

**ORDINANCE FOR CPC PRESENTATION ON AUGUST 18, 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:

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**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		
<b>RESIDENTIAL</b>																																		<b>5.16.1</b>	
<b>Household Living</b>																																			
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							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	
<b>Group Living</b>																																			

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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										
Group Housing							E		E	P	P	P	P			P	P	P	P	P	P	P	P										
Guest House										P	P	P	P			P	P	P	P	P	P	P	P										
<b>PUBLIC/ INSTITUTIONAL</b>																												<b>5.16.2</b>					
Community and Cultural																																	
Cemetery	P																																
Club Headquarters or Community Center							E		E	E	E	E	E			E	P	P	P	P	P	P	P										

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Conference Center																					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								5.16.2G
Religious Assembly	P	E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P												
<b>Day Care</b>																																			
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			5.16.2A	
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			5.16.2B	

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<b>Educational</b>																																			
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	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	P		
School, Trade/Industrial																	P	P	P	P	P	P	P	P			P		P	P	P	P			
<b>Health Care</b>																																			
Hospital											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	
<b>COMMERCIAL</b>																																			5.16.3
<b>Lodging</b>																																			

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Bed and Breakfast																					P	P	P	P	P										
Hotel																P	P	P	P	P	P	P	P	P	P										
<b>Recreation, Entertainment, and Arts</b>																																			
Adult Entertainment Business																															P		P		
Artist Studio																P	P	P	P	P	P	P	P	P						P	P	P			
General Entertainment																	P	P	P	P	P	E	P	P											
Indoor Recreation																E	P	P	P	P	P	P	P	P			P		E	E	E	E			
Outdoor Recreation	P	E	E	E	E	E	E	E	E	E	E	E	E	E									P	P			P		E						
<b>Sales</b>																																			

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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	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	P										
Wholesale, Resale, Building Material and Supplies																							P	P						P	P	P	
<b>Services and Repair</b>																																	
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	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	
<b>OFFICE AND RESEARCH</b>																																			5.16.4	
<b>Office-Type</b>																																				
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	P			5.16.4C		
Medical/Dental																P	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		
<b>Research and Development</b>																																				

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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	
<b>TRANSPORTATION</b>																																	
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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<b>INDUSTRIAL</b>																																	5.16.5	
<b>Agricultural</b>																																		
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	
<b>Manufacturing, Processing, Assembly, and Fabrication</b>																																		
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																E		
Coal and Coke Dealer																															P			

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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																																					

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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		
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	5.16.5D	
<b>Warehousing and Storage</b>																																		
Medium Term Car Storage																										E								5.16.3J
Short Term Car Storage																										P								5.15.3.0
Outdoor Storage																														P	P	P		

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Warehousing and Indoor Storage																							P	P							P	P	P	

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**TABLE 5.15-2: ~~PERMITTED~~-ACCESSORY USE TABLE**

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<b>ACCESSORY USES</b>																																		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	

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**TABLE 5.15-2: ~~PERMITTED~~-ACCESSORY USE TABLE**

Key: **P**= Permitted  
**E** = Special Exception  
**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
Dwelling Unit, Accessory		A	A	A	A	A	A																										5.16.6A; 5.16.6D
Dwelling Unit, Manager's																													A	A	A		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	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	



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**TABLE 5.15-2: ~~PERMITTED~~-ACCESSORY USE TABLE**

Key: **P= Permitted**  
**E = Special Exception**  
**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	
Management/Maintenance Office and Storage								A	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	
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										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;	

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**TABLE 5.15-2: ~~PERMITTED~~-ACCESSORY USE TABLE**

Key: **P**= Permitted  
**E** = Special Exception  
**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
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
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	A	5.16.6A 5.16.6N
Solar Energy System, Personal-Scale		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 ~~certain~~all required site improvements on an approved site plan due to cold weather, ~~or~~ 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 ~~any~~all Buildings prior to completion of all ~~public and private~~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, ~~or~~ 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, ~~or~~ 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.
- ~~b.c.~~ The following materials are permitted only as trim or accent materials when visible from primary or secondary streets: fiber cement board.
- ~~e.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.

A.B. Dimensional standards for ~~mixed~~-Mixed use-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 ~~parcel~~lot that has one Single-Family Dwelling as the ~~permitted~~ 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  
~~The minimum Lot Area for an ADU is 5,000 square feet. For Lots from 5,000 to 7,200 square feet in size, the maximum size of an ADU is 600 square feet of Floor Area or the size of the Floor Area of the ground Floor of the primary dwelling, whichever is less. For Lots 7,200 square feet or greater in size, the maximum size of an ADU is 800 square feet of Floor Area or the size of the Floor Area of the ground Floor of the primary dwelling, whichever is less.~~

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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]
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 ~~a legally conforming~~ Accessory Building that was constructed before December 31, 2016, subject to the following restrictions: Accessory Building is more than 200 square feet of Floor Area then it may be replaced or modified and used as an ADU as long as the new or modified Accessory Building is legally conforming. A nonconforming Accessory Building that was constructed before December 31, 2016 which is over 200 square feet of Floor Area may be replaced or modified and used as an ADU as long as the new or modified Accessory Building is legally conforming.

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.



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- 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.

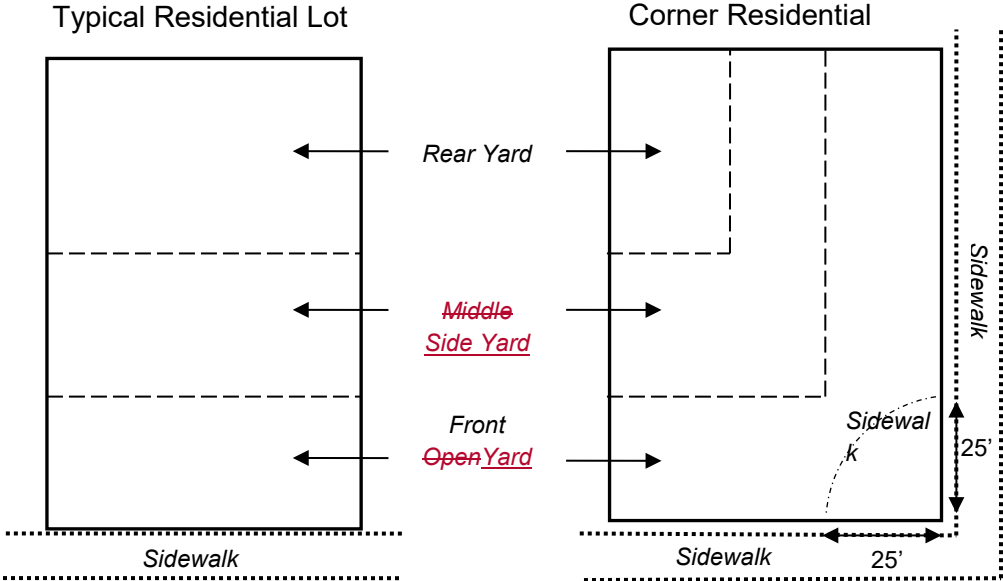
Section 6. That Section 5.26.2.A Standards of Chapter 55 (Unified Development Code) of Title V of the Code of Ann Arbor is amended as follows:

**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.

**Residential Zoning Districts: Height and Opacity**



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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:

TABLE 5.17-1: SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS									
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .									
DISTRICT	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	BUILDING SPACING (FT.)	REQUIRED SETBACK (FT.)				MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
			MINIMUM FRONT	MINIMUM ON ONE SIDE	MINIMUM TOTAL OF TWO SIDES	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
AG	100,000		40 [AB][BC]	10% of Lot Width	20% of Lot Width	50	30	100,000	200
R1A	20,000	[C]18	Average [A]. otherwise 40 [A]	7	18	50	30	20,000	90
R1B	10,000	[C]14	Average [A]. otherwise 30 [A]	5	14	40	30	10,000	70
R1C	7,200	[C]10	Average [A]. otherwise 25 [A]	5	10	30	30	7,200	60
R1D	5,000	[C]6	Average [A]. otherwise 25 [A]	3	6	20	30	5,000	40
R1E	4,000	[C]6	Average [A]. otherwise 15 [A]	3	6	20	30	4,000	34

NOTES:

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

[B] For roadside stands only the minimum is 30 ft.

[C] ~~Where more than 1 residential Structure is to be constructed on a Lot in the R1 districts, or where dwellings are served by a private street under the provisions of Section 5.21, the following placement regulations shall also be applied: (a) The minimum spacing between Buildings shall be twice the minimum required side setback dimension of the zoning district in which the Lots is located; (b) A minimum rear setback of 30 feet must be provided between the rear of a residential Structure and the adjacent (nearest) Lot Line; (c) A minimum front setback of ten feet must be provided between all Structures and the private street pavement.~~

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TABLE 5.17-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS									
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .									
DISTRICT	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	BUILDING SPACING	REQUIRED SETBACK (FT.)				MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
			MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R2A	4,250	[B]10	Average [A], otherwise 25 or [A]	None	5	30	30	8,500	60
R2B	4,250 or [C]	[B]10	Average [A], otherwise 25 [A] [B] [D]	None	8	30	30	8,500	60

NOTES:  
 [A] Also see additional regulations in See Section 5.18.5 (Averaging an Established Front Building Line).  
 [B] Where more than one residential Structure is to be constructed on a Lot in the R2 districts, or where dwellings are served by a private street under the provisions of Section 5.21, the following placement regulations shall also be applied: (a) The minimum spacing between Buildings shall be twice the minimum required side setback dimension of the zoning district in which the Lots is located; (b) A minimum rear setback of 30 feet must be provided between the rear of a residential Structure and the adjacent (nearest) Lot Line; (c) A minimum front setback of ten feet must be provided between all Structures and the private street pavement.  
 [C] Except for Fraternity Houses, Sorority Houses, Student Cooperative Housing, and Group Housings, for which minimum net Lot Area shall be 350 sq. ft. per occupant.  
 [D] Or the Established Front Building Line existing on the date this ordinance is adopted, whichever is larger.

TABLE 5.17-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS												
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .												
DISTRICT	MAXIMUM DENSITY (DWELLING UNITS PER ACRE)	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM OPEN SPACE (% OF LOT AREA)	MINIMUM ACTIVE OPEN SPACE PER DWELLING UNIT (SQ. FT.)	REQUIRED SETBACK (FT.)					MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
					MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM BUILDING SPACING	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R3	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35	21,780	120
R4A	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	21,780	120
R4B	15	2,900	55	300	15	40	12 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	14,000	120
R4C	20	2,175	40	300	Average [D]	None	12 plus [A]	20	30 plus [A]	30	8,500	60

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**TABLE 5.17-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS**

NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .

DISTRICT	MAXIMUM DENSITY (DWELLING UNITS PER ACRE)	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM OPEN SPACE (% OF LOT AREA)	MINIMUM ACTIVE OPEN SPACE PER DWELLING UNIT (SQ. FT.)	REQUIRED SETBACK (FT.)					MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
					MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM BUILDING SPACING	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
					otherwise 25 - [D]							
<b>R4D</b>	25	1,740	50	300	15	40	30 plus [A] and [B]	20	30 plus [A] and [B]	120	83,000	200
<b>R4E</b>	75	580	40	150	15	40	10 plus [A]	20	30 plus [A] and [B]	None	14,000	120
<b>R6</b>	N/A	10 times the Floor Area for each Dwelling Unit	None		40	None	20	None	30	15; 12 for Accessory Structures	170,000	100

**NOTES:**

- [A] (1) The minimum Required Side Setback as set forth above, shall be increased 3 inches for each foot of Building Height above 35 feet and 1.5 inches for each foot of Building length over 50 feet. The minimum Required Rear Setback, as set forth above, shall be increased 1.5 inches for each foot of Building Height over 35 feet and 1.5 inches for each foot of Building width over 50 feet. 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 increasing the Required Side Setback dimension as required in note (1) above, an equal amount of area in square feet as the increased Side Setback Area 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 table above.
- [B] Plus one foot of additional Setback for each foot of Building Height above 30 feet when abutting residentially zoned land.
- [C] For Buildings with parking below at least 35% of the Building.
- [D] [Also see additional regulations in See](#) Section 5.18.5 (Averaging an Established Front Building Line).

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**5.1.2 Mixed Use Zoning Districts<sup>1 2</sup>**

Dimensional standards for mixed use zoning districts are provided in Table 5.17-4.

TABLE 5.17-4: MIXED USE ZONING DISTRICT DIMENSIONS											
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .											
DISTRICT	MAXIMUM FAR (%)		MAXIMUM FLOOR AREA PER NON RESIDENTIAL USE (SQ. FT.)	REQUIRED SETBACK (FT.)				HEIGHT		MINIMUM GROSS LOT DIMENSIONS	
	NORMAL	WITH PREMIUMS		MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR	MINIMUM	MAXIMUM	AREA (SQ. FT.)	WIDTH (FEET)
<b>O</b>	75	N/A	None	15	40 [A]	[B][C]		None	[D]	6,000	50
<b>C1</b>	100	N/A	8,000 [E]	10	25 [A]	[B][C]		None	35 ft./3 stories	2,000	20
<b>C1B</b>	150	N/A	None	10	25 [A]	[B][C]		None	50 ft./4 stories	3,000	20
<b>C1A</b>	200	Up to 400, see Section 5.18.6	None	None	None	[F]		None	None	None	None
<b>C1A/R</b>	300	Up to 600, see Section 5.18.6	None	10	None	[F]		None	None	None	None
<b>C2B</b>	200	N/A	None	10	25 [A]	[B][C]		None	55 ft./4 stories	4,000	40
<b>C3</b>	200	N/A	None	10	25 [A]	[B][C]	20 [B][C]	None	55 ft./4 stories	6,000	60
<b>D1</b>	400	Up to 900, see Section 5.18.6	None	See Table 5.17-7		See Table 5.17-6		24 ft. and 2 stories [H]	Table 5.17-6	None	None
<b>D2 (I)</b>	200	Up to 400, see Section 5.18.6	None	See Table 5.17-7		See Table 5.17-6		24 ft. and 2 stories [H]	Table 5.17-6	None	

NOTES:

[A] Applies only to new detached Buildings constructed or for which a site plan was approved after January 16, 2011, otherwise none. For Lots with more than one Front Lot Line, Required Setbacks shall only apply to one Front Lot Line.

[B] 30 ft. where abutting residentially zoned land, otherwise none.

[C] Plus one foot of additional setback for each foot of Building Height above 30 feet when abutting residentially zoned land.

[D] No maximum except in any area on a parcel extending 300 feet from an abutting residentially zoned land, the maximum height limits shall be 55 feet and 4 stories.

[E] Maximum Floor Area for each nonresidential use in a Principal or Accessory Building.

[F] Equal to the minimum side and minimum rear setback for the abutting district when abutting a residential district.

<sup>1</sup> Ordinance No. ORD-19-28, effective September 22, 2019.

<sup>2</sup> Ordinance No. ORD-19-34, effective November 17, 2019.

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TABLE 5.17-4: MIXED USE ZONING DISTRICT DIMENSIONS											
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .											
DISTRICT	MAXIMUM FAR (%)		MAXIMUM FLOOR AREA PER NON RESIDENTIAL USE (SQ. FT.)	REQUIRED SETBACK (FT.)				HEIGHT		MINIMUM GROSS LOT DIMENSIONS	
	NORMAL	WITH PREMIUMS		MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR	MINIMUM	MAXIMUM	AREA (SQ. FT.)	WIDTH (FEET)

[G] 30 ft where abutting residentially zoned land.

[H] Minimum height shall apply only to new principal use buildings constructed after December 26, 2009; otherwise none. The Floor Area of the required second Story must be a minimum of 75 %of the Floor Area of the first Story.

[I] All Development in the D2 district shall provide a minimum of 10% of the Lot Area as Open Space, and no Development shall have Building Coverage greater than 80% of the Lot Area.

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### 5.1.3 Nonresidential and Special Purpose Zoning Districts<sup>3</sup>

Dimensional standards for nonresidential and special purpose zoning districts are provided in Table 5.17-5.

TABLE 5.17-5: NONRESIDENTIAL AND SPECIAL PURPOSE ZONING DISTRICTS									
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .									
DISTRICT	MAXIMUM LAND COVERAGE OF STRUCTURE (%)	MAXIMUM DENSITY/FAR	REQUIRED SETBACK (FT.)				MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
			MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
<b>R5</b>	None	Minimum 900 sq. ft. of Lot Area per bedroom	15[A]	50 [E] [H]	25 [B]	15 [B]	50 [C]	20,000	100
<b>P</b>	None	None	10[A]	None	2.5 [D]	2.5	Equal to lowest maximum height (ft.) of abutting residential zoning district	None	None
<b>PL</b>	None	None	None	None	None	None	None	None	None
<b>RE</b>	None	75%	25 [A]	50 [E] [H]	0 [F]	0 [G]	None [G]	60,000	150
<b>ORL</b>	None	75 %	25 [A]	50 [E] [H]	0 [F]	0 [G]	None [G]	60,000	150
<b>M1 and M1A</b>	40	75%	15 [A] [H]	None	0 [I]	0 [K]	35	13,000	100
<b>M2</b>	30	60%	15 [A]	None	0 [I]	30 [L]	35	125,000	200
<b>PUD</b>	See Sections 5.13.9 and 5.29.10								
NOTES:									
[A] See additional regulations in Section 5.19.8 Design of Vehicle Parking Facilities and Section 5.20.3 Vehicular Use Area Landscaping and Screening.									
[B] Plus one foot of additional setback for each foot of Building Height above 30 feet when abutting residentially zoned land.									
[C] Except 80 feet for Buildings with parking below at least 35% of the Building.									
[D] Except 15 feet when abutting residentially zoned land, consistent with the conflicting land use buffer requirements in Section 5.20 (Landscape, Screening, and Buffering).									
[E] Maximum setbacks shall apply to at least one Lot Line for new freestanding Buildings constructed or site planned after January 16, 2011, on parcels with more than one Front Lot Line.									
[F] Except 100 feet minimum setback, plus one foot of additional setback for each foot of Building Height above 30 feet, where a Lot Line abuts a residential zoning district.									
[G] Except 55 feet and 4 stories where Lot Line abuts residentially zoned land.									
[H] For new freestanding Buildings constructed or site planned after January 16, 2011, otherwise none.									
[I] Except 30 feet plus one foot of additional setback of Building Height above 30 feet, where a Lot Line abuts residentially zoned land.									
[J] Except 50 feet plus one foot of additional setback of Building Height above 30 feet, where a Lot Line abuts residentially zoned land.									
[L] Except 100 feet when abutting residentially zoned land.									

<sup>3</sup> Ordinance No. ORD-19-26, effective September 22, 2019.

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