

ORDINANCE NO. ORD-10-34

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ZONING
OFF-STREET PARKING
REGARDING REVISIONS TO AREA, HEIGHT AND
PLACEMENT REGULATIONS

AN ORDINANCE TO AMEND SECTIONS 5:1, 5:10.2, 5.10.6, 5.10.7, 5:10.8, 5:10.9, 5:10.12, 5:10.14, 5:24-5:43C, 5:45-5:48, 5:62 AND TO REPEAL SECTION 5:10.7 OF CHAPTER 55 (ZONING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR AND TO AMEND SECTION 5:168 OF CHAPTER 59 (OFF-STREET PARKING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR REGARDING AREA, HEIGHT AND PLACEMENT STANDARDS.

The City of Ann Arbor ordains:

Section 1. That Section 5:1 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:1 Definitions.

- (1) *Accessory apartment.* A dwelling unit for not more than 2 persons which is an integral part of a 1-family detached dwelling.
- (2) *Accessory use.* A land use which is incidental to a principal land use.
- (3) *Affordable housing.* Housing units where the occupant is paying no more than 30% of gross income for housing costs, including taxes and utilities.
- (4) *Agriculture.* The production of crops.
- (5) *Boarding house.* A dwelling, other than a hotel or dormitory, where lodging and meals are provided for more than 75 percent of the people in residence for compensation and by prearrangement for definite periods of 30 days or more.
- (6) *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.

- (7) *Building, accessory.* A subordinate structure, whether attached or detached, on the same lot as the principal building.
- (8) *Building, principal.* A building or group of buildings in which is conducted the main or principal use of the lot on which said building is located.
- (9) *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.
- (10) *Building frontage.* The portion of a building facing any adjacent public street.
- (11) *Building height.* The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.
- (12) *Child care center.* A facility, receiving 1 or more children for care for periods of less than 24 hours a day.
- (13) *Church.* A building owned by a religious organization which is principally used for public worship.
- (14) *Dish antenna.* A signal-sending or receiving device for communicating with orbiting satellites.

(15) *Distances between principal buildings on a lot.* The formula for the measurement of distances between multiple-family buildings shall be as follows: In addition to the required setback lines, the horizontal distance between multiple-family buildings shall not be less than 20 feet.

~~(a) When there is no overlap, or when the overlapping walls are without windows,~~

~~$$HD = \frac{L_b + 2(H_a + H_b)}{6}$$~~

~~(b) When one or both of the overlapping walls are window walls,~~

~~$$HD = \frac{L_a + L_b + 2(H_a + H_b)}{6}$$~~

Key:-

~~HD--The shortest horizontal distance between buildings, measured at right angles to any building wall~~

~~H--Height of buildings~~

~~L--Overlapping length of buildings~~

~~A, B--The 2 structures concerned~~

~~(c) —When the building plan shows a proposed building which is nonrectangular in shape, then a rectangle shall be superimposed upon the plan and the formula set forth in either subparagraph (a) or (b) shall be utilized. The planning and development services manager or designee shall determine which formula is to be used. Where the superimposed rectangles intersect, the distance between buildings is insufficient.~~

~~(4516) Dwelling unit. One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by 1 family.~~

~~(4617) Dwelling, multi-family. A building containing 3 or more dwelling units arranged either side by side or one above the other.~~

~~(4718) Family. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit in accordance with the standards of Section 5:7.~~

~~(4819) Family day care home. A private dwelling in which up to 6 minor children are received for care and supervision for periods of less than 24 hours a day.~~

~~(4920) Fraternity or sorority house. A building used by a college fraternity or sorority as a principal place of residence for its members.~~

~~(2021) Funeral home. A building used for the preparation of the deceased and for ceremonies taking place prior to burial or cremation.~~

~~(2422) Group day care home. A private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.~~

~~(2223) High-water mark, ordinary. 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.~~

- (~~23~~24) *Home occupation.* An accessory use of a nonresidential nature which is performed within a dwelling or within an accessory building, and conducted by members of the family residing in the dwelling, and not more than one additional employee.
- (~~24~~25) *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.
- (~~25~~26) *Housekeeping unit.* A dwelling unit organized as a single entity in which the members of the household share common facilities.
- (~~26~~27) *Lot.* A parcel of land, not including a public or private street, which may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel of land that meets the requirements of this chapter.
- (~~27~~28) *Lot, corner.* A lot or parcel of land abutting upon 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.
- (~~28~~29) *Lot line.* The boundary of a lot.
- (~~29~~30) *Lot line, front.* The lot line separating a lot from a street.
- (~~30~~31) *Lot line, rear.* The lot line opposite and most distant from the front lot line; or in the case of irregularly-shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (~~31~~32) *Lot line, side.* Any lot line other than a front or rear lot line.
- (~~32~~33) *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 which exists as described therein. (See Section 5:61 for regulations.)
- (~~33~~34) *Lot width.* The length of a straight line drawn between the points where the front setback line cuts the side lot lines.
- (~~34~~35) *Lower income households.* References made collectively to low and very low income households or individuals. Encompasses all households with income levels less than 80% of City of Ann Arbor median income as defined by the United States Department of Housing and Urban Development.

- (~~3536~~) *Nonconforming structure.* A lawfully-established building or structure that does not conform to the regulations of this Chapter.
- (~~3637~~) *Nonconforming use.* A lawfully-established use of land which does not conform to the use regulations of this Chapter.
- (~~3738~~) *Nursery school.* A daytime group facility which 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.
- (~~3839~~) *Open space, required.* The portion of a lot between the required setback line and the lot line.
- (~~3940~~) *Open space, permanent.* The portion of a lot or lots, exclusive of road rights-of-way, vehicle access and utility easements, and required storm water management, soil erosion and sedimentation control facilities, which is restricted by a recorded conservation easement or similar binding instrument. Permanent open space is 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.
- (~~4041~~) *Open space.* The portion of a lot which is devoted to outdoor recreation space, greenery, and space for 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 recreational purposes, permanent or seasonal water surfaces and protected natural areas. It shall not include area covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.
- (~~4142~~) *Open space, active.* The portion of open space devoted to and suitable for outdoor recreation and household activities measuring at least 6 feet by 10 feet if intended for common or shared use by all households and at least 4 feet by 10 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, storm water management basins, wetlands, natural features open space, conflicting land use buffers, vehicular use area interior landscape islands or screening.

- | (4243) *Principal use*. The primary use of any lot.
- | (4344) *Private school*. A building used for the purpose of elementary or secondary education.
- | (4445) *Public utility*. Private enterprise with a franchise for providing a public service.
- | (4546) *Rooming house*. A building, other than a hotel or dormitory, where for compensation and by prearrangement for definite periods, lodging is provided for more than 3 roomers.
- | (4647) *Rooming unit*. Any room or group of rooms forming a single habitable unit, but which does not contain cooking facilities.
- | (4748) *Setback, established front*. The minimum or maximum distance at which an existing building is located from the street right-of-way line.
- | (4849) *Setback, required*. The minimum or maximum distance specified by this chapter which must be provided between a lot line and a structure.
- | (4950) *Setback line, established front*. A line parallel to the street, extending from the point at which an existing building is closest to the street right-of-way line outward to the lot lines.
- | (5051) *Setback line, required*. A line parallel to a property line representing the minimum required setback from that property line.
- | (5152) *Single-family dwelling*. A detached building containing 1 dwelling unit.
- | (5253) *Special exception use*. A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.
- | (5354) *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.
- | (5455) *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.
- | (5556) *Student cooperative housing*. A facility used for housing students who therein 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 is registered with The University of Michigan.

- | (5657) *Townhouse*. A building containing 3 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.
- | (5758) *Two-family dwelling*. A detached building containing 2 dwelling units.
- | (5859) *Usable floor area, nonresidential*. Usable floor area for nonresidential uses shall be measured to the exterior face of the exterior walls for all floor areas that are accessible by a fixed stairway, ramp, escalator or elevator, which may be made fit for occupancy. The measurement shall include the floor area of any accessory buildings and above-grade parking structures, except those portions of a parking structure used for required premium or PUD parking. Below-grade parking cellar areas shall not be counted as usable floor area. For the purpose of this subsection, the definitions of cellar and grade contained in Chapter 98 of this Code shall apply.
- | (5960) *Usable floor area, residential*. The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured to the exterior face of the exterior walls, plus that area, similarly measured, of all other stories having more than 90 inches of headroom that are accessible by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of garages, accessory buildings, attics, breezeways and unenclosed porches.
- | (6061) *Wireless communications antenna*. An antenna 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.
- | (6162) *Wireless communications facility*. Includes wireless communications antennas or 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.
- | (6263) *Wireless communications tower*. A tower, including, but not limited to, self-supporting lattice, guyed, or monopole which elevates the wireless communications antenna and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

Section 2. That Section 5:10.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.2. R1A, R1B, R1C, R1D, R1E single-family dwelling district.

(1) Intent.

- (a) These single-family residential districts are designed to provide an environment of predominantly low-density, single-family detached dwellings, along with other related facilities which serve the residents in the district such as schools, recreational facilities, parks and churches. These districts should be convenient to commercial facilities and public transportation.
- (b) It is the purpose of these districts to encourage the preservation and the continuation of the longstanding residential fabric in existing neighborhoods of predominantly 1-family dwellings, along with other related facilities which serve the residents in these districts.
- (c) Application of the R1D and R1E district in newly developing areas may require a greater degree of services than the less dense 1-family dwelling districts. To assure health, safety and welfare, any future R1D or R1E zoning in newly developing areas should be contingent upon the availability or provision of adequate services to serve such higher densities, in addition to other pertinent planning considerations.

(2) Permitted principal uses.

- (a) Single-family dwelling firmly attached to a permanent foundation, connected to a public sewer and water supply, at least 14 feet wide and contain at least 900 square feet of floor area. Single-family dwellings in the R1E district shall not exceed 2,000 square feet of floor area.
- (b) Public schools, libraries and cemeteries.

(3) Special exception uses pursuant to section 5:104.

- (a) Churches and private schools.
- (b) Child care centers and nursery schools located in R1 districts and R2 districts subject to the following standards:

1. The parcel must have a minimum of 7,500 square feet of gross lot area.
 2. One off-street parking space for each care giver required to staff the facility at its state licensed capacity must be provided.
 3. Adequate off-street or on-street parking spaces available for drop off and pick up use within 250 feet of the child care center parcel must be documented on the site plan. The number of drop-off and pick-up spaces shall be 2 plus 1 additional space for each 20 children that the facility is licensed to care for.
 4. Occupancy may not be increased without amending a previously approved special exception use permit.
- (c) Private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education, subject to the following standards.
1. The site must contain at least 20 acres.
 2. No building or other use of land except landscaped areas shall be situated within 100 feet of any adjacent residential property.
- (d) Offices of non-profit corporations in buildings constructed prior to January 1, 1988, subject to the following standards:
1. The parcel must have a minimum of 80,000 square feet of lot area.
 2. The building must contain a minimum of 3,000 square feet of usable floor area, excluding basements or cellars, constructed prior to January 1, 1988.
 3. There shall be no more than 1 employee for each 300 square feet of usable floor area, constructed prior to January 1, 1988, excluding basements or cellars.
 4. Off-street parking in the amount of 1 space for each 300 square feet of usable floor area, constructed prior to January 1, 1988, excluding basements or cellars, shall be provided in accordance with the standards of Chapter 59.

5. Signage shall be limited to one identification sign of no greater than 25 square feet in accordance with the provisions of Chapter 61.
6. One dwelling unit within the existing structure may be approved as part of this special exception use approval.
7. The use will result in preservation of open space and/or historic sites or structures.
8. 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 1 day from the site.
9. No building or other use of land except landscaped areas shall be situated within 30 feet of any adjacent residential property.

(e) One accessory apartment, subject to the following standards:

1. The owner of the dwelling in which the accessory apartment is created shall occupy 1 of the dwelling units, except for temporary absences.
2. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building and any additions shall not increase the square footage of the original house by more than 10%.
3. The accessory apartment shall not exceed 25% of the entire floor area of the structure, nor shall it be greater than 600 square feet in gross floor area.
4. The dwelling to which an accessory apartment is to be added must be owner-occupied and have been owner-occupied by the current owner for the 12 calendar months preceding the date of application.
5. No rent shall be paid for the accessory apartment.

6. The accessory apartment shall be occupied only by persons related by blood, marriage or adoption to the family occupying the principal dwelling or by not more than 2 employees not related to the family occupying the principal dwelling.
 7. Accessory buildings may not be converted for accessory apartment use.
 8. The total number of persons residing in the building shall not exceed the occupancy permitted by section 5:7.
 9. At least 3 off-street parking spaces shall be provided for the dwelling and accessory apartment.
- (f) Private swimming club, subject to the following standards:
1. For purposes of this section, a private swimming club is defined as property used by an association of persons, organized for the common purpose of outdoor swimming and accessory recreational activities who pay a fee for membership in a nonprofit organization established to provide outdoor swimming and accessory recreational facilities. Membership shall be open to residents of the subdivision or residential development in which the pool is located.
 - a. A private swimming club established prior to and continuing in use on August 1, 2000, and which is located in a district in which it is permitted under the terms of this ordinance shall be deemed a conforming use without further action, application or review.
 - b. Where one or more modifications of a private swimming club, described in subsection a., above, is desired, the requirements of this section and section 5:104(7) shall apply.
 2. For purposes of this section, an accessory recreational facility is defined as an outdoor playground, volleyball, basketball or tennis court, or other similar recreational facility where equipment is permanently installed.
 3. A landscape buffer shall be provided to screen accessory recreational facilities and outdoor swimming pools, pool decks and spas from adjacent residential properties. The

landscape buffer shall consist of the following: (1) A landscaped strip at least 15 feet wide. (2) One tree for each 20 feet or fraction thereof of abutting land. At least 50 percent of the trees within a conflicting land use buffer shall be evergreen. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 50 feet apart. (3) A hedge, berm, wall, fence or combination thereof forming a continuous screen at least 4 feet high. The Planning Commission may establish greater or lesser buffer or screening materials for the recreational activity based on specifics of the parcel and the surrounding land uses.

4. The required parking shall be one space per 200 square feet of usable floor area of the club building.
5. For purposes of this section, any permanent addition, other than a fence, to an existing club building, accessory recreational facility, or outdoor swimming pool, pool deck, or spa, or the construction of a new club, club building, accessory recreational facility, or outdoor swimming pool, pool deck, or spa shall constitute a modification of the use which requires special exception use approval.
6. For purposes of this section, any new accessory recreational facility or permanent addition to an existing accessory recreational facility at a private swimming club will require a plot plan showing the existing and proposed structures and improvements on the site, instead of a site plan, as part of the special exception use application.

(4) Permitted accessory uses.

- (a) Family day care homes in any dwelling if licensed by the State of Michigan Department of Social Services.
- (b) Group day care homes in one-family dwellings only if licensed by the State of Michigan Department of Social Services and if the following standards are met:
 1. A zoning compliance permit is obtained from the building department.
 2. Located on a lot with at least 5,000 square feet of gross lot area.

3. At least 1 offstreet parking space for each care giver not living in the dwelling is provided.
4. Two offstreet or onstreet parking spaces are shown to be available within 250 feet of the group day care home parcel for drop off and pick up children.

(c) Home occupation, subject to the following performance standards:

1. Total floor area devoted to the home occupation in the principal or accessory building shall not exceed 25% of the gross floor area of the dwelling.
2. Outside appearance of premises shall have no visible evidence of the conduct of a home occupation.
3. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
4. No article or service shall be sold or offered for sale on the premises except those which are produced by such home occupation on the premises.
5. The nature of the home occupation shall not generate more than 10 business-related vehicle trips in any 1 day in the vicinity of the home occupation, and any need for parking generated by the conduct of such home occupation shall be provided offstreet in accordance with the offstreet parking requirements.
6. No equipment or process shall be used in such home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
7. The following are typical examples of uses which often can be conducted within the limits of these restrictions and thereby qualify as home occupations. Uses which may qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation); accountant, architect, artist, author, consultant, dressmaking, individual stringed instrument instruction, individual tutoring, millinery, preserving and home cooking.

8. The following uses are not permitted as home occupations if conducted as a person's principal occupation and the person's dwelling is used as the principal place of business: vehicle repair or painting, dental office and medical office.

Section 3. That Section 5:10.6 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.6. R4A multiple-family dwelling district.

- (1) Intent. Multiple-family residential district intended to permit dwelling units to be arranged either side by side or one above the other in a low-density, multiple-family fashion. Such developments are most appropriate in perimeter areas of the city ~~on substantial tracts of land~~. Such developments are intended to 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.
- (2) Permitted principal uses.
 - (a) Any permitted principal use or special exception use in the R1C one-family dwelling district, R2A and R2B two-family dwelling districts and R3 terrace-family dwelling districts, subject to all the regulations of the district in which such use first occurs.
 - (b) Multi-family dwellings.
 - (c) Convalescent and nursing homes, and homes for the elderly, subject to providing 400 square feet of net lot area per occupant.
 - (d) Hospitals, as a special exception use pursuant to section 5:104, provided there is a minimum of 1,500 square feet of net lot area per bed.
- (3) Permitted accessory uses.
 - (a) Those allowed in the R3 district.

Section 4. That Section 5:10.7 of Chapter 55 of Title V of the Code of the City of Ann Arbor is repealed:

~~5:10.7 R4A/B multiple-family dwelling district.~~ Reserved.

~~(1) — *Intent.* Multiple-family dwelling district intended to permit dwelling units to be arranged either side by side or one above the other in a low-density, multiple-family fashion. Such developments are most appropriate in the established areas for in-fill purposes and perimeter areas of the city for new developments. Such developments are intended to 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.~~

~~(2) — *Permitted principal uses.*~~

~~(a) — Any principal use or special exception use permitted in the R4A multi-family dwelling district.~~

~~(3) — *Permitted accessory uses.*~~

~~(a) — Incidental services may be provided within apartment houses for the convenience of occupants such as news, cigar or candy stands, delicatessens, restaurants, personal service shops and similar uses, provided the following conditions are fulfilled:~~

~~1. — At least 100 dwelling units shall be contained within the interior building or apartment building group.~~

~~2. — Not more than 2%, including hallway space, of the total floor area devoted to dwelling units within the apartment building shall be used.~~

~~3. — All such incidental services shall be situated within the interior of the building so that no part thereof shall be directly accessible to the general public or to tenants from any street, public or private way.~~

~~4. — No sign or window display shall be discernible or visible from a sidewalk, street, public or private way.~~

~~5. — Such incidental services shall not be provided on the same floor as dwelling units are situated unless separated therefrom by an unpierced firewall.~~

~~(b) — Those allowed in the R3 district.~~

Section 5. That Sections 5:10.8 and 5:10.9 of Chapter 55 of Title V of the Code of the City of Ann Arbor are amended as follows:

5:10.8. R4B, R4C, ~~R4C/D~~, R4D, R4E multiple-family dwelling districts.

- (1) Intent. The multiple-family dwelling districts are intended to permit dwelling units to be arranged one above the other or side by side.
 - (a) The R4B multiple-family dwelling district should be located in intermediate areas of the city, situated on small tracts of land in established areas for in-fill purposes or medium sized tracts of land for moderate-sized developments.
 - (b) 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.
 - ~~(c) The R4C/D multiple-family dwelling district is intended to permit high-density, multiple-family development within the downtown area. The PUD (planned unit development) is also an appropriate zoning district for this type of residential use within the downtown area.~~
 - (~~cd~~) The R4D multiple-family dwelling district is intended to permit a higher density in the form of high-rise buildings on substantial tracts of land located in areas other than the central business district. The elements of land use planning and site design should be such as to ensure that the impact of such intensity of land use on adjacent property and on the community as a whole is minimized. Some of the criteria used in determining the location of this zoning district is:
 1. The presence of natural land features that may be used to advantage in scaling down the potential impact.
 2. The location of such a district would enhance the bypasses and entrance ways to the city and thereby provide a community focal or identity point.
 3. The location of such a district would provide housing opportunities near outlying centers of a commercial, service or employment nature.
 - ~~(d) 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 be such as to ensure that the impact of such intensity of~~

land use on adjacent property and on the community as a whole is minimized.

- (2) Permitted principal uses.
 - (a) Multi-family dwellings.
 - (b) Rooming and boarding houses and emergency shelters.
 - (c) Any permitted principal use or special exception use of the R1C single-family dwelling district, R2A and R2B two-family dwelling districts and R3 townhouse dwelling district, subject to all the regulations of the district in which such use first occurs.
 - (d) Convalescent and nursing homes, and homes for the elderly, subject to provide 400 square feet of lot area per occupant.
 - (e) Hospitals, as a special exception use pursuant to section 5:104, provided that there is a minimum of 1,500 square feet of lot area per bed.
- (3) Permitted accessory uses.
 - (a) Those allowed in the R3 district.

5:10.9. R5 ~~motel~~-hotel district.

- (1) *Intent.* This district is intended to permit ~~motels and~~ hotels and certain institutional housing uses which provide nursing care for convalescence from illness or special care for the elderly along with uses which are accessory to these principal uses.
- (2) *Permitted principal uses.*
 - (a) Hotels ~~and motels~~.
 - (b) Convalescence and nursing homes, and homes for the elderly, subject to providing 400 square feet of land area per occupant.
- (3) *Permitted accessory uses.*
 - (a) Restaurants when planned, designed, developed and made an integral and unified part of a ~~motel~~-hotel complex in such a manner as to not result in a separate, standing building.

- (b) Other incidental services may be provided for the convenience of occupants of the permitted principal use such as cigar, news or candy stores, delicatessens, indoor recreational facilities, personal service shops and similar uses, provided that all such incidental services shall be situated within the interior of the principal building or buildings.

Section 6. That Section 5:10.12 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.12 O office district.

- (1) Intent. This district is primarily for office buildings. The office district classification will be applied as a transitional use buffer between residential uses and uses which would be incompatible in direct contact with residential districts.
- (2) Permitted principal uses.
 - (a) Executive and administrative offices for establishments whose plants, warehouses or outlets are not permitted in the "O" district.
 - (b) Any office in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, such as the following:
 - 1. Business offices of a public utility, real estate, insurance, commercial or industrial establishment.
 - 2. Offices of physicians, dentists and other health practitioners; legal, engineering, architectural and surveying services; accounting, auditing and bookkeeping services.
 - 3. Finance, insurance and real estate offices; travel bureau; and banks.
 - 4. Government offices.
 - 5. Business services such as: advertising, consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services.
 - 6. Office of nonprofit organizations, such as professional membership organizations, labor unions, civic, social and

fraternal associations, political organizations and religious organizations.

7. Veterinary hospitals and kennels providing medical, surgical, boarding, grooming and bathing facilities for small nonfarm animals such as dogs, cats and birds as a special exception use pursuant to section 5:104. All facilities must be completely enclosed in a sound proof building in such a way as to produce no objectionable odors at the lot lines.
8. Beauty salons providing beauty treatments such as hair cutting, coloring and styling; hair removal; manicure; pedicure; skin care; and therapeutic massage. Incidental sales of products used in the salon shall occupy no more than 25 percent of the total floor area.

(c) Any permitted principal use of the ~~"R"~~R4B dwelling district, subject to all of the applicable use regulations of the R4B district ~~in which such use first occurs~~.

(d) Indoor court game facilities, including, but not limited to, handball, racquetball, paddleball, squash, ping-pong and similar uses, when located in an enclosed building shall be permitted as a special exception use pursuant to section 5:104.

(e) Artists' studios, provided no more than 25 percent of the total floor area of the studio is used for the display and sale of articles which are produced in the studio.

(f) Funeral homes.

(g) Private colleges, universities and other institutions of higher learning, offering courses in general, technical or religious education.

(h) Hotels.

(hi) 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 Council resolution, shall first apply for and receive a Zoning Compliance Permit by the date designated in the resolution. The conditions and standards contained in the resolution shall be conditions of the Zoning

Compliance 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.

- (3) Permitted accessory uses.
 - (a) Those allowed in the R3 district.
 - (b) Incidental services may be provided within office buildings for the convenience of occupants of that building, such as news, cigar or candy stands, delicatessens, restaurants, personal service shops and similar uses, provided the following conditions are fulfilled:
 - 1. Not more than 5 percent of the building's usable floor area is used for incidental services.
 - 2. All such incidental services shall be situated within the interior of the building so that no part thereof shall be directly accessible from the outside of the building.
 - 3. No sign or window display shall be discernible or visible from a public sidewalk or street.

Section 7. That Section 5:10.14 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:10.14. RE research district.

- (1) Intent. This district is designed 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 by utilizing campus-like developments and preserving significant natural features, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.
- (2) Permitted principal uses.
 - (a) Research, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.
 - (b) Laboratories for the research, development and testing of, including, but not limited to, medical, optical, dental and pharmaceutical products.

- (c) Offices for the following occupations: executive, administrative, and professional, including engineering and engineering sales, but excluding medical and dental offices.
- (d) Data processing and computer centers including computer programming and software development, training, and services and maintenance of electronic data processing equipment.
- (e) Pilot manufacturing facilities for engineering, laboratory, scientific, electronic and research instruments and associated equipment.
- (f) Printing, publishing, duplicating and photographic processing.

(3) Special exception uses pursuant to section 5:104.

- (a) Multi-family dwellings, subject to all the applicable regulations for multi-family dwellings in the R4B district.

(34) Permitted accessory uses.

- (a) Enclosed storage or maintenance buildings.
- (b) Warehousing, storage, shipping and receiving of materials used on the premises.

(45) Required conditions. All uses established in the RE district must comply with the following requirements:

- (a) Outdoor storage of equipment, goods, or materials shall be within an enclosed building or contained within an opaque, screened or fenced-in area.
- (b) All ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a required open space that abuts a residential zoning district.
- (c) No process carried on within the 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 property lines.
- (d) All hazardous materials, waste, and wastewater associated with use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.

- (e) The emissions of air pollution shall not be detrimental to the public welfare.

Section 8. That Sections 5:24 through 5:43C of Chapter 55 of Title V of the Code of the City of Ann Arbor are amended as follows:

5:24. Establishment of area, height and placement regulations.

- (1) Intent. The intent of this section is to provide clear and consistent area, height and placement regulations for construction in the City of Ann Arbor. 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. The front 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.
- (12) Except as otherwise provided herein, regulations governing lot size, lot area per dwelling unit, required usable open space, required setback lines, building height, and other pertinent factors are as shown in the schedule of area, height and placement regulations.
- (23) The determination of the permitted number of dwelling units in the "R" residential dwelling districts shall be made in the following manner: The gross 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. Gross lot area does not include the area of dedicated public streets, area to be dedicated to the public as a public street, or the area of private streets in the R1 and R2 districts.

Maximum Permitted Density
Dwelling Units Per Acre

<u>District</u>	<u>Dwelling Units Per Acre</u>
R3 (Townhouse)	10
R4A (Multi-Family)	10
R4A/B (Multi-Family)	10
R4B (Multi-Family)	15
R4C (Multi-Family)	20
R4C/D (Multi-Family)	75
R4D (Multi-Family)	25
R4E (Multi-Family)	75

| (34) Where more than 1 residential structure is to be constructed on a lot zoned R1 or R2, or where dwellings are served by a private street under the provisions of Chapter 47, the following placement regulations shall be applied in addition to section 5:26 [and] to section 5:31.

- (a) The minimum spacing between buildings shall be twice the minimum required side setback dimension of the zoning district in which the lot is located.
- (b) A minimum rear setback of 30 feet must be provided between the rear of a residential structure and the adjacent (nearest) property line.
- (c) A minimum front setback of 10 feet must be provided between all structures and the private street pavement.

SCHEDULE OF AREA, HEIGHT AND PLACEMENT REGULATIONS

Zoning District	Minimum Lot Area Per Dwelling Unit in Sq. Ft.	Minimum Usable Open Space in Percentage Of Lot Area	Required Setback Line Minimum and <u>Maximum</u> Dimensions in Feet				Maximum Height		Minimum Gross Lot Size	
			<u>Minimum</u> Front ⁽¹⁾⁽²⁾	Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
				Least One	Total of Two					
5:25 AG	100,000		40 Minimum for roadside stands only is 30	10% of the lot width	20% of the width	50	30		100,000	200
5:26 R1A <u>Single-Family</u>	20,000		40	7	18	50	30		20,000	90
5:27 R1B <u>Single-Family</u>	10,000		30	5	14	40	30		10,000	70
5:28 R1C <u>Single-Family</u>	7,200		25	5	10	30	30		7,200	60
5:29 R1D <u>Single-Family</u>	5,000		25	3	6	20	30		5,000	40
<u>5:29A</u> <u>R1E</u> <u>Single-Family</u>	<u>4,000</u>		<u>15</u>	<u>3</u>	<u>6</u>	<u>20</u>	<u>30</u>		<u>4,000</u>	<u>34</u>

⁽¹⁾ Parking spaces or lots shall not be located in the front open space in accordance with Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ Also see additional regulations in Section 5:57 (Averaging an Existing Front Setback Line) and Section 5:62 (Required Additional Setback Regulations).

Zoning District	Minimum Lot Area per Dwelling Unit in Square Feet	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Gross Lot Size	
		Front ⁽¹⁾⁽²⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
		Minimum	Maximum	Side Least One	Total of Two					
5:30 R2A <u>Two-Family</u>	4,250	25	<u>None</u>	5	40	30	30	<u>None</u>	8,500	60

In addition to the required setback lines, ~~the following minimum distances between principal buildings within the project shall apply, providing that~~ the horizontal distance between buildings shall be not less than 20 feet.

~~(a) When there is no overlap or when the overlapping walls are without windows, $HD = \frac{La + Lb + 2(Ha + Hb)}{10}$~~

~~(b) When one or both of the overlapping walls are window walls, $HD = \frac{La + Lb + 2(Ha + Hb)}{6}$~~

~~KEY: HD = Horizontal Distance; H = Height of Building; L = Overlapping Length of Buildings; a, b = The Structure Concerned. See Section 5:7(1) for illustrations.~~

5:31 R2B <u>Two-Family</u>	4,250 except for fraternities, sororities, cooperative houses and boarding houses for which minimum net lot area shall be 350 sq.ft. per occupant.	25, or the established front setback existing on the date this ordinance is adopted, whichever is larger.	<u>None</u>	<u>8</u> 8 or 10% of the lot width, whichever is larger.	<u>8 or 25% of the lot width, whichever is larger.</u>	30	30	<u>None</u>	8,500	60
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⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ Also see additional regulations in Section 5:57 (Averaging an Existing Front Setback Line) and Section 5:62 (Required Additional Setback Regulations).

Zoning District	Minimum Lot Area Per Dwelling Unit in Sq. Ft.	Minimum Usable Open Space in Percentage Of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet				Rear	Maximum Height		Minimum Gross Lot Size	
			Front ⁽¹⁾⁽²⁾		Side			In Feet	In Stories	Area in Sq. Ft.	Width in Feet
			Minimum	Maximum	Side Least One	Total of Two					
5:35 R4C/D	580	40%	Setback as provided in Section 5:62, otherwise: 25 10 30 30 and building spacing as provided in Section 5:30.							14,000	120
5:365 R4D Multi-Family	1,740	50%	40 15	40 ⁽³⁾	30 ⁽⁴⁾	60	30 ⁽⁴⁾	60 120		83,000	200
5:36 R4E Multi-Family	580	40%	Setback as provided in Section 5:62, otherwise: 15 40 ⁽³⁾ 10 ⁽⁴⁾ and building spacing as provided in Section 5:30.				30 ⁽⁴⁾	None	None	14,000	120
5:37 R5 Hotel	900 per BR bedroom	None	50 15	50 ⁽³⁾	25 ⁽⁴⁾	50	15 ⁽⁴⁾	4050, or 80 with parking below at least 35% of building	4	20,000	100
5:38 R6 Mobile Home	Ten times the usable floor area for each dwelling unit.	None	40		20	40	30	15; 12 for accessory structures.	4	170,000	100

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ Also see additional regulations in Section 5:57 (Averaging an Existing Front Setback Line) and Section 5:62 (Required Additional Setback Regulations).

⁽³⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010 on parcels with more than one front lot line.

⁽⁴⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Required Setback Line Minimum and Maximum
Dimensions in Feet

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area	Front ⁽¹⁾		Side		Rear	Maximum Height		Minimum Gross Lot Size	
		Minimum	Maximum	Side Least One	Total of Two		In Feet	In Stories	Area in Sq. Ft.	Width in Feet
5:39 P Parking	None	Required setback shall be equal to abutting zoning districts. In the case where land abuts 2 zoning districts, the required setback shall be equal to the larger requirement. If there is no setback on abutting properties—None, 10 feet, consistent with the right-of-way screening requirement in Chapter 62 (Landscape and Screening).		2.5	5	2.5	Garages may not exceed height limit of nearest contiguous district.	None	None	None
5:40 O Office	40% 75%	25	15 ⁽²⁾	20 for that open space abutting residentially zoned land, otherwise none. None, except 30 feet where abutting residentially zoned land. ⁽³⁾	30 for that open space abutting residentially zoned land, otherwise none. None, except 30 feet where abutting residentially zoned land. ⁽³⁾		None, except in any area on a parcel extending 300 feet from an abutting residentially zoned land, the limits shall apply: 40	55	34	6,000 50
5:41 PL	None	None	None	None	None	None	None	None	None	None

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010 on parcels with more than one front lot line.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Gross Lot Size		
		Front ⁽¹⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet	
		Minimum	Maximum	Side Least One	Total of Two						
5:42 RE <u>Research</u>	30% 75%	<u>75</u> 25	<u>50</u> ⁽²⁾	50 <u>None, except 100 feet where abutting residentially zoned land.</u> ⁽³⁾	100	75 <u>None, except 100 feet where abutting residentially zoned land.</u> ⁽³⁾	Structure height shall not be greater than ½ the horizontal distance from the nearest property line to the point of measurement. <u>None, unless the parcel abuts residentially zoned land, in which case the following limitations shall apply:</u>	55	4	60,000	150
5:42A ORL <u>Office/</u> <u>Research/</u> <u>Limited</u> <u>Industrial</u>	40%75%	<u>75</u> 25	<u>50</u> ⁽²⁾	50 <u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾	100 <u>A minimum setback of 100 feet is required where a lot line abuts a residential zoning district.</u>	75 <u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾	<u>None, unless the parcel abuts residentially zoned land, in which case the following limitations shall apply:</u>	50 55	4	40,000	150

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010 on parcels with more than one front lot line.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Gross Lot Size	
		Front ⁽¹⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
		Minimum	Maximum	Side Least One	Total of Two					
5:43 C1 and C1B Local Business	40% 100%	<u>25</u> <u>10</u>	<u>25</u> ⁽²⁾	20 for that open space abutting residentially zoned land, otherwise none. <u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾	Total of Two	20; except 30 where abutting residentially zoned land. <u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾	<u>25</u> <u>35</u>	<u>2</u> <u>3</u>	2,000	20
5:43A C1B Community Convenience Center	<u>150%</u>	<u>10</u>	<u>25</u> ⁽²⁾	<u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾		<u>None, except 30 feet where abutting residentially zoned land.</u> ⁽³⁾	<u>50</u>	<u>4</u>	<u>3,000</u>	<u>20</u>

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010 on parcels with more than one front lot line.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area		Required Setback Line Minimum and Maximum Dimensions in Feet			Maximum Height		Maximum Gross Lot Size	
	Normal (without premiums)	With Premiums (Section 5:64-5:65)	Front ⁽¹⁾	Side	Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
5:43AB C1A <u>Campus Business</u>	200%	400%	(1) When any lot line abuts residentially zoned land, a required setback shall be applied from that lot line equal to that which is required in the abutting residential zone. (2) When a building exceeds 5 stories in height, there shall be window wall and non-window wall setbacks in accordance with Section 5:67; otherwise none. (3) No front setback is required in any case.			None	None	None	None
5:43BC C1A/R <u>Campus/ Business/ Residential</u>	300%	600%	(1) Ten-foot setback. This setback shall apply to every lot line that abuts a public street. (2) When any open space abuts residentially zoned land, a required open space shall be required equal to that which is required in the abutting residential zone. (3) There shall be window wall and non-window wall setbacks in accordance with Section 5:67. (4) When a building containing any residential uses does not exceed 5 stories in height, the total square footage of the front, rear and side yards shall not be less than 30% of the lot area.			None	None	None	None

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

Section 9. That Sections 5:45 through 5:48 of Chapter 55 of Title V of the Code of the City of Ann Arbor are amended as follows:

Zoning District	Maximum Usable Floor Area In Percentage of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Lot Size		
		Front ⁽¹⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet	
		Minimum	Maximum	Side Least One	Total of Two						
5:45 C2B Business Service	200%	40	10	25 ⁽²⁾	None, except 30 feet where abutting residentially zoned land ⁽³⁾	None	None, except 30 feet where abutting residentially zoned land ⁽³⁾	60	55	4,000	40

~~Residential uses in the C2B zoning district must comply with the area, height, placement and density regulations of the R4C zoning district as enumerated in Section 5:34. The required front setback for property located in a special parking district (Section 5:169 of this Code) shall be the average of the established front setback of structures on adjacent lots which are located within 100 feet of either side of the lot and on which there are existing buildings. For the purpose of computing such average, an adjacent vacant lot within 100 feet shall be considered as having a 40-foot established front setback. In the case of corner lots, the average of established front setbacks for each street frontage shall be computed separately.~~

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010 on parcels with more than one front lot line.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Zoning District	Maximum Usable Floor Area in Percentage of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Lot Size	
		Front ⁽¹⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
		Minimum	Maximum	Side Least One	Total of Two					
5:46 C3 Fringe Commercial	50% 200%	40 10	25 ⁽²⁾	None None, except 30 feet where abutting residentially zoned land. ⁽³⁾	None None	20 None, except 30 feet where abutting residentially zoned land. ⁽³⁾	35 55	34	6,000	60
		40		30	30	30				

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE] , 2010, otherwise none. Maximum setbacks shall apply to at least one lot line for new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE] , 2010 on parcels with more than one front lot line.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Zoning District	Maximum Gross Land Coverage of Structure	Maximum Usable Floor Area In Percentage of Lot Area	Required Setback Line Minimum and Maximum Dimensions in Feet					Maximum Height		Minimum Lot Size	
			Front ⁽¹⁾		Side		Rear	In Feet	In Stories	Area in Sq. Ft.	Width in Feet
			Minimum	Maximum	Side Least One	Total of Two					
5:47 M1, M1A <u>Limited Industrial</u>	40%	60% <u>75%</u>	30% <u>15</u> ⁽²⁾	None	15%	30%	None, except 50 where <u>are</u> abutting residentially zoned land. ⁽³⁾	35	3	13,000	100
5:48 M2 <u>Heavy Industrial</u>	30%	60%	50 <u>15</u> ⁽²⁾	None	20% of the lot width	40% of the lot width	None <u>30 feet, except 100 where are</u> abutting residentially zoned land	35	3	125,000	200

⁽¹⁾ Also see additional regulations in Section 5:168 of Chapter 59 and Section 5:602 of Chapter 62.

⁽²⁾ For new freestanding buildings constructed or site planned after [INSERT EFFECTIVE DATE], 2010, otherwise none.

⁽³⁾ Plus one foot of additional setback for each foot of building height above 30 feet when abutting residentially zoned land.

Section 10. That Section 5:62 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:62. Required additional setback regulations.

- (1) In the R3, R4A, R4B, R4C, ~~R4C/D, and R4D,~~ and R4E multiple family dwelling districts, the required side setback line minimum dimension, as set forth in the schedule of area, height and placement regulations [sections 5:25 through 5:49], shall be increased 3 inches for each foot of building height above ~~30~~35 feet and 1 1/2 inches for each foot of building length over 50 feet. The ~~front and rear~~ required setback line the minimum dimensions, as set forth in the schedule of area, height and placement regulations [sections 5:25 through 5:49], shall be increased 1 1/2 inches for each foot of building height over ~~30~~35 feet and 1 1/2 inches for each foot of building width over 50 feet. The building length shall be the dimension of that side, which is parallel to the side lot line, of a rectangle within which the building may be located. The building width shall be the dimension of that side which is parallel to the front lot line, of a rectangle within which the building may be located.
- (2) As an alternate to providing the additional side open space required in section 5:62(1) above, an equal amount of usable open space may be provided between the minimum side setback line and the building. Nothing in this section shall be deemed, however, to permit reduction of the required side setback line minimum dimension, as set forth in the schedule of area, height and placement regulations [sections 5:25 through 5:49].

Section 11. That Section 5:168 of Chapter 59 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:168. Design of off-street motor vehicle parking facilities.

No person shall construct or establish a driveway or off-street parking structure, lot or space, except pursuant to a building permit issued upon the submission of plans showing compliance with the following standards:

- ~~(1) In residential zones, parking spaces or lots shall not be located in the front open space. However, multiple family uses having more than 100 feet of street frontage, more than 20,000 square feet of land area, and more than 20 dwelling units may have parking spaces and lots as provided in subsection (2) of this section. Churches, child care centers and schools with more than 100 feet of street frontage and more than 20,000 square feet of land area may be permitted to have front open space parking~~

~~located behind the required front setback line if approved as part of a special exception use review.~~

~~(2) In nonresidential zones, parking spaces and lots shall be located behind the front setback line required in Chapter 55 of this Code.~~

(1) Vehicular parking structures, lots and spaces shall not be located in the front open space. No space within a parking structure or lot may be closer to the street than the front face of a building.

(2) Exceptions:

a. Sites with existing vehicular parking structures, lots, and spaces approved or constructed prior to [INSERT EFFECTIVE DATE] ,2010 and located closer to a street than the front face of a building.

b. Sites where an addition is proposed to an existing building.

c. Sites with more than one front lot line; the requirements of paragraph (1) in this section shall apply to only one front lot line. For all other lot lines abutting streets, parking shall be located behind the minimum front setback requirement, per Chapter 55 (Zoning).

d. Multiple-family uses having more than 100 feet of street frontage, more than 20,000 square feet of land area, and more than 20 dwelling units may have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in Chapter 55 of this code.

e. Churches, child care centers and schools with more than 100 feet of street frontage and more than 20,000 square feet of land area may be permitted to have vehicular parking lots and spaces located in the front open space but behind the minimum front setback line as required in Chapter 55 of this code if approved as part of a special exception use review.

(3) Driveways leading to parking spaces and lots shall meet the following standards:

(a) A driveway leading to an enclosed space may be widened to the width of the parking space if the driveway does not exceed 30% of the front open space.

- (b) The width of a driveway serving a single or two-family dwelling shall be between 10 and 24 feet. For uses other than single or two-family, the width of one-way driveways shall be between 10 and 15 feet, and the width of two-way driveways shall be between 18 and 24 feet.
- (c) All driveways shall lead to a garage, carport, parking space or structure meeting the requirements of this Chapter, or back onto a street by means of the original opening or a second approved opening. A driveway with a width of up to 10 feet may be installed for single and two-family dwellings on parcels without adequate space for off-street parking.
- (d) Driveways providing access to property in nonresidential zones may not be located in residential zones.
- (4) No parking lot shall be located closer than 10 feet to any building used for a dwelling on the first floor.
- (5) Parking spaces required by this Chapter shall be at least 9 feet wide and 18 feet long (16 feet long if 2 feet of overhang is provided when parking against a curb). However, up to 30% of the parking spaces may be designated as small car spaces, which shall be at least 8 feet wide and 16 feet long and clearly signed for "small cars." Spaces directly adjacent to a fence, wall or enclosure shall be increased by 1 foot in width. Barrier free parking spaces must be designated as required by and in conformity with state law.
- (6) Parking lots shall have adequate maneuvering area and access to permit use of all parking spaces without moving other vehicles and prevent backing into a public street. Parking spaces shall be clearly marked and the lots shall conform to the following minimum stall and aisle standards:

Stall and Aisle Standards

Regular Size Cars

(A) Angle of Parking in Degrees	(B) Stall Width*	(C) Curb Length Per Stall	(D) Stall Depth 90° to Wall***	(E) Aisle Width**	(F) Wall to Wall Width
0°	9'	20'	9'	12'	
45°	9'	12'7"	19'5"	12'	51'
60°	9'	10'4"	20'5"	16'	57'
75°	9'	9'3"	20'	20'	60'
90°	9'	9'	18'	22'	58'

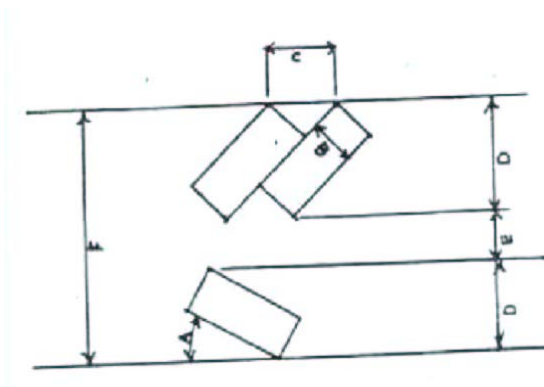
Small Size Cars

(A) Angle of Parking in Degrees	(B) Stall Width*	(C) Curb Length Per Stall	(D) Stall Depth 90° to Wall***	(E) Aisle Width**	(F) Wall to Wall Width
0°	8'	18'	8'	12'	
45°	8'	11'3"	17'	12'	46'
60°	8'	9'2"	17'9"	14'	49'8"
75°	8'	8'3"	17'5"	17'	52'
90°	8'	8'	16'	20'	52'

* Stall width shall be increased by one foot 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.

** In lots that are designed for both regular and small cars, the regular size aisle width shall be used.

*** Stalls which allow for vehicle overhang (next to curbs) can be reduced in depth by 2 feet.



- (7) Driveways and parking lots shall be surfaced with asphalt, concrete, porous pavement, pavers or brick in accordance with standard engineering practices. However, driveways and parking areas which serve single or two-family dwellings with parking areas of less than 1,200 square feet or less than 5 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.

- (8) Parking lots which were constructed or site planned after October 1, 1984 have the option to continue to comply with the standards under which they were approved or to comply with the revised standard in the table below. Parking lots constructed or site planned after July 15, 1987, shall be illuminated from one-half hour after sunset to one-half hour before sunrise, at the levels specified below. The lighting of such parking lots must be designed to provide illumination levels at all unobstructed points of the

parking lots in accordance with the following table. Illumination levels shall be measured 3 feet above the lot surface.

<u>Use</u>	<u>Minimum Illumination Level (Footcandles)</u>	<u>Maximum Uniformity Ratio</u>
<u>Residential, Church, School, Private Swimming Club, and Child Care Facility</u>		
A. All Parking Lots	0.4	10:1
<u>Nonresidential</u>		
Small (5-10 spaces)	0.4	10:1
Medium (11-99 spaces)	0.6	10:1
Large (100 or more spaces)	0.9	10:1

EXCEPTION:

Lighting levels may be reduced to 0.4 footcandle with a uniformity ratio of not more than 10:1 after 2 a.m., or after established hours of operation as filed with the City Building Department. Established hours of operation are one-half hour before to one-half hour after published business hours.

Church, school, private swimming club, and child care facility parking lots in residential neighborhoods, and site planned after July, 1988, shall have the option of reducing lighting levels by up to 50 percent after midnight with the uniformity ratio not to exceed 50:1.

Lighting plans and specifications for such illumination must be submitted pursuant to this chapter during the site plan approval process. The uniformity ratio shall be the ratio of the maximum to minimum illumination level.

Illumination level is the initially measured output of the fixture reduced by the lamp loss and luminaire dirt depreciation factors.

- (9) Lighting for parking lots and spaces must be designed and maintained so the illumination is evenly distributed, so no more than 0.1 foot candle of illumination shines, glares or reflects into any premises used for residential purposes, and so that it does not adversely affect the vision of motorists on public streets.
- (10) Parking lots shall be equipped with curbs or other barriers to confine vehicles to the parking lot. Driveways, parking lots and structures shall be

constructed and maintained in a manner to prevent drainage nuisances and the formation of potholes and must be kept reasonably free of snow and ice.

Section 12. That this ordinance shall take effect on the tenth day following legal publication.

As Amended by Ann Arbor City Council on December 6, 2010

CERTIFICATION

I hereby certify that the Council of the City of Ann Arbor, Michigan, adopted the foregoing ordinance at its regular session of January 3, 2011.

Date

Jacqueline Beaudry, City Clerk

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw County Legal News on January 6, 2011.

Jacqueline Beaudry, City Clerk