security for Completion of Required Site Improvements (Section 2 of attached Ordinance)

An amendment to **Section 5.28.8** is proposed to expand when security (generally, performance bonds) can be given for incomplete site improvements in order to receive a temporary certificate of occupancy. Currently, security can only be posted for pavement and plantings, and only when asphalt plants are closed in cold weather or it is not appropriate planting season. The proposed changes will expand the site improvements to all required site improvements on the approved site plan for any time of year or reason, but only when acceptable to the Planning Manager.

Staff has been confronted with many situations in recent years when a development is nearly complete and it would be a significant inconvenience to the pending residents to delay occupancy, and the outstanding work would not impact their quality of life or the functioning of the development. An example, a 50-unit condominium building has its entire structure complete including 10 units and all of its required site improvements except 10 of 20 bicycle parking hoops. The remaining 10 hoops are purchased but not installed because their location is being used to store finish materials for the other 40 units.

The proposed amendments are intended to expand what and why security can be posted, but with clarifying language to ensure that lack of planning or organization, or over promising, by a contractor is not a qualifying reason. All site improvements necessary to support the development must still be completed.

Amendment to Regulate Fiber Cement Board as Trim Material in D1 and D2 districts (Section 3 of attached Ordinance)

An is proposed to **Section 5.17.6.C** to add a new subparagraph indicating fiber cement board is permitted only as trim or accent material when visible from primary or secondary streets. The building design requirements in this paragraph are currently silent regarding fiber cement board. The proposed change is intended to address where this popular, but currently unregulated, building material is allowed downtown.

Amendment to Include Right-of-Way Donated for Public Sidewalks in FAR Determination (Section 4 of attached Ordinance)

An amendment is proposed to add a new section to **Section 5.17.4** addressing determining FAR in Mixed Use zoning districts. The proposed section is modeled after the language in Section 5.17.3 (Determination of Number of Dwelling Units). As lot area for density purposes in residential zoning districts includes parkland donations, the proposed change will include right-of-way for public sidewalks in the lot area for FAR purposes. Clarifying language is included that right-of-way for new public streets or widening travel lanes does not count.

This amendment is proposed in response to a situation that recently came to light. A downtown site had just 8 feet of public sidewalk between the existing street curb and the lot line. The development standards required a 1-foot maximum front setback. An 8-foot wide sidewalk is uncomfortably narrow in downtown and does not have enough width to accommodate an amenity zone plus a walking zone. Only a walking zone could be provided within the existing 8 feet, no street trees other amenities could be installed, and pedestrians would have no buffer from the vehicle travel lanes.

There is already a provision that allows an increased setback to enable a 16-foot wide sidewalk downtown (see Section 5.17.6, Table 5.17-7, note 2 of additional requirements and exceptions for primary streets). However, the developer was reluctant to design the proposed development with an 8-foot front setback because it would have resulted in the loss of roughly 12,000 square feet of floor area (an 8'x125' footprint multiplied by 12 floors).

The proposed amendment will provide an additional tool to benefit both the City and developers to encourage and remove penalties for implementing plans and standards such as the Land Use Element and Street Design Manual.

Correction to Primary Use Table: Marijuana Processors Permitted in M2 (Section 1 of attached Ordinance)

In **Section 5.15, Table 5.15-1 Primary Use Table** is proposed to be corrected by indicating a Marijuana Processor is permitted in the M2 district. Ordinance ORD-17-21 provided Marijuana Processor regulations in the M1 and M1A districts. At the time of adoption, the M2 district allowed all permitted uses of the M1 and M1A districts. This was not carried forward with adoption of the UDC in 2018. No other corrections, such as changes to the use specific standards, are necessary to restore permission.

A correction to Marijuana-Product Infused Processor was advertised but is not needed nor proposed.

Correction to Accessory Use Table and Accessory Dwelling Unit Use Specific Standards: ADU Permitted in R2A (Sections 1 and 5 of attached Ordinance)

Similarly to the scenario described for marijuana processors above, a correction is proposed to an oversight during the adoption of the UDC in 2018. Ordinance ORD-16-16 revised and expanded the accessory dwelling units. The expansion included permitting ADUs in the R2A district because all accessory uses permitted in single-family districts were also permitted in the

R2A district at that time. However, this was not carried forward in the Accessory Use Table during UDC adoption.

Two changes are necessary to correctly allow Accessory Dwelling Units in the R2A (Two-Family Dwelling) district. First, **Table 5.15-2** Accessory Use Table, is amended by adding a P to the Dwelling Unit, Accessory/R2A cell. This indicates that an ADU is permitted in the R2A district.

Second, **Section 5.16.6.D** is amended by striking the word “permitted” from paragraph 1, to read “An ADU is permitted on a lot that has one Single-Family Dwelling as the principal use.” This change to the use specific standards more clearly ties the ADU allowance to the use of the lot (having a single-family dwelling) rather than the zoning designation of the lot (being in the R1 district). The Accessory Use Table still governs in which *district* ADUs are allowed. The proposed change to paragraph 1 reinforces and complements the change to use table.

Staff also propose amendments to update Section 5.16.6.D by converting paragraphs 4 and 6 into tables. These additional change is intended for simplification and user-friendliness and do not amend the current requirements.

Correction to Fence Graphic Label (Section 6 of attached Ordinance)

The graphic provided in **Section 5.26.2.A** is proposed to be corrected with the proper terms for the front and middle portions of a lot. Middle is corrected to side yard, and front open space is corrected to front yard.

Correction to Dimensional Standards Tables (Section 8 of attached Ordinance)

Some errors have been found by staff in the dimensional standards tables in **Section 5.17**. The tables are in the process of being corrected and may be reformatted. Staff will present proposed corrections when the proposed amendments return to Planning Commission following postponement.

Prepared by Alexis DiLeo
Reviewed by Brett Lenart
7-17-20

Attachment: Ordinance to Amend Chapter 55 Unified Development Code (Accessory Dwelling Units, Security for Completion of Improvements, Building Materials, FAR Determination, Fence Graphic, Marijuana Processor, Dimensional Standards Tables)

c: City Attorney's Office

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

UNIFIED DEVELOPMENT CODE AMENDMENTS
(Accessory Dwelling Units, Security for Completion of Improvements, Building Materials,
FAR Determination, Fence Graphic, Marijuana Processor, Dimensional Standards
Tables)

AN ORDINANCE TO AMEND SECTIONS 5.16.6.D, 5.28.8, 5.17.6.C, 5.17.4, AND
5.26.2.A, INCLUDING TABLES 5.15-1, 5.15-2, 5.17-1, 5.17-2, 5.17-3, 5.17-4 AND 5.17-
5 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE
OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Tables 5.15-1 and 5.15-2 of Section 5.15 of Chapter 55 (Unified
Development Code) of Title V of the Code of the City of Ann Arbor are amended as
follows:

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-1: PRIMARY USE TABLE

Key: P= Permitted
E = Special Exception

Blank Cell = Prohibited

All properties are subject to the additional standards indicated for that use in the right column

All properties in overlay districts are subject to the additional use regulations in Sec. 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
RESIDENTIAL																																		5.16.1	
Household Living																																			
Adult Foster Care		P	P	P	P	P	P	P	P	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	P	P	P				P							5.16.1B	
Dwelling, Multi-Family										P	P	P	P			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			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	P	P	P				P							5.16.1A	
Dwelling, Two-Family							P	P	P	P	P	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																																			

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Emergency Shelter											P	P	P	P		P	P	P	P	P	P	P	P											
Fraternities, Sororities, and Student Cooperative Housing							E		E	E	E	E	E			E	P	P	P	P	P	P	P											5.16.1A; 5.16.1E
Group Housing							E		E	P	P	P	P			P	P	P	P	P	P	P	P											5.16.1A; 5.16.1F
Guest House										P	P	P	P	P		P	P	P	P	P	P	P	P											5.16.1A; 5.16.1G
PUBLIC/ INSTITUTIONAL																												5.16.2						
Community and Cultural																																		
Cemetery	P																																	
Club Headquarters or Community Center							E		E	E	E	E	E			E	P	P	P	P	P	P	P											5.16.2C

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Conference Center																					E								E				
Correctional Facility																												P					
Museum, Art Gallery																					P	P	P	P			P						
Funeral Services																P	P	P	P	P	P	P	P	P						P	P	P	
Government Offices and Courts																P	P	P	P	P	P	P	P	P			P			P	P		
Library		P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P			P			P	P			
Park, Recreation and Open Space																											P						
Religious Assembly	P	E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P										
Day Care																																	
Adult Day Care Center		E	E	E	E	E	E	E	P	P	P	P	P	P		P	P	P	P	P	P	P	P					E	P	P	P		
Child Care Center		E	E	E	E	E	E	E	P	P	P	P	P	P		P	P	P	P	P	P	P	P					E	P	P	P		

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Educational																																		
Institutions of Higher Learning, Private		E	E	E	E	E	E	E	E	E	E	E	E	E		P	P	P	P	P	P	P	P	P							P	P	P	5.16.2E
Institutions 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	P	P	P	P	P	P	P	P	P	P	P		
School, Private		E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P	P										
School, Public	P	P	P	P	P	E	P	P	P	P	P	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	P	P		
Health Care																																		
Hospital											E	E	E	E	E	E	E	E	E	E								P			E	E		5.16.2D
Nursing Care Facility											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P		5.16.2F
COMMERCIAL																																		5.16.3
Lodging																																		

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Bed and Breakfast																					P	P	P	P	P										
Hotel																P	P	P	P	P	P	P	P	P	P										
Recreation, Entertainment, and Arts																																			
Adult Entertainment Business																															P		P		5.16.3A
Artist Studio																P	P	P	P	P	P	P	P	P						P	P	P		5.16.3B	
General Entertainment																	P	P	P	P	P	E	P	P										5.16.3D	
Indoor Recreation																E	P	P	P	P	P	P	P	P			P		E	E	E	E		5.16.3F	
Outdoor Recreation	P	E	E	E	E	E	E	E	E	E	E	E	E	E									P	P			P		E					5.16.3K	
Sales																																			

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Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																					E	E	P	P							P	P			
Designated Marijuana Consumption Facility																		E	E	E	E	E	E	E										5.16.3G	
Fueling Station																					E	E	E	P								P		5.16.3E	
Outdoor Sales, Permanent																	P	P	P	P	P	P	P	P										5.16.3L	
Medical Marijuana Provisioning Center, Marijuana Retailer																	E	E	E	E	E	E	E								E	E	E	5.16.3G	
Mobile Food Vending Service																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		5.16.3I	
Restaurant, Bar, Food Service																	P	P	P	P	P	P	P												5.16.3P

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Retail Sales, General Merchandise																	P	P	P	P	P	P	P											
Wholesale, Resale, Building Material and Supplies																							P	P							P	P	P	
Services and Repair																																		
Automobile, Truck, Construction Equipment Repair																					E	E	P	P							P	P	P	5.16.3C
Contractors, General Construction, and Residential Building																						P	P	P							P	P	P	
Laundry, Cleaning, and Garment Services																	P	P	P	P	P	P	P								P	P	P	
Parking Lot or Structure																					E	E				P	P							5.16.3M
Personal Services																P	P	P	P	P	P	P	P											5.16.3N

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Vehicle Wash																					E	E	E	P												
Veterinary, Kennel, and Animal Boarding																E	E	E	E	E	P	P	P	P							P	P	P		0	
OFFICE AND RESEARCH																																				5.16.4
Office-Type																																				
Bank, Credit Union, Financial Services																P	P	P	P	P	P	P	P	P							P	P				
Office, General																P	P	P	P	P	P	P	P				P	P	P	P					5.16.4C	
Medical/Dental																P	P	P	P	P	P	P	P							P	P				5.16.4C	
Nonprofit Corporations		E	E	E	E	E	E	E	E	E	E	E	E	E		P	P	P	P	P	P	P	P				P	P	P	P					5.16.4B	
Research and Development																																				

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Laboratory																												P	P	P	P	P	5.16.4A
Medical Laboratory																					P	P	P	P				P	P	P	P	P	
Marijuana Safety Compliance Facility																												P	P	P	P		5.16.3G
Research/Development																												P	P	P	P	P	
TRANSPORTATION																																	
Marijuana Secure Transporter																							P	P						P	P		5.16.3G
Railroad and Public Transportation Rights-of-Way																					P	P	P	P				P			P	P	P
Transit Center, Station, or Depot																					P	P	P	P				P			P	P	P
Transportation Facilities																												P					

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Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS				
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
INDUSTRIAL																																	5.16.5	
Agricultural																																		
Agriculture/Greenhouse	P																																	
Barns	P																																	
Borrow Pits	E																																	
Marijuana Microbusiness																								E				E	E	E	E	E	5.16.3G	
Marijuana Grower																												E	E	P	P	P	5.16.3G	
Manufacturing, Processing, Assembly, and Fabrication																																		
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																E		
Coal and Coke Dealer																															P			

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-1: PRIMARY USE TABLE

Key: P= Permitted
E = Special Exception

Blank Cell = Prohibited

All properties are subject to the additional standards indicated for that use in the right column

All properties in overlay districts are subject to the additional use regulations in Sec. 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE						NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS									
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16			
Food and Beverages																																	P	P	P	
Heavy Manufacturing																																			P	5.16.5A
Laundry and Dry Cleaning Plant																																	P	P	P	
Light Manufacturing																												P	P	P					5.16.5B	
Marijuana Processor																											E	E	P	P	P				5.16.9G	
Marijuana-Infused Product Processor																							E	E											5.16.9G	
Oil and Gas Wells																																			5.16.5C	
Pilot Manufacturing																												P	P	P	P	P				
Scrap and Waste Material																																			E	
Slaughterhouse																																			E	
Utilities and Communications																																				

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

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Key: P= Permitted
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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS								
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16			
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		P	P	P			
Electric, Gas, and Sanitary Services																															P	P	P			
Power and Fuel Rights-of-Way																																		P		
Wireless Communication Facilities	P															P	P			E	E	E	P	P	E		P	P	P	P	P	P	P	5.16.5D		
Warehousing and Storage																																				
Medium Term Car Storage																										E									5.16.3J	
Short Term Car Storage																										P									5.15.3.0	
Outdoor Storage																															P	P	P			

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-1: PRIMARY USE TABLE

Key: P= Permitted
E = Special Exception

Blank Cell = Prohibited

All properties are subject to the additional standards indicated for that use in the right column
All properties in overlay districts are subject to the additional use regulations in Sec. 5.13
Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS						
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
Warehousing and Indoor Storage																							P	P							P	P	P	

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-2: ACCESSORY USE TABLE

Key:

A= Permitted Accessory Use

Blank Cell = Prohibited

All properties are subject to the additional standards indicated for that use in the right column

All properties in overlay districts are subject to the additional use regulations in Sec. 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS					
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
ACCESSORY USES																																	5.16.6
All Accessory Buildings																																	5.16.6A;
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
Community Recreation									A	A	A	A	A	A																			5.16.6A;
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6A.3; 5.16.6B
Drive-Through Facility																E						E	E	E	E								5.16.6A; 5.16.6A.3; 5.16.6C
Dwelling Unit, Accessory		A	A	A	A	A	A																										5.16.6A; 5.16.6D

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-2: ACCESSORY USE TABLE

Key:

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE				USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Dwelling Unit, Manager's																																	5.16.6A; 5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6F
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6G
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6H
Incidental Services																A									A			A					5.16.6A; 5.16.6I
Management/Maintenance Office and Storage									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A				5.16.6A
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-2: ACCESSORY USE TABLE

Key:

A= Permitted Accessory Use
Blank Cell = Prohibited

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All properties in overlay districts are subject to the additional use regulations in Sec. 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE				USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Office, Administrative/Executive																											A			A	A	A	5.16.6A;
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6J
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A										5.16.6A; 5.16.6K
Parking Attendant Building																										A							5.16.6A;
Restaurant, Bar, Food Service																									A								5.16.6A; 5.16.6L
Retail Sales, General Merchandise																												A	A	A	A	5.16.6A; 5.16.6M	
Roadside Stand	A																															5.16.6A	

DRAFT ORDINANCE FOR CPC PRESENTATION ON JULY 21, 2020

TABLE 5.15-2: ACCESSORY USE TABLE

Key:

A= Permitted Accessory Use

Blank Cell = Prohibited

All properties are subject to the additional standards indicated for that use in the right column

All properties in overlay districts are subject to the additional use regulations in Sec. 5.13

Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS			
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Solar Energy System	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A 5.16.6N
Solar Energy System, Personal-Scale		A	A	A	A	A	A	A	A	A																							5.16.6A 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	A	A	A	A	A	A	A	A	A	A	A	5.16.6A; 5.16.6P

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Section 2. That Section 5.28.8 of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

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 and (2) 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 facilities, Parking Spaces or Lots, storm water 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.

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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 5.28.8.A shall apply to the last Building within a multiple-Structure.
- 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.

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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.

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Section 3. That Section 5.17.6.C of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

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. The following materials are permitted only as trim or accent materials when visible from primary or secondary streets: fiber cement board.
- d. Other materials may be permitted if recommended by the Design Review Board and approved by the Planning Commission for inclusion in a site plan.

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.

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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.

Section 4. That Section 5.17.4 of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

5.17.4 Mixed Use Zoning Districts

A. Determination of FAR

FAR in Mixed Use zoning districts shall be determined as follows: The Lot Area of the parcel in question is divided by the Floor Area of existing and proposed structures expressed as a percentage. Lot Area includes land donated or to be donated, or otherwise dedicated to the City for public sidewalk purposes, but not new public streets or travel lanes, acceptable to the City.

B. Dimensional standards for Mixed Use zoning districts are provided in Table 5.17-4.

Section 5. That Section 5.16.6.D of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

D. Accessory Dwelling Unit (ADU)

1. An ADU is permitted on a lot that has one Single-Family Dwelling as the principal use.
2. The lot owner shall occupy either the ADU or the Single-Family Dwelling on the property, except for temporary absences not to exceed a combined total of six months in a calendar year.
3. The ADU shall be designed so that the appearance of the Building remains that of a Single-Family residence or detached Accessory Building such as a garage or carriage house. Any new entrances shall be located on the side of the Building or in the rear of the Building.
4. Minimum Lot Area, 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
Lot Area less than 5,000 Sq. Ft.	ADU not permitted
Lot Area 5,000-7,200 Sq. Ft.	ADU up to 600 Sq. Ft. permitted [A]
Lot Area greater than 7,200 Sq. Ft.	ADU up to 800 Sq. Ft. permitted [A]

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TABLE 5.16-2: LOT AREA AND FLOOR AREA REQUIREMENTS FOR ACCESSORY DWELLING UNITS	
LOT AREA	ADU FLOOR AREA
Notes: [A] ADU Floor Area may not exceed the Floor Area of the ground Floor of the primary dwelling unit.	

5. The ADU shall not be occupied by more than the number of occupants permitted by Section 5.16.1A except that only two unrelated Persons plus their Offspring living as a single Housekeeping Unit may occupy the ADU.
6. An ADU is permitted in an Accessory Building that was constructed before December 31, 2016, subject to the following restrictions:

TABLE 5.16-3: ACCESSORY BUILDING RESTRICTIONS	
CONDITION OF ACCESSORY BUILDING	RESTRICTIONS
Accessory Building constructed after December 31, 2016	Not eligible for an ADU
Accessory Building less than 200 sq. ft	Not eligible for an ADU
Conforming Accessory Building 200 sq. ft. or greater [A]	May be replaced or expanded for an ADU subject to Section 5.16.6.A (Accessory Uses and Structures)
Nonconforming Accessory Building 200 sq. ft. or greater [A]	Shall be replaced or modified for an ADU subject to Section 5.16.6.A (Accessory Uses and Structures)
Notes: [A] When Accessory Building was constructed before December 31, 2016.	

7. The total number of Persons residing in the primary Dwelling Unit and the ADU combined shall not exceed four Persons plus their Offspring, except when a Functional Family is allowed by Special Exception Use.
8. At least one off-street Parking Space shall be provided for the ADU unless the property is within ¼ mile of a bus stop, then no additional Parking Space is required. Tandem or stacked parking in a Driveway may count toward the off-street parking requirement if not located in the Required Front Setback Area.
9. An ADU or Single-Family Dwelling that is not owner-occupied shall be subject to periodic housing inspections as required by Section 8:511.
10. Leasing or rental of the ADU for less than 30 days is prohibited.
11. A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Register of Deeds prior to occupancy, and it shall incorporate the following restrictions:
 - a. The ADU may not be sold separately from the Single-Family Dwelling.
 - b. The owner occupancy requirement of Section 5.16.6D.2
 - c. The deed restriction shall be in effect until the ADU is removed.

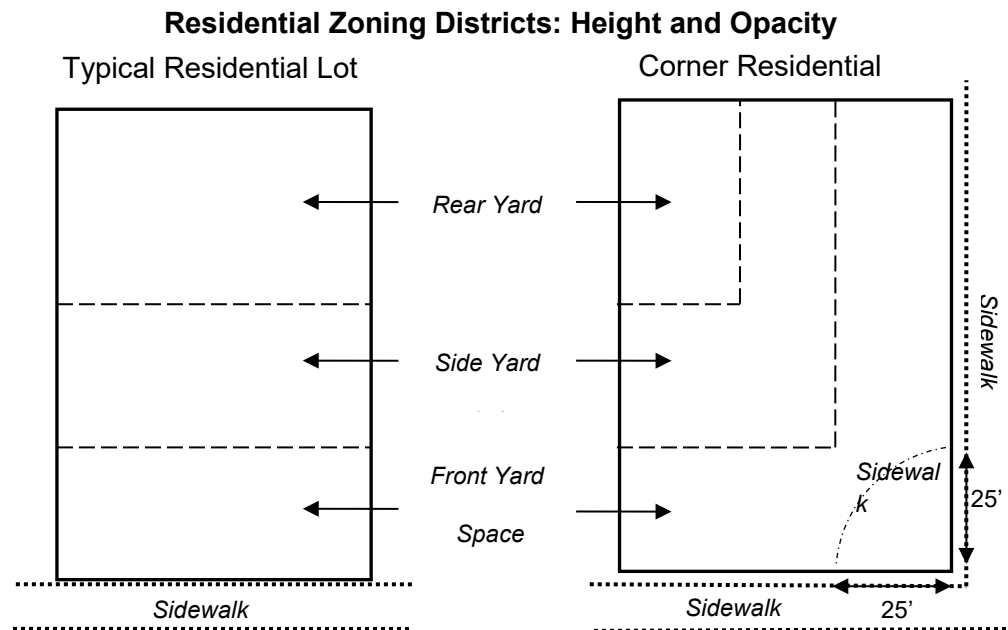
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Section 6. That Section 5.26.2.A Standards of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

A. Residential Zoning Districts

Fences located in residential zoning districts (See also figure below):

1. Shall not exceed four feet in height and 50% Opacity in the Front Yard.
2. Shall not exceed six feet in height and 80% Opacity in the Side Yard.
3. Shall not exceed eight feet in height in the Rear Yard.



Section 7. That Tables 5.17-1, 5.17-2, 5.17-3, 5.17-4, and 5.17-5 of Section 5.17 of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor are amended as follows:

[Amended tables under consideration]

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Section 8. This ordinance shall take effect and be in force on and after ten days from legal publication.