

UNIFIED DEVELOPMENT CODE - SIGNS  
[12/1/20]

AN ORDINANCE TO AMEND SECTIONS 5.16.4, 5.16.6, 5.24, 5.29.2, 5.33.2, 5.35.2, 5.36.2 AND 5.37 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 Section 5.16.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**5.16.4 Office/Research Uses**

**A. Laboratory**

**1. RE District**

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

**2. ORL District**

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

**B. Nonprofit Corporations**

**1. All Residential Zoning Districts**

- a. Parcels must have a minimum of 80,000 square feet of Lot Area.
- b. The Principal Building must contain a minimum of 3,000 square feet of Floor Area, excluding basements or cellars, constructed prior to January 1, 1988.
- c. There shall be no more than one employee for each 300 square feet of Floor Area, constructed prior to January 1, 1988, excluding basements or cellars.
- d. Off-street parking in the amount of one space for each 300 square feet of Floor Area, constructed prior to January 1, 1988, excluding basements or cellars, shall be provided in accordance with the standards of Section [5.19](#).

- e. One Dwelling Unit within the existing Structure may be approved as part of this Special Exception Use approval.
- f. The use will result in preservation of Open Space and/or historic Sites or Structures.
- g. The nature of the use will not be of such intensity as to disrupt the peaceful enjoyment of the neighborhood; specifically, the use shall not generate more than 20 Office-related vehicle trips (excluding employee related trips) in any one day from the Site.
- h. No Building or other use of land, except landscaped areas, shall be situated within 30 feet of any adjacent residential property.

**C. Office, General and Medical/Dental**

**1. RE District**

Limited to Executive, Administrative, and professional, including engineering and engineering sales; medical and Dental Offices are not permitted.

**2. ORL District**

Limited to Office, General. Office, Medical, or Dental is not allowed in this district.

Section 2. That Section 5.16.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**5.16.6 Accessory Uses and Structures**

**A. All Accessory Uses and Structures**

**1. General**

No Accessory Building shall be used prior to the Principal Building or Principal Use, except as a construction facility for a Principal Building. Such construction facility shall not be used for residential purposes. This exception is a temporary Accessory Building which shall lapse 30 days after completion of the Principal Building or Buildings.

**2. In Residential Districts and P District**

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

- a. Accessory Buildings shall not exceed 21 feet in height, except in the R-6 District Accessory Buildings shall not exceed 15 feet.
- b. Accessory Buildings shall not be erected in any Required Front Setback Area.
- c. Detached Accessory Buildings may occupy the Side Setback Area provided that such Buildings are set back farther from the street than any part of the Principal Building on the same Lot and any part of the Principal Building on any Lot abutting said required Side Setback Area. Accessory Buildings shall not be located closer than three feet to any Lot Line.
- d. Accessory Buildings may occupy Rear Setback Areas provided that such Buildings do not occupy more than 35% of the required Rear Setback Area and are not closer than three feet to any Lot Line.
- e. Attached Accessory Buildings shall not occupy any portion of the required Side Setback Area.

### **3. In Mixed Use and Nonresidential and Special Purpose Districts**

Accessory Structures and Accessory Buildings are subject to the Area, Height, and Placement regulations of the zoning district in which they are located as provided in [5.17 Area, Height and Placement Regulations](#) and [5.18 Special Dimensional and Site Layout Standards](#).

## **B. Dish Antenna**

### **1. General**

- a. No Person shall install a Dish Antenna greater than three feet in diameter without having obtained a building permit and an electrical permit.
- b. Dish Antennas in any zoning district shall be installed and maintained in compliance with applicable building and electrical codes.
- c. Not more than one Dish Antenna greater than three feet in diameter shall be allowed on any Lot unless shown on an approved site plan.
- d. Dish Antennas must be solid in color.
- e. Dish Antennas must be permanently mounted except under the following circumstances:
  - i) The Dish Antenna has been designed and sold as a portable antenna not intended for permanent

installation, and the diameter of the Dish Antenna does not exceed six feet. Portable Dish Antennas shall meet the requirements of Section [5.16.6B.2.c](#) through [e](#) of this Section.

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

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

- a. Dish Antennas shall be ground mounted.
- b. The diameter shall not exceed ten feet.
- c. The height shall not exceed 12 feet.
- d. Dish Antennas shall be located only in the area between the rear of the principal Structure and the Rear Lot Line.
- e. Dish Antennas shall not be placed closer to any Lot Line than its height.

**3. R-4 District**

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

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

- a. The diameter shall not exceed 12 feet.
- b. A ground-mounted Dish Antenna shall comply with the setback requirements established for its zoning district, but shall not be located in the Front Yard.
- c. The height for a ground-mounted Dish Antenna shall not exceed 25 feet.
- d. The height of a Roof-mounted Dish Antenna shall not exceed 15 feet, nor shall it exceed the height limit established within its zoning district.

**C. Drive-Through Facility**

**1. O District**

- a. Drive-Through Facilities are only permitted for financial uses, and are subject to Special Exception Use approval pursuant to Section [5.29.5](#).
- b. The Drive-Through Facility may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the

general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

**2. D1, D2, and C2B Districts**

- a. Drive-Through Facilities are permitted for any Principal Use of property, subject to Special Exception Use approval pursuant to Section [5.29.5](#).
- b. In the C2B district, the Drive-Through Facilities may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

**3. C3 District**

- a. The Drive-Through Facilities may not be located between a street and the Principal Building, and the vehicular circulation to enter and exit the facility may not impair the general vehicular circulation on the Site or the pedestrian circulation on and off the Site.

**D. Accessory Dwelling Unit (ADU)**

1. An ADU is permitted on a parcel that has one Single-Family Dwelling as the permitted principal use.
2. The 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. 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.
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 a legally conforming Accessory Building that was constructed before December 31, 2016. Additionally, if the

existing 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.

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

**E. Manager's Dwelling Unit**

**1. M1, M1A, and M2 Districts**

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

**F. Family Day Care Home**

**1. All Residential Zoning Districts**

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

**G. Group Day Care Home**

**1. All Residential Zoning Districts**

- a. Shall be licensed by the State of Michigan Department of Licensing and Regulatory Affairs.
- b. A zoning permit shall be obtained from the PDSU.
- c. Shall be located on a Lot with at least 5,000 square feet of Lot Area.
- d. Shall provide at least one off-street Parking Space for each caregiver not living in the dwelling.
- e. Shall show that two off-street or on-street Parking Spaces are available within 250 feet of the parcel for drop off and pick up of children.

**H. Home Occupation**

**1. All Residential Zoning Districts**

- a. The total Floor Area devoted to the Home Occupation in the Principal or Accessory Building shall not exceed 25% of the Floor Area of the Dwelling Unit.
- b. Outside appearance of the Premises shall have no visible evidence of the presence of a Home Occupation.
- c. No outdoor display of goods or outside storage of equipment or materials used in the Home Occupation shall be permitted.
- d. No article or service shall be sold or offered for sale on the Premises except those that are produced or administered by such Home Occupation on the Premises.
- e. The nature of the Home Occupation shall not generate more than 10 Business-related vehicle trips in any one day in the vicinity of the Home Occupation, and any need for parking generated by the conduct of such Home Occupation shall be provided off-street in accordance with the off-street parking requirements.
- f. 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 Lot Line.
- g. The following are typical examples of that which often can be conducted within the limits of these restrictions and qualify

as Home Occupations. Uses that 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, tailor, individual musical instrument instruction, individual academic tutoring, millinery, preserving, and home cooking.

- h. 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; office, medical or dental.
- i. Signs for Home Occupations shall be regulated by the Sign regulations of this Code.

**I. Incidental Services**

**1. O District**

Incidental Services other than Beauty Salons may be provided within an Office Building or Buildings for the convenience of occupants of that Building, provided the use meets the following standards:

- a. Not more than 5% of the Floor Area is used for Incidental Services.
- b. All Incidental Services shall be situated within the interior of the Building or Buildings so that no part of the Incidental Services use shall be directly accessible from the outside of the Building.

**2. R5 District**

All Incidental Services shall be situated within the interior of the Principal Building or Buildings.

**3. ORL District**

- a. Not more than 25% of the Floor Area of any one Building and not more than 5% of the total Floor Area of all Buildings within the continuous boundary of the area zoned ORL may be used for Incidental Services.
- b. All such services shall be situated to conveniently serve the employees of the district.

**J. Outdoor Display and Vending Machines**

**1. The Display or Vending Machine:**

- a. Shall be located within ten feet of Principal Building.
- b. Shall not be located in any Setback Area.
- c. Shall maintain adequate pedestrian access and circulation.
- d. Is only permitted in an area specifically designated for outdoor sales and display on an approved site plan.

**K. Outdoor Sales, Temporary**

**1. Temporary Outdoor Sales:**

- a. Require the issuance of a zoning permit.
- b. Are limited to a maximum of 180 days per calendar year.
- c. Shall occupy an area of 10% or less of the Floor Area of the Principal Building or Principal Use.
- d. Shall not be located in any setback area, interior vehicular landscape area, Right-of-Way buffer area or conflicting land use buffer.
- e. Shall maintain adequate pedestrian and vehicular circulation.

**L. Restaurant, Bar, Food Service**

**1. R5 District**

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

**M. Retail Sales, General Merchandise**

**1. ORL District**

- a. Retail Sales of products or services produced on the Site shall be permitted as an Accessory Use.
- b. Floor Area used for sales and display shall not exceed 5% of the total Floor Area of the Principal Use.

**2. M1 and M1A Districts**

- a. Limited to Retail Sales of products customarily incidental to the Principal Use;
- b. Floor Area used for sales and display shall not exceed 10% of the total Floor Area of the Principal Use.

**N. Solar Energy System**

- 1. In Multiple-Family, Mixed Use and Nonresidential and Special Purpose Zoning Districts, a SES is permitted subject to the requirements of Section [5.16.6A](#) Accessory Uses and Structures, except when the Principal Use is Single-Family Dwelling the standards provided in Section [5.16.6O](#) shall apply.

2. Installation, Use, and Maintenance
  - a. The SES shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
  - b. The SES and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a SES shall not commence until all necessary permits have been issued.

**O. Personal-Scale Solar Energy System**

1. In Single-Family and Two-Family Zoning Districts, a Personal-Scale SES is permitted subject to the following standards.
  - a. Ground-Mounted SES. Ground-Mounted SES are subject to the requirements of Section [5.16.6A](#) Accessory Uses and Structures, except may not be located in a Front Yard, and shall be screened from view from the Right-of-Way.
  - b. Building-Mounted SES. Building-Mounted SES are subject to the dimensional standards provided in Section [5.17](#) for the zoning district in which the Lot is located.

**2. Installation, Use, and Maintenance**

- a. The Personal-Scale SES shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
- b. The Personal-Scale SES and its installation and use shall comply with the Michigan Building Code, the Michigan Electrical Code and any other applicable State codes, and installation of a Personal-Scale SES shall not commence until all necessary permits have been issued.

**P. Wireless Communication Antenna**

The provisions of Section [5.16.6](#) shall apply as applicable to accessory antennas rather than freestanding Towers.

Section 3. That Section 5.24 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be repealed and replaced as follows:

**5.24 Signs**

**5.24.1 Applicability**

Signs may be erected or maintained in the City only as permitted by this chapter and subject to other restrictions contained in this Code, including standards relating to the City's designated historic districts. The Sign regulations of this Code are intended to

ensure that Signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication. The Sign regulations of this Code are not intended to and do not apply to Signs required by law or a government entity. If any portion of the Sign regulations of this Code is determined to be a violation of law, that portion shall be severed from the remainder of the Sign regulations and shall be revised to reflect the least possible change that avoids the violation of law; and the remainder of the Sign regulations shall remain in effect and be interpreted as closely as possible to the original intent without violating state or federal law. Regardless of any provision of this Code, noncommercial messages may be placed or substituted on any lawfully permitted Sign.

#### **5.24.2 Intent**

The City intends the Sign regulations of this Code to achieve compelling, substantial, and important government interests in a manner that represents the least restrictive means of accomplishing those interests and to promote important and substantial government interests that would not be effectively achieved absent the regulations. Regulating the size and location of Signs in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and wayfinding and property identification for emergency response purposes. Nothing in the Sign regulations of this Code is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution. The following subsections describe some, but not necessarily all, of the compelling, substantial, and important government interests that the City intends to achieve through the sign regulations of this Code:

##### **A. Pedestrian and Vehicular Safety**

The City finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests. Public Rights-Of-Way and private streets in the City are used concurrently by a variety of vehicles of varying speeds, sizes, and vulnerability, including trucks, buses, trains, cars, motorcycles, mopeds, bicycles, and scooters, all of which may travel in close proximity. Interactions among vehicles and between vehicles and pedestrians create compelling, substantial, and important safety concerns. Most signage is visible to vehicle or pedestrian traffic and at least partly intended or designed to attract the attention of vehicle operators or pedestrians, thereby creating distractions that diminish traffic and pedestrian safety.

The City finds that a mix of traffic types, including vehicles and pedestrians, is beneficial to the general welfare of the City, including allowing density sufficient to sustain a healthy economic base, meeting the different transportation needs of a wide variety of residents and nonresidents, and ensuring adequate access to employment, entertainment, retail, business, housing, and services.

In order to promote pedestrian and vehicular safety, the purposes of the Sign regulations of this Code include the following:

1. To reduce distractions to vehicle operators and pedestrians and thereby reduce the risk for crashes, property damage, injuries, and fatalities.
2. To permit Signs that provide adequate information or direction to both pedestrians and vehicle operators without conflicting with other Signs, structures, or improvements.
3. To reduce clutter and confusion and to provide clear wayfinding Signs, so that traffic movement is efficient and unnecessary traffic maneuvers are minimized.
4. To maintain clear lines of sight along Public Rights-of-Way and at intersections, Driveways, and other points of interaction among vehicles and pedestrians.

## **B. Character and Quality of Life**

The City finds that achieving and maintaining attractive, orderly, and desirable places to live, conduct business, celebrate civic events, entertain people, and provide for housing opportunities are directly related to the stability of property values needed to provide and finance quality public services and facilities within the City, and therefore are compelling, substantial, and important government interests. In order to protect the unique character of the environment and quality of life of the City, the purposes of the Sign regulations of this Code include the following:

1. To permit Signs that are of sufficient, but not excessive, size to perform their intended function.
2. To prohibit Signs that may cause conflicts between vehicular- and pedestrian-targeted messages, hinder sight distances, or detract from a safe and pleasant pedestrian experience.
3. To regulate Signs by zoning district or other geographic area, including those established by the City's Master Plan or other laws, regulations, or plans.

## **C. Economic and Development and Property Values**

The City finds that there is a clear relationship between the promotion of a set of specifications and restrictions for Signs and the promotion of economic development and property values, which are compelling, substantial, and important government interests. Unregulated or haphazard sizes, locations, or other characteristics of Signs have a realistic tendency to result in an appearance that reduces economic development and property values. The Sign regulations of this Code are intended to create stability and predictability, allowing each private interest reasonable exposure through Signs for purposes including expression

and the promotion of business. The application of the Sign regulations of this Code is intended to allow businesses and other Persons to reasonably command attention to their messages in a manner that promotes economic development and preserves property values.

**D. Avoidance of Nuisance-Like Conditions**

The City finds that, due to the concentration of people and activities within the City, there is a potential for blight, physical clutter, excess light and noise, and visual clutter, which tend to create nuisance-like conditions that are adverse to the public welfare. Such nuisance-like conditions lead to diminished property values, reduced attractiveness of the community, and reduced quality of life within the City. The City finds that it is a compelling, substantial, and important government interest to avoid such nuisance-like conditions. Therefore the purposes of the Sign regulations of this Code include the following:

1. To prohibit an excessive number of Signs in proximity to one another and to establish setbacks from property lines.
2. To establish maximum sizes and regulate the locations of Signs.
3. To establish construction and maintenance specifications for Signs to protect public safety and minimize the potential for deteriorated Signs to contribute to blight.
4. To regulate Signs and Sign lighting to prevent excessive glare, light trespass, and skyglow.

**E. Property Identification and Wayfinding for Emergency Response**

The City finds that avoiding confusion in Public Rights-of-Way, minimizing unnecessary intrusions onto private property, and ensuring the ability for emergency responders to promptly and efficiently navigate to and identify emergency locations are compelling, substantial, and important government interests. Therefore the purposes of the Sign regulations of this Code include regulations intended to ensure understandable, unambiguous, uncluttered, and coordinated wayfinding for vehicular and pedestrian purposes, including the regulation of location addresses and the limitation of Signs in the Public Right-of-Way.

**5.24.3 Prohibited Signs**

The following signs are prohibited:

- A. Signs not specifically permitted by this Code.
- B. Signs that move, pulse, scroll, blink, flash, sparkle, or give the appearance thereof, other than Flags.
- C. Exterior Pennants, spinners, inflatables, feather flags, and streamers.
- D. Signs that are structurally or electrically unsafe.
- E. Signs placed on a tree or utility pole or structure.
- F. Signs on a motor vehicle or trailer that is parked on a Premises so as to be visible from a Public Right-of-Way, outside of the hours that any Business on the Premises is open to the public, and for the primary purpose of advertising.
- G. Rope lights, string lights or similar lighting attached to, surrounding or otherwise drawing attention to a Sign.
- H. Signs erected on or projecting into a Public Right-of-Way, except for Signs expressly permitted in a Public Right-of-Way by this Code. The City may remove and destroy or otherwise dispose of, without notice to any Person, any Sign erected on a Public Right-of-Way in violation of this Code.
- I. Signs that imitate a traffic control device.
- J. Signs that emit smoke, visible vapor, particulate matter, sound, or odor.
- K. Sign Structures that no longer contain a Sign.
- L. Signs with a Sign Area over 200 square feet.

#### 5.24.4 General Provisions

##### A. Calculating Sign Area

Except as otherwise provided in this section, Sign Area is the area of a rectangle or rectangles enclosing the extreme limits of writing, representation, emblem, or any figure of similar character on a Sign, regardless of opacity or missing space within the rectangle or rectangles. Each row of text shall be grouped into one rectangle. See Figure 24.A and Figure 24.B.

##### 1. Sign Area Specific Standards

- a. **Multiple Faces.** For a Sign with two or more faces, all faces are included in the Sign Area.
- b. **Reflective Backgrounds.** For internally and externally illuminated Signs, the entire illuminated background is included in the Sign Area, except for nonreflective, matte black backgrounds.
- c. **Temporary Signs, Projecting Signs, Window Signs, Hanging Signs.** For Temporary Signs, Projecting Signs, Window Signs, and Hanging Signs, all background elements

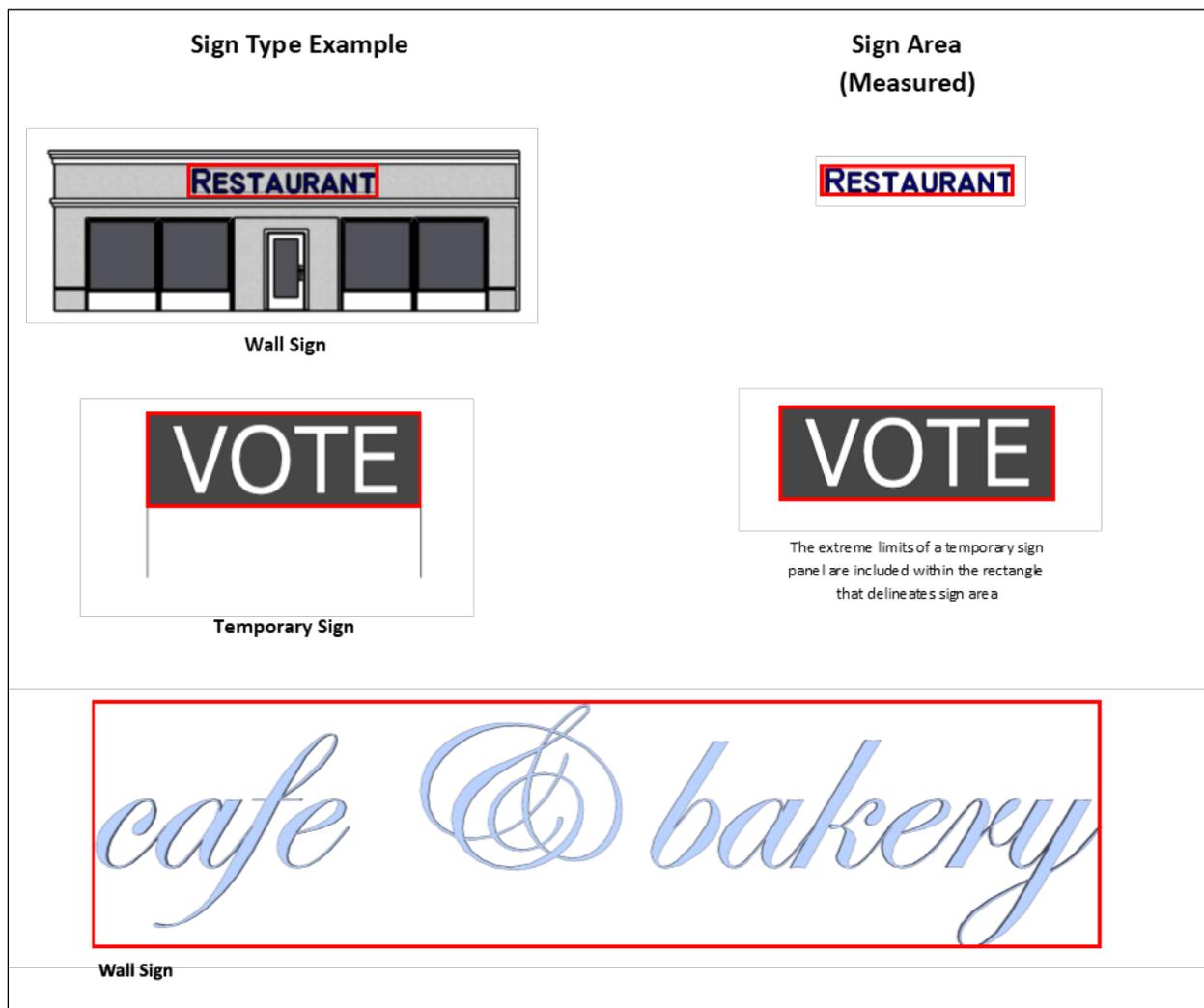
are included in the Sign Area regardless of opacity or reflectivity.

- d. **Sign Structures.** If the Sign Structure is more than three times the area of the supported Sign, the area of the Sign Structure is included in the Sign Area.
- e. **Three Dimensional Signs.** For a three-dimensional Sign, the Sign Area is the surface area of the smallest cube that completely contains the three-dimensional Sign.

Figure 24.A Calculating Sign Area of Freestanding Signs

Sign Type Example	Sign Area (Measured)
 <p data-bbox="305 911 737 936">Internally Illuminated Sign with Black Background</p>	
 <p data-bbox="289 1167 764 1192">Internally Illuminated Sign with Non-Black Background</p>	
 <p data-bbox="297 1453 768 1507">Internally Illuminated Sign with Non-Black Background and Additional Sign Elements</p>	
 <p data-bbox="363 1745 683 1799">Sign Not Illuminated (No Internal or External Illumination)</p>	

Figure 24.B Calculating Sign Area of Wall Signs and Temporary Signs



## B. Measuring Sign Height

1. **Maximum Height.** Maximum heights for Signs are measured as the distance from the lowest point of the ground or pavement (whichever is lower) directly beneath the Sign to the highest edge of the Sign or Sign Structure (whichever is higher).
2. **Minimum Height.** Minimum heights for Signs are measured as the distance from the highest point of the ground or pavement (whichever is higher) beneath the Sign to the lowest edge of the Sign or Sign Structure (whichever is lower).
3. **Sign Structures.** Height requirements for Signs include all supporting Sign Structures.

## C. Changeable Copy and Electronic Message Signs

- a. Changeable Copy may not exceed 50% of the total Sign Area of a Sign.

- b. An Electronic Message Sign may only be included as a component of a larger Sign and may not exceed 25% of the total Sign Area of the Sign.
- c. Changeable Copy and Electronic Message Signs shall not change more than once per minute.

**D. Sign Illumination**

**1. General**

- a. A Permanent Sign may be illuminated by internal or external Light Sources. A Temporary Sign shall not be illuminated.
- b. A Light Source that illuminates a Sign shall have a constant color and intensity, except that it may dim or brighten in response to changes in ambient light as permitted in this Code.
- c. A Light Source that illuminates a Sign shall be installed and maintained in a manner to prevent glare as required by this Code, including through the use of fully shielded fixtures, shields, baffles, mounting height, appropriate luminosity, aiming angle, and placement.
- d. In all cases, Sign illumination shall not project light that exceeds 0.1 foot candles above the ambient light at a Lot Line bordering a Residential Zoning District.

**2. Mounting and Shielding**

- a. An external Light Source illuminating an exterior Sign shall be mounted above the Sign, shall be shielded so that the Light Source is not directly visible from any point on or above a horizontal plane extending from the Light Source and shall not be aimed or directed toward a residential Building on another Lot or toward a Public Right-of-Way.

**b. Exceptions**

The following types of Light Sources are exempt from the mounting and shielding requirements in this subsection:

- i) A Light Source wholly within a Sign or Sign Structure constructed with translucent (but not transparent) material, such as an internally illuminated box Sign.
- ii) A Light Source placed behind opaque lettering or other component of the Sign and visible only through reflection off a wall or other surface, such as a halo, back-lit, or reverse channel Sign.
- iii) A Neon Sign.
- iv) An Electronic Message Sign.

### **3. Electronic Message Sign Illumination**

- a. An Electronic Message Sign shall not emit more than 5,000 Nits in full daylight and 100 Nits at night (between astronomical dusk and dawn).
- b. An Electronic Message Sign shall have a functioning ambient light monitor and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the Sign proportionally to any reduction in the ambient light. In order to verify compliance with this Code or other applicable law, the interface that programs the Electronic Message Sign shall be made available to the City for inspection upon request. If the interface is not or cannot be made available upon the City's request, the Sign shall cease operation until the City has been provided proof of compliance.
- c. When an Electronic Message Sign changes, the change shall be instantaneous, without any additional effect, such as fade, blinking, or dissolve.
- d. An Electronic Message Sign shall default to an unlit black screen when more than 50% of its Light Sources fail or if its Light Sources otherwise are not displaying properly.

### **4. Hours of Illumination**

Illuminated Signs shall be extinguished as following:

- a. On Lots that do not contain a Business: Illuminated Signs shall be extinguished between 10:00 p.m. and 6:00 a.m.
- b. On Lots that contain a Business: Illuminated Signs shall be extinguished between 30 minutes after the close of all Businesses on the same Lot and 30 minutes before the opening of any Business on the same Lot.

## **E. Additional Standards**

### **1. Addresses**

Addresses shall be visible and legible from a Public Right-of-Way and comply with the requirements of Chapter 2 of this Code. Address Signs with an address that is 12 inches or less in height in Residential Zoning Districts and 24 inches or less in height in Nonresidential Zoning Districts shall be excluded from calculations of maximum permitted Sign Area.

### **2. Projections into Public Right-of-Way**

A Permanent Sign, Sign Structure, Flag, Awning, or Canopy shall not be located in, project into, or overhang a Public Right-of-Way or public easement except upon the prior review and permission of the City, receipt

by the City of proof of all required insurance, and execution of all licenses, permits, and other agreements required by the City.

**3. Sightlines, Interference with Street Signs**

- a. Signs and Sign Structures shall not interfere with applicable sightline requirements and standards, including City standards for Driveways and intersections contained in the City Public Services Standard Specifications.
- b. Signs and Sign Structures shall not obscure or interfere with an official street sign or signal, including by position, shape, or color.

**4. Placement of Awning Signs and Canopy Signs**

Awning Signs and Canopy Signs shall be printed on or hung from the Awning or Canopy surface.

**5. Flags**

In addition to the Signs permitted under this Code, in all zoning districts each Lot is permitted up to three Flags with noncommercial messages that have a combined total area of up to 90 square feet. All faces of a Flag that contain a message are included in calculating the area, which shall not be included in the calculation of the maximum Sign Area.

**F. Safety and Maintenance**

- 1. Every Sign and Sign Structure shall be maintained in a safe condition, in compliance with all applicable building and electrical codes and this Code, including adequate protection against corrosion. If at any time the Building Official determines that a Sign or Sign Structure constitutes a dangerous structure, the Building Official may require immediate action to mitigate the danger, including demolition of the Sign or Sign Structure.
- 2. A Sign or Sign Structure that is broken, torn, bent, has a broken, bent, or damaged support, or is not reasonably level and plumb shall be repaired or reinstalled in a manner prescribed by the Building Official.
- 3. A Sign or Sign Structure shall not have more than 20% of its area covered with disfigured, cracked, rippled, or peeling material or paint for a period of more than 30 consecutive days.
- 4. A Sign or Sign Structure shall not have bent or broken Sign facing, a broken support, loose appendage or strut, or lean more than 15 degrees from vertical, unless designed to do so, for a period of more than 30 successive days.

5. A Sign shall not have weeds, vines, or other vegetation growing upon it in a manner that obstructs the view of the Sign for a period of more than 30 consecutive days.
6. An illuminated Sign shall not remain partially illuminated with a failed Light Source for a period of more than 30 consecutive days.
7. A Sign Structure now or hereafter existing which no longer contains a Sign shall be removed.

**G. PUD Zoning Districts**

For purposes of these Sign regulations, PUD districts shall be treated as follows:

1. Approved PUD Zoning Districts and Supplemental Regulations
  - a. When an approved PUD Zoning District is located within or abutting the Downtown Development Authority boundary, it shall be treated the same as D1, D2, and C1A/R Districts in this section.
  - b. When an approved PUD Zoning District is not within or abutting the Downtown Development Authority boundary and its Supplemental Regulations only allow residential uses, it shall be treated the same as Residential Zoning Districts in this section.
  - c. When an approved PUD Zoning District is not within or abutting the Downtown Development Authority boundary and its Supplemental Regulations either do not allow residential uses or allow residential use and nonresidential uses together, it shall be treated as Other Mixed Use and Nonresidential and Special Purpose Districts in this section.
2. Proposed PUD Zoning Districts and Supplemental Regulations
  - a. The Supplemental Regulations for all proposed PUD Zoning Districts shall either declare its Sign regulation classification for purposes of applying this section or, in accordance with Section 5.29.10.B shall propose modifications that increase, decrease or eliminate the requirements of this section 5.24.

TABLE 5.24-1: APPLICATION IN APPROVED PUD DISTRICTS			
WHEN	SHALL BE TREATED IN THIS SECTION AS		
	D1, D2, and C1A/R	Other Mixed Use and Nonresidential and Special Purpose	Residential

TABLE 5.24-1: APPLICATION IN APPROVED PUD DISTRICTS			
WHEN	SHALL BE TREATED IN THIS SECTION AS		
PUD Zoning District is located within or abutting the DDA boundary	+		
PUD Zoning District not within or abutting the DDA boundary, and Supplemental Regulations only permit residential use			+
PUD Zoning District not within or abutting the DDA boundary, and A. Supplemental Regulations do not permit residential use, or B. Supplemental Regulations allow for mixed uses		+	

**5.24.5 Permanent Signs**

**A. D1, D2, and C1A/R Districts**

**1. Area**

Each Building in the D1, D2, and C1A/R district is permitted two square feet of Sign Area per linear foot of Building Frontage up to a maximum of 200 square feet of Sign Area for Permanent Signs. The permitted Sign Area may be distributed among permitted Sign types, provided that:

- a. **Awning Signs.** The Sign Area of Awning Signs shall be no more than 25% of the Awning area.
- b. **Canopy Signs.** The Sign Area of Canopy Signs shall be no more than 25% of the Canopy area.

**2. Height, Placement, and Number**

The type, height, placement, and number of Permanent Signs permitted in D1, D2, and C1A/R districts are provided in Table 5.24-2. Height and placement requirements include the Sign Structure, unless otherwise stated.

**TABLE 5.24-2: D1, D2 AND C1A/R DISTRICT PERMANENT SIGNS**

SIGN TYPE	HEIGHT	PLACEMENT	MAXIMUM NUMBER
<b>PROJECTING SIGNS</b>	Maximum: 30 ft. but no higher than the top of the Building  Minimum: 8 ft. if projecting into Public Right-of-Way	May not project more than 4 ft. from the Building	1 per Business Frontage
<b>WALL SIGNS</b>	Minimum: 8 ft. if projecting into Public Right-of-Way	Must be within lowest 20 ft. of the Building. If the Building Height is 45 ft. or higher, may be placed within the uppermost 15 ft. of the Building and may extend up to 3 ft. above the top of the Building.  May not project more than 2 feet from the Building	No maximum
<b>AWNING SIGNS</b>	Maximum: 20 ft.	Entirely within the Awning	1 per Business Frontage
<b>CANOPY SIGNS</b>	Maximum: 20 ft.	Entirely within Canopy	1 per Business Frontage

**B. Other Mixed Use and Nonresidential and Special Purpose Districts**

**1. Area**

Each Building in Mixed Use Zoning Districts other than D1, D2, and C1A/R and Nonresidential and Special Purpose districts is permitted two square feet of Sign Area per linear foot of Building Frontage up to a maximum of 200 square feet of Sign Area for Permanent Signs. The permitted Sign Area may be distributed among permitted Sign types, provided that:

- a. **Awning Signs.** The Sign Area of Awning Signs shall be no more than 25% of the Awning area.
- b. **Canopy Signs.** The Sign Area of Canopy Signs shall be no more than 25% of the Canopy area.

**2. Height, Placement, and Number**

The type, height, placement, and number of Permanent Signs permitted in Mixed Use Zoning Districts other than D1, D2, and C1A/R and Nonresidential and Special Purpose districts are provided in Table 5.24-3. Height and placement requirements include the Sign Structure, unless otherwise stated.

**TABLE 5.24-3: OTHER MIXED USE AND NONRESIDENTIAL AND SPECIAL PURPOSE DISTRICTS PERMANENT SIGNS**

SIGN TYPE	HEIGHT	PLACEMENT	MAXIMUM NUMBER
<b>PROJECTING SIGNS</b>	Maximum: 30 ft. but no higher than the top of the Building  Minimum: 8 ft. if projecting into Public Right-of-Way	May not project more than 4 ft. from the Building	1 per Business Frontage
<b>WALL SIGNS</b>	Minimum Height: 8 ft. if projecting into Public Right-of-Way	Must be within lowest 20 ft. of the Building. If the Building Height is 45 ft. or higher, may be placed within the uppermost 15 ft. of the Building and may extend up to 3 ft. above the top of the Building.  May not project more than 2 ft. from the Building	No maximum
<b>FREESTANDING SIGNS</b>	Maximum: 1 ft. for each foot set back from the nearest Lot Line, up to 25 ft. maximum	Minimum Required Setback 5 ft.  Minimum 200 ft. between each Freestanding Sign on the same Premises	1 per Street Frontage
<b>AWNING SIGNS</b>	Maximum: 20 ft.	Entirely within the Awning	1 per Business Frontage
<b>CANOPY SIGNS</b>	Maximum: 20 ft.	Entirely within Canopy	1 per Business Frontage

**C. Residential Zoning Districts**

The type, area, height, placement, and number of Permanent Signs permitted in Residential Zoning Districts are provided in Table 5.24-4. Height and placement requirements include the Sign Structure, unless otherwise stated.

**TABLE 5.24-4: RESIDENTIAL DISTRICTS PERMANENT SIGNS**

LAND USE	SIGN TYPE	MAXIMUM SIGN AREA PER LOT	HEIGHT	PLACEMENT	MAXIMUM NUMBER
<b>SINGLE AND TWO-FAMILY; MULTIPLE-FAMILY (UP TO SIX UNITS)</b>	<b>WALL SIGN</b>	1 sq. ft. per Building	N/A	N/A	1 per Building
<b>MULTIPLE-FAMILY (7 OR MORE UNITS, OTHER GROUP HOUSING)</b>	<b>WALL SIGN</b>	6 sq. ft. per Building	Maximum: 10 ft.	Within 4 ft. of a door facing and visible from a public Street	1 per Building
	<b>FREESTANDING SIGN</b>	50 sq. ft.	Maximum: 1 ft. for each foot set back	Minimum Required Setback: 5 ft.	1 per Lot

**TABLE 5.24-4: RESIDENTIAL DISTRICTS PERMANENT SIGNS**

LAND USE	SIGN TYPE	MAXIMUM SIGN AREA PER LOT	HEIGHT	PLACEMENT	MAXIMUM NUMBER
			from the nearest Lot Line, up to 8 ft. maximum		
NONRESIDENTIAL	WALL SIGNS	12 sq. ft. among these types	Maximum: 10 ft.	N/A	1 per Street Frontage
	AWNING SIGNS		Maximum: 10 ft.	Entirely within Awning face	1 per Street Frontage
	CANOPY SIGNS		Maximum: 10 ft.	Entirely within Awning face	1 per Street Frontage
	FREESTANDING SIGNS	50 sq. ft.	Maximum: 1 ft. for each foot set back from the nearest Lot Line, up to 8 ft. maximum.	Minimum Required Setback: 5 ft.	1 per Lot

**5.24.6 Window Signs**

Interior and Exterior Window Signs are permitted as provided in Table 5.24-5 in addition to all other permitted Signs.

**TABLE 5.24-5: WINDOW SIGNS**

ZONING DISTRICT	SIGN TYPE	PLACEMENT	MAXIMUM SIGN AREA
RESIDENTIAL	INTERIOR WINDOW SIGN	Any window	None
	EXTERIOR WINDOW SIGN	Ground floor window	Area counted as Wall Sign
MIXED USE, NONRESIDENTIAL AND SPECIAL PURPOSE	INTERIOR AND EXTERIOR WINDOW SIGNS	Ground floor windows only	Total area of all Interior and Exterior Window Signs may not exceed 25% of ground floor window area of Building facade

**5.24.7 Temporary Signs**

**A. Display Period**

**1. Temporary Wall Signs**

A Temporary Wall Sign may be displayed for up to 28 days in a calendar year and shall not be displayed for more than 14 continuous days. Temporary Wall Signs shall be removed when not within the permitted display period.

**2. Temporary Freestanding Signs**

A Temporary Freestanding Sign may be displayed for up to 65 continuous days, with at least a 30-day gap between any display period. Temporary

Freestanding Signs shall be removed when not within the permitted display period.

**3. Exceptions**

- a. **Building or Lot For Sale.** When all or a portion of a Building or Lot is listed or advertised for sale or lease, the maximum display period for Temporary Signs on that Building or Lot shall be the duration that the Building, Lot, or portion thereof, is listed or advertised for sale or lease. Once the Building, Lot, or portion thereof, is no longer listed or advertised for sale, all Temporary Signs that have been displayed for more than 65 days shall be removed.
- b. **Unlimited Sign.** One nonilluminated Temporary Freestanding Sign up to 6 square feet in Sign Area is permitted on a Lot at any time with no limitation on display period. Such a Sign is subject to the placement requirements and counts toward the maximum Sign Area for Freestanding Signs provided in Table 5.24-6.

**B. Regulations**

The type, area, height, number, and placement of Temporary Signs permitted by district are provided in Table 5.24-6. Height and placement requirements include the Sign Structure, unless otherwise stated.

TABLE 5.24-6: TEMPORARY SIGNS						
ZONING DISTRICT	SIGN TYPE	MAXIMUM SIGN AREA		MAXIMUM NUMBER	REQUIRED SETBACK	MAXIMUM HEIGHT
		PER LOT	PER SIGN			
SINGLE AND TWO-FAMILY; MULTIPLE-FAMILY (UP TO SIX UNITS)	Freestanding Sign	Maximum 20 sq. ft.	12 sq. ft.	6	Minimum 5 ft.	6 ft.
	Wall Sign	Maximum 3 sq. ft. per Principal Building	3 sq. ft.	2	N/A	10 ft.
MULTIPLE-FAMILY (7 OR MORE UNITS, OTHER GROUP HOUSING)	Freestanding Sign	Maximum 20 sq. ft.	12 sq. ft.	6	Minimum 5 ft.	6 ft.
	Wall Sign	Maximum 12 sq. ft. per Principal Building	12 sq. ft.	1	N/A	10 ft.
NONRESIDENTIAL	Freestanding Sign	Building Frontage 166 ft. or less: Maximum 32 sq. ft. Building Frontage more than 166 ft.: Maximum 0.6 sq. ft. per linear foot of Building Frontage up to 100 sq. ft.	32 sq. ft.	4	Minimum 5 ft.	6 ft.

TABLE 5.24-6: TEMPORARY SIGNS						
ZONING DISTRICT	SIGN TYPE	MAXIMUM SIGN AREA		MAXIMUM NUMBER	REQUIRED SETBACK	MAXIMUM HEIGHT
		PER LOT	PER SIGN			
	Wall Sign	20 sq. ft. per Building	20 sq. ft.	No maximum	N/A	10 ft.

**C. Materials and Construction**

Temporary Signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display. A Temporary Freestanding Sign larger than three square feet shall have a rigid frame or border.

**5.24.8 Liability Insurance**

If any Permanent Sign or Sign Structure is erected upon or projects into a Public Right-of-Way or if the height of a Sign or Sign Structure is greater than the distance from the Sign or Sign Structure to a Public Right-of-Way, then the owner of the Sign or Sign Structure shall at all times maintain Commercial General Liability Insurance in the amount of \$1,000,000.00 covering collapse of the Sign or Sign Structure and potential resulting injuries and damages. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City of Ann Arbor as an additional insured.

Section 4. That Section 5.29.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.29.2 Sign Permit**

#### **A. Signs Requiring a Permit**

All Signs regulated by this Code, that are erected, altered, relocated, or maintained require a permit from the City.

#### **B. Exceptions**

No permit is required for:

1. Ordinary repair and upkeep of an existing Sign.
2. Changing the Changeable Copy of a Sign unless the Changeable Copy is being replaced with a Permanent Sign.
3. Temporary Signs
4. Address Signs.

#### **C. Application**

Application for a Sign permit shall be made upon forms provided by the City and shall contain the following information:

1. Name, address, email and telephone number of the Applicant.
2. Location of Building, Structure or Lot to which the Sign is to be attached or erected.
3. Position of the Sign in relation to nearby Buildings, Structures and Lot Lines.
4. Sign drawings, plans, specifications, sufficient to determine compliance with applicable requirements, including the method of construction and attachment of the Sign to the Building or ground.
5. Name, email, and address of the Person, or entity erecting the Sign.
6. Evidence of all required insurance policies and bonds.
7. Stress sheets and calculations, if deemed necessary by the City, showing the Sign Structure as designed for dead load and wind pressure in accordance with regulations adopted by the City.
8. Such other information as the City may require to show full compliance with this and all other applicable laws of the City and the State of Michigan.

#### **D. Building Permit Requirement**

A Sign or Sign Structure requiring a new footing, framework, or attachment to a Building or Structure shall also be required to submit a building permit application, unless determined unnecessary by the Building Official. The building permit application shall include drawings, stress sheets and calculations showing the Sign and Sign Structure as designed for dead load and wind pressure in accordance with Chapter 100 of this Code and shall bear the certificate or seal of a registered Architect or Professional Engineer. A Sign or Sign Structure subject to a building permit shall meet the materials, design and maintenance

standards of Chapter 100 regardless of whether the Sign is visible from a Public Right-of-Way or public property. Nothing contained in Chapter 100 shall be construed to permit any Sign or Sign Structure prohibited by this chapter.

#### **E. Electrical Permit Requirement**

Sign illumination, a new electric Sign, or existing electric Sign requiring an electrical reconnection shall submit an electrical permit application. All electric Signs and outside lighting shall be installed in accordance with the Electrical Code adopted by the City as referenced in Chapter 100 of this Code.

#### **F. Projections into Public Property or Right-of-Way**

A permit for Sign or Sign Structure that projects into a Public Right-of-Way, public property, or public easement must be reviewed by and is subject to the approval of the City Public Services Area or other City department designated by the City Administrator.

#### **G. Criteria for Approval**

The City shall issue a Sign permit if it determines that the application complies with this chapter and with all other applicable laws, standards, and regulations of the City.

Section 5. That Section 5.33.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

#### **5.33.2 Nonconforming Signs**

- A.** Unless otherwise provided in this chapter or other applicable law, Nonconforming Signs may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming, subject to the provisions in Subsections B through D below.
- B.** No Nonconforming Sign:
  - 1. Shall be changed to another Nonconforming Sign.
  - 2. Shall have any change made in the Sign Structure, shape, size, type, design, or mechanical or electrical equipment of the Sign unless the change brings the Sign into compliance with this chapter; however the Building Official may order repair of a Nonconforming Sign for safety.
  - 3. Shall be re-established or maintained after the Premises, Building, Business, Lot, Dwelling Unit or use that which it is associated has been unoccupied for 90 days or longer.
  - 4. Shall be repaired or erected after being damaged if the repair or erection of the Sign would cost more than 50% of the cost of an identical new Sign.
  - 5. Shall have any change made that would result in different type of or greater illumination of an illuminated Sign or change a non-illuminated Sign to an illuminated Sign.

- 6. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.
- C. If the owner of a Sign or the Premises on which a Sign is located changes the location of a Building, Lot Line or Sign or changes the use of a Building so that any Sign on the Premises is rendered a Nonconforming Sign, such Nonconforming Sign must be removed or made to conform to this chapter.
- D.

A Freestanding Sign over 200 square feet lawfully existing as of April 10, 2013 (referred to as “billboards” in prior versions of this Code), may be maintained or repaired in the same form and type so as to continue use in the same manner as its use as of April 10, 2013, however such Signs may not be expanded, enlarged, or extended and may not be altered to add illumination, Changeable Copy, or other features that were not lawfully present as of April 10, 2013. Such a nonconforming Sign may be removed for maintenance or repair purposes in accordance with this Subsection 5.33.2.D upon obtaining a permit from the City, however, if the Sign is not reinstalled within 90 days of removal, the Nonconforming Use of the Sign shall be deemed abandoned and may not be reinstalled. The Sign Area of such a nonconforming Sign shall not be included in the calculation of any maximum Sign Area permitted under this Code.

Section 6. That Section 5.35.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

#### **5.35.2 Specific Enforcement Powers**

##### **A. Storm Water Management and Soil Erosion**

Whenever the performance of any act is required or prohibited by the provisions of Section 5.22 or a related provision of Sections 5.29.3 Or 5.29.4, a failure to comply with those provisions shall constitute a violation of this chapter. The Planning Manager may issue a stop work order on the remaining portion of construction or may refuse the issuance of building permits or certificates of occupancy. The Planning Manager may also cause such work, as necessary for compliance with this chapter, to be performed and the expense of work performed shall become a debt to the City from the landowner and may be collected as a single Lot assessment under Section 1:292 of this Code, or in any other manner in which an indebtedness due the City may be collected. Additional enforcement provisions are included in Chapter 100 of this Code and the Michigan Construction Code.

**B. Sign Inspection**

A Person who owns or controls a Sign or a Sign Structure and a Person who owns or controls the property where a Sign or Sign Structure is located shall make the Sign or Sign Structure available for City staff to inspect for compliance with the City Code or other applicable law upon the City's request

Section 7. That Section 5.36.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.36.2 Specific Provisions**

#### **A. Storm Water Management and Soil Erosion Control**

1. Except as set forth in Subsections 2 and 3 below, a violation of Section 5.22 is a municipal civil infraction subject to a civil fine of no more than \$2,500.00, plus costs, plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation. Each day and each violation is a separate violation.
2. A Person who knowingly violates Section 5.22 or a related provision of Sections 5.29.3 or 5.29.4 or knowingly makes a false statement in an application for a permit or in a soil Erosion and sedimentation control plan is responsible for a civil infraction and is subject to the payment of a civil fine of not more than \$10,000.00 for each day of violation, plus costs plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.
3. A Person who knowingly violates Section 5.22 or a related provision of Sections 5.29.3 or 5.29.4 after receiving a notice of the violation is responsible for a civil infraction and is subject to the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation, plus costs, plus equitable relief as may be ordered by the court, including but not necessarily limited to ordering the Person to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.

#### **B. Signs**

It shall be unlawful for any Person to erect, construct, maintain, enlarge, alter, move, or convert any Sign or Sign Structure in the City, or cause or permit the same to be done, in violation of this chapter. A violation of this chapter shall be a civil infraction punishable with a fine of not more than \$500.00 and not less than \$100.00 plus costs and all other appropriate remedies. Each day that a violation continues shall be deemed a separate violation. A Sign or Sign Structure constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the City, without notice to any Person, at the expense of the owner and such expenses may be assessed under the provisions of Section 1:292 of

this Code. The City Attorney may apply to a court of appropriate jurisdiction for an order requiring an appropriate remedy, including removal, for a Sign or Sign Structure in violation of this chapter.

Section 8. That Section 5.37.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.37.1 Generalized Terms**

The following generalized terms are used for specific groupings of zoning districts as follows:

- A. **Single-Family Zoning Districts** – collectively refers to the R1A, R1B, R1C, R1D, and R1E Single-Family Dwelling districts.
- B. **Two-Family Zoning Districts** – collectively refers to the R2A and R2B Two-Family Dwelling districts.
- C. **Multiple-Family Zoning Districts** – collectively refers to the R3 Townhouse Dwelling district and the R4A, R4B, R4C, R4D, R4E Multiple-Family Dwelling districts, and the R6 Mobile Home Park District.

Section 9. That Section 5.37.2.A of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.37.2.A Specific Terms - A**

#### **Accelerated Soil Erosion**

The increased loss of the land surface that occurs as a result of human activities.

#### **Accessory Building**

A Building that is subordinate in use, area and purpose to the Principal Land Use and Principal Building in which an Accessory Use is contained or conducted on the Lot. Accessory Buildings can be attached or detached to a Principal Building. When attached, the Accessory Building shall be considered part of the Principal Building for setback purposes.

#### **Accessory Dwelling Unit**

A Dwelling Unit for not more than one Family which is an integral part of a Single-Family dwelling or is included in a detached Accessory Building, and that meets all of the requirements of Section 5.16.6.D.

#### **Accessory Use**

A land use that is subordinate in use, area, or purpose to a principal land use on the same Lot and serving a purpose naturally and normally incidental to such principal land use.

**Active Open Space**

The portion of Open Space devoted to and suitable for Outdoor Recreation and household activities measuring at least six feet by ten feet if intended for common or shared use by all households and at least four feet by ten feet if intended for private or individual household use. Common or shared Active Open Space may include, but shall not be limited to, lawns, sidewalks and pathways, playgrounds, fields (baseball, soccer, etc.), courts (basketball, tennis, etc.), and swimming pools. Private or individual Active Open Space may include, but shall not be limited to, porches, decks, balconies, patios, and accessible portions of Roofs. Active Open Space shall not include Woodlands, storm water management basins, Wetlands, Natural Features Open Space, conflicting land use buffers, Vehicular Use Area interior landscape islands, or screening.

**Adult Bookstore**

An establishment having as a Principal Activity the sale of books, magazines, newspapers, video tapes, video discs, and motion picture films that are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

**Adult Day Care Center**

A facility licensed by the state for aged, infirmed, or disabled adults (18 years old or older) that is operated during a part of the day only and provides supplementary care and protection of individuals who reside elsewhere, except the home or residence of an individual who cares for only Persons related to him by blood or marriage.

**Adult Entertainment Business**

One or a combination of more than one of the following types of Businesses: Adult Bookstore, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Personal Service Business, Adult Novelty Business, Adult Nightclub.

**Adult Foster Care**

Use of a Structure constructed for residential purposes that is licensed by the state under the Adult Foster Care facility licensing act, 1979 PA 218, MCL 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

**Adult Motion Picture Theater**

An enclosed Building with a capacity of 50 or more Persons having as a Principal Activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.

**Adult Mini-Motion Picture Theater**

An enclosed Building with a capacity of less than 50 Persons having as a Principal Activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

**Adult Novelty Business**

A Business that has as a Principal Activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.

**Adult Personal Service Business**

A Business having as a Principal Activity a Person, while nude or Partially Nude, providing Personal Services for another Person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and individual theatrical performances. It does not include activities performed by Persons pursuant to, and in accordance with, licenses issued to such Persons by the State of Michigan.

**Adult Nightclub**

A Business with the Principal Activity of providing entertainment by nude or Partially Nude performers.

**Affordable Housing Dwelling Unit**

Housing units reserved for households with income levels that are less than 60% of Area median income as defined by the United States Department of Housing and Urban Development (HUD) where the occupant is paying no more than the current HUD Fair Market Rents for Ann Arbor, including taxes and utilities.

**Agriculture / Greenhouse**

The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products, conducted on either unenclosed land or in enclosed Structures, such as Greenhouses and Barns.

**Airport, Municipal**

A publicly owned area of land that is used or intended for the use for the landing and takeoff of aircraft, and includes its Buildings and facilities, if any. Accessory Uses may include but are not limited to aircraft storage, servicing, fueling, or leasing; private aviation clubs or associations.

**Alteration**

Any change or rearrangement in the supporting members of an existing Building, such as bearing walls, columns, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a Building or Structure, whether horizontally or vertically, or the moving of a Building or Structure from one location to another.

**Applicant**

A Person submitting an application or petition for review.

**Approach**

An area improved for vehicular traffic on a public street Right-of-Way that connects the traveled portion of the street with a Driveway.

**Archaeological Resources**

Any material remains of past human life and activities that are of either historic or prehistoric archaeological interest.

**Architect**

A Person licensed by the State of Michigan to engage in the practice of Architecture or landscape Architecture, as defined by Act 299 of the Public Acts of 1980 (as amended), being (Section 2001 or 2201 of the Michigan Compiled Laws of 1979).

**Artist Studio**

Work space for one or more artists or artisans, including space for the accessory sale of art produced on the Premises.

**Asphalt and Concrete Mixing Plant**

A plant for the manufacture or mixing of asphalt or concrete, including any apparatus and uses incident to such manufacturing and mixing.

**Automobiles, Motorcycles, Recreation Vehicles, Equipment (Sales and Rental)**

The sale, display, lease, rental, or storage of light motor vehicles, including Automobiles, vans, light trucks, light trailers, boats, construction Equipment, and Recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial Parking Lots available for short-term use.

**Automobiles, Trucks and Construction Equipment Repair**

Any Building, Structure, or Lot used for the Business of repairing Automobiles, trucks, or construction Equipment or the sale and installation of tires, batteries, and other minor accessories and services for Automobiles, trucks, or construction Equipment. This shall not include retail sale of vehicle supplies, tires, or parts unrelated to repairs being performed on the Premises, the retreading and/or vulcanizing of tires, Fueling Stations, or convenience stores that sell gasoline or lubricating oil, except other vehicle accessories or services are included in this use.

**Awning**

A rooflike cover attached only to the face of a Structure that projects (usually over windows and doors) generally for the purpose of providing shelter.

Section 10. That Section 5.37.2.B of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.37.2.B Specific Terms - B****Bank, Credit Union, Financial Services**

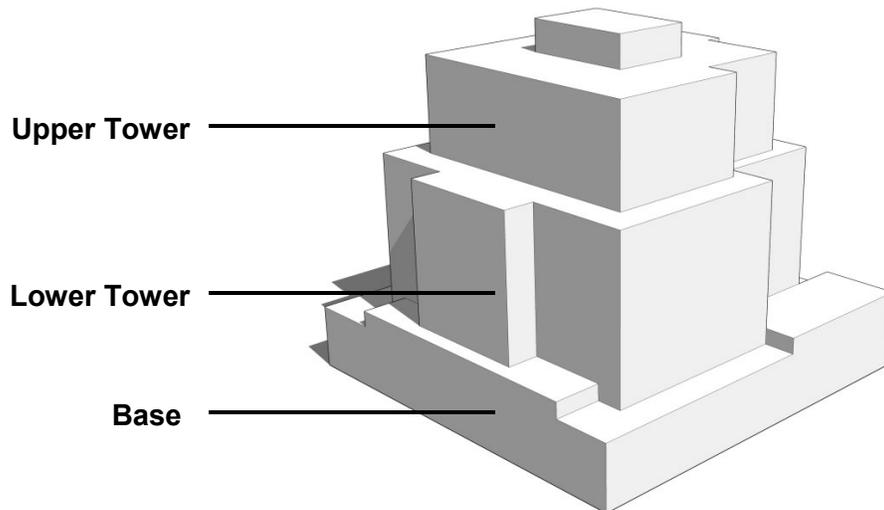
An establishment that provides retail Banking, mortgage lending, and Financial Services to individuals and Businesses, and including check-cashing facilities. Accessory Uses may include automatic teller machines and Administrative Offices.

**Barn**

An agricultural Building required to serve the farm on which it is located.

**Base**

The portion of a Building located between the street Grade and the Streetwall Height (see Figure 1).



**Figure 1: Base, Lower Tower, and Upper**

**Beauty Salon**

A Personal Services establishment that provide beauty treatments such as hair cutting, coloring and styling; hair removal; manicure; pedicure; skin care; and therapeutic massage.

**Bed and Breakfast (Principal)**

A type of Hotel in which the operator typically lives and provides, but is not required, to serve meals to guests.

**Bed and Breakfast (Accessory)**

A Building designed as a Single-Family dwelling in which the operator lives and provides guestrooms of lodging accommodations by prior arrangement to no more than 3 guests for compensation to nonfamily members where occupancy of the dwelling including guests complies with the requirements for the zoning district in which the dwelling is located. It may or may not include serving of meals to guests.

**Bicycle Parking Space**

An area and facility used for the securing of bicycles. This term shall include enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks that meet the requirements the for bicycle parking in this chapter.

**Bioretention**

A storm water infiltration system capable of retaining and infiltrating runoff from the first one-half (1/2) inch of rainfall during any storm event.

**Boarding House**

See Group Housing.

**Borrow Pit**

An area from which soil or other unconsolidated material are removed and used, without additional Processing, as Fill for other Development-related activities.

**Building**

Any Structure having a Roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, Equipment, goods or materials of any kind. When separated by division walls from the ground up without openings, each portion of such Structures shall be deemed a separate Building.

**Building Coverage**

The percentage of a Lot covered by Buildings, including carports and Parking Structures. Building Coverage is measured from exterior wall to exterior wall, including all structural projections except architectural features such as cornices, eaves, and chimneys.

**Building Frontage**

The portion of a Building facing any adjacent public street.

**Building Height**

The vertical distance of a Building measured from the Finished Grade to the highest point of the Roof surface of a flat Roof; to the deck line of a mansard Roof; and to the average height between the eaves and the ridge of the highest Roof section for a gable, hip and gambrel Roof.

**Business**

Any legal use of a Building by a Person other than for a Religious Assembly, Child Care Center, school, Home Occupation, or residence. Although contained in the same Building as another Business and owned by the same Person, a use may be treated as a separate Business if it is physically separated, uses different personnel, and provides different products or services.

**Business Frontage**

The length of the portion of a Building occupied by a single Business facing a street adjacent to the Premises on which the Business is located, or in the case of a multiple tenant Building, a single Business facing a shared access drive or parking area.

**Business Services**

Service rendered to Business establishment or individual on a fee or contract basis including but not limited to actuarial, advertising, janitorial, Office or Business Equipment rental, photocopying, and other such services.

Section 11. That Section 5.37.2.C of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.37.2.C Specific Terms - C**

#### **Canopy**

For purposes of Natural Features and Storm Water Management, the area within the outermost spreading vegetative layer of any woody plant(s) delineated by the Critical Root Zone.

For purposes related to Structures, Buildings, and Signs, a rooflike Structure supported by poles extending over or in front of a place such as over a Vehicular Use Area, sidewalk, patio, door, or entryway, usually to provide shelter from the elements.

#### **Cemetery**

Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundaries of the Cemetery.

#### **Certification**

A signed, written statement by the Planning Manager that specific improvements, inspections, or tests, where required, have been performed and that they comply with the applicable requirements of this chapter or regulations adopted pursuant to this chapter.

#### **Changeable Copy**

That portion of a Sign that is designed or used to display characters, letters, words, or graphics that can be readily changed or rearranged by manual, mechanical, or electronic means. This definition does not include Electronic Message Signs. **Child Care Center**  
A facility that receives one or more children for care for periods of less than 24 hours a day.

#### **Christmas Tree Sales**

A temporary Retail Sales operation, generally conducted wholly outside, that offers for sale Christmas trees and related holiday items, such as wreaths and tree stands.

#### **Clearing**

The severing of Woody Plants above ground level, leaving root system and stumps intact.

#### **Club Headquarters or Community Centers**

Buildings and facilities owned or operated by a corporation, association, Person, or Persons for a place of meeting, social, cultural, or educational, or Recreational purposes, to which membership or residency requirements are is required for participation.

#### **Coal and Coke Dealer**

Establishment engaged in the sale or distribution of coal and coke.

**Community Recreation**

Use of a Buildings and facilities accessory to townhouse and Multiple-Family Dwellings for a social, educational, or Recreational purpose, to which residency of the townhouse or Multiple-Family Dwellings are required for participation and that does not render a service customarily carried on as a Business.

**Conceptual PUD Plan**

A graphic depiction in plan form of the elements of a planned unit development district that illustrates the PUD Development Program and the district's Supplemental Regulations.

**Conference Center**

A facility used for service organizations, Business and professional conferences, and seminars, and limited to accommodations for conference attendees.

**Contractors, General Construction and Residential Builders**

Individuals or Businesses offering services related to construction of Buildings and Development of land such as Residential Trade Contractors and home builders, highway and street, heavy construction and general Buildings; Coal and Coke Dealers.

**Corner Lot**

See Lot, Corner.

**Correctional Facility**

A publicly or privately operated facility to house Persons awaiting trial or Persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

**Critical Root Zone**

The circular area surrounding a tree that is considered to contain tree roots within 18 inches of the ground surface. The radius of the Critical Root Zone is, in feet, the same numerical value as the tree's Diameter at Breast Height (DBH) in inches, and is measured outward from the center of the tree. For example, the Critical Root Zone of a 12-inch DBH tree has a radius of 12 feet.

**CSA**

Community Services Area.

**Cultural Services**

A facility, such as a Museum, art gallery, or similar public or semi-public use, that displays, preserves, and exhibits objects of community, cultural, or scientific interest.

**Curb Cut**

That section of curb removed to permit ingress and egress from the pavement to the adjacent property and shall be measured between the points of tangency of the Opening radii with the normal street curbing.

**Cut or Excavation**

Any act, by which soil or rock is Cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

Section 12. That Section 5.37.2.F of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.37.2.F Specific Terms - F**

#### **Family**

An individual or group of individuals occupying a Dwelling Unit as a single Housekeeping Unit, or a group of persons whose right to live in a single Dwelling Unit is protected by the federal Fair Housing Act Amendments of 1988.

#### **Family Day Care Home**

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

#### **Fence**

Any artificial permanent Fence, partition, Structure, or gate erected as a dividing marker, Barrier, or enclosure.

#### **Fill**

A deposit of soil or rock placed or replaced by people or machine.

#### **Final Acceptance**

Certification by the City Administrator that all obligations and work set forth in an approved site plan and Development Agreement, if any, have been satisfactorily performed.

**Finished Grade** The level of the ground adjacent to the Structure if the ground is level. If the ground is not level, the Finished Grade shall be determined by averaging the elevation of the ground for each side of the Structure using the highest and lowest point of each side, as measured five feet from the exterior walls of the Structure.

**Flag** – A piece of cloth or fabric, typically attached to a flagpole or staff, that displays a message or symbol (e.g. American flag, State of Michigan flag).

#### **Floodplain, 100-Year**

An area which has a 1% chance of flood occurrence in any given year.

#### **Floodway**

The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to store and discharge the base flood without cumulatively increasing the water surface elevation more than 0.1 feet, as designated by the Michigan Department of Environmental Quality and indicated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

#### **Floor**

The top surface of an enclosed area in a Building (including Basement), i.e., top of slab in concrete slab construction and top of wood Flooring in wood frame construction.

**Floor Area**

The sum of the area, in square feet, of the Floor of all stories of a Building or Structure measured from the exterior faces of the exterior walls or from the center line of walls separating two Buildings, excluding: stairwells (including landings), escalators, elevator shafts, ramps, vertical chases or chutes, and attics in which occupancy is prohibited under Chapter 105 (Housing Code) of City Code in Buildings that contain only residential uses.

**Floor Area Ratio**

The sum of the Floor Area of all principal and Accessory Buildings and Structures on a Lot divided by the Lot area expressed as a percentage. When calculating Floor Area Ratio, the following shall be excluded: Floor Area used for required premium or PUD vehicle parking and required bicycle parking, and Floor Area used for below grade parking where below grade means more than half of the volume of that Story is below the Finished Grade.

**Fraternity or Sorority House**

A Building used by a college fraternity or sorority as a principal place of residence for its members. Such house shall have an affiliation with the University of Michigan, or a postsecondary college or university that operates campus facilities in the City of Ann Arbor. Affiliation shall be through the recognition of membership of the resident fraternity or sorority in associations or councils recognized by a college or university.<sup>42</sup>

**Fueling Station**

A facility for the sale or distribution of gasoline or equally inflammable fuel oils. This use does not include any services other than distributing the fuel or sales of any other goods except those directly related to fuel sales and distribution. Other services or sales shall be considered separately.

**Funeral Services**

A Building or place where ceremonies for the deceased are conducted.

**Functional Family**

A group of people plus their Offspring, having a relationship which is functionally equivalent to a Family. The relationship shall be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional Family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the Housekeeping Unit is temporary.

Section 13. That Section 5.37.2.1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.37.2.1 Specific Terms - I****Impervious Surface**

All paved or hard surfaced areas, such as areas covered by Buildings and Structures; roads and drives; Parking Lots; formed curb and gutters; Vehicular Use Areas; brick or

gravel surfaces; sidewalks; bike paths; patios; and any areas of concrete or asphalt or non-absorbent material.

### **Incidental Sales and Services**

Incidental and accessory Sales and Services intended for the convenience of occupants of the district, including newsstands, coffee shops, snack shops, Indoor Recreational facilities, dry cleaning, shoe shining, Beauty Salon or spa, Child Care Centers, Restaurants, and medical and Dental Offices.

### **Indoor Recreation**

An indoor establishment having as its principal or predominant use the offering of sporting-related, participatory or spectator entertainment, and which may or may not sell alcohol for consumption on the Premises. Sandwiches, light meals, snacks, and/or full service meals may be available for consumption on the Premises but are not the principal or predominant use of the establishment. Examples include, without limitation: court game facilities, swimming pools, skating rinks, health clubs, and bowling alleys.

### **Industrial Plants, Manufacturing, Processing, Assembling**

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial Processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

### **Institution of Higher Learning, Private**

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

### **Institution of Higher Learning, Public**

A post-secondary public college or university that awards associate, bachelor, or higher degrees.

### **Invasive Species**

Botanical species included on the City's Invasive Species list that is maintained and updated in the Building department, as provided under this Code.

Section 14. That Section 5.37.2.L of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

#### **5.37.2.L Specific Terms - L**

##### **Laboratory**

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the Laboratory.

**Landmark Tree**

Any tree of 24-inch DBH or greater, or that is a type and DBH equal to or greater than shown on the Landmark Tree list in the land Development regulations, and that has a health and condition standard factor of over 50% based on the standards established by the Internal Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the Structure of the tree, the presence of insects or disease, the crown Development, and the life expectancy. The definition of a Landmark Tree shall not include any tree identified as an Invasive Species on the City's Invasive Species list.

**Laundry, Cleaning, and Garment Service**

An establishment where laundry or dry cleaning is dropped off and picked up by customers and that also includes on-site laundry and/or cleaning activities and garment tailoring services.

**Laundry and Dry Cleaning Plant**

An industrial facility where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

**Lawn Extension**

The unimproved portion of any Public Right-of-Way.

**Library**

A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

**Light Manufacturing**

An Industrial, Manufacturing, Processing, or Assembling plant using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety Hazards outside of the Building or lot where such assembly, manufacturing, or processing takes place, where such processes are housed entirely within a Building.

**Light Source**

When illuminating a Sign, that part of a lamp or device that emits light, such as a bulb or diode.

**Limits of Soil Disturbance**

A line marking the perimeter of the area within which there will be construction activity and any disturbance to the soils on a Site.

**Lot**

A parcel of land, not including a public or private street, that may be a platted Lot of a recorded subdivision, a site condominium Lot, or a parcel of land that meets the requirements of this Code.

**Lot Area**

The total horizontal land area in square feet within the Lot lines of a Lot, including land donated or to be donated to the City for public park purposes which is accepted by the

City, and excluding any area of dedicated or proposed Public Right-of-Way and private street easements.

**Lot, Corner**

A Lot or parcel of land abutting two or more streets at their intersection, or two parts of the same street forming an interior angle of less than 135 degrees.

**Lot Line**

The boundary of a Lot (see Figures 2 and 3).

**Front Lot Line**

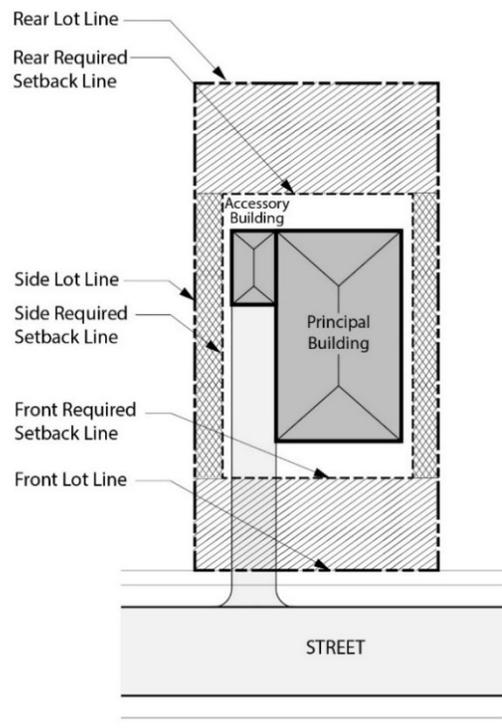
The Lot Line separating a Lot from a street, excluding Lot Lines separating I-94, U.S. 23, M-14, and alleys.

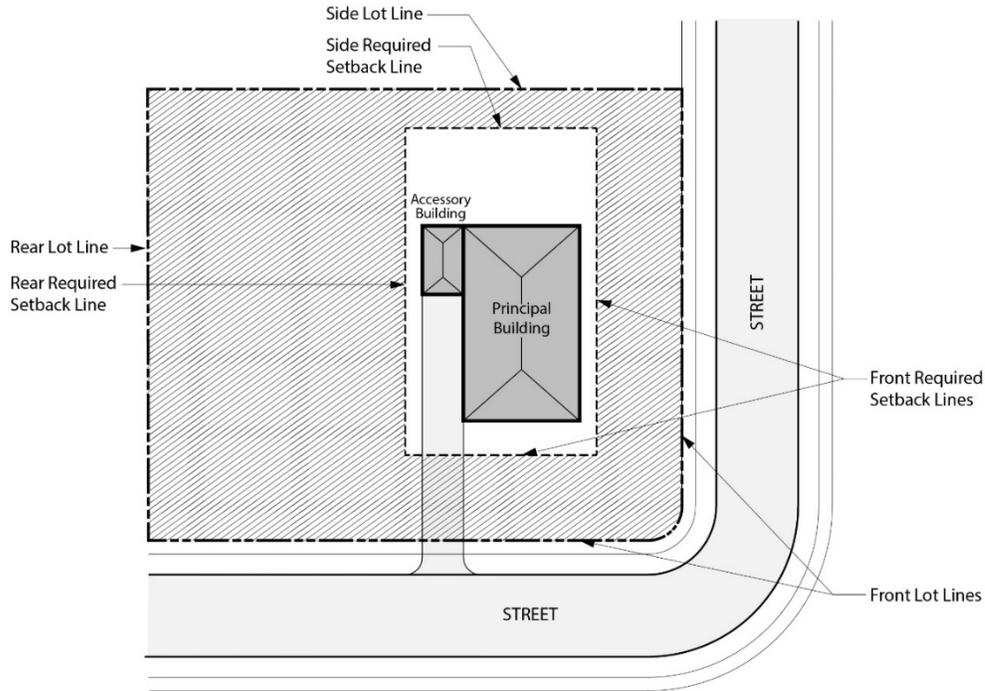
**Rear Lot Line**

The Lot Line opposite and most distant from the Front Lot Line; or in the case of irregularly-shaped Lots, a line ten feet in length entirely within the Lot, parallel to and at a maximum distance from the Front Lot Line.

**Side Lot Line**

Any Lot Line other than a Front or Rear Lot Line.





**Figure 3: Corner Lot and Setback Lines**

**Lot of Record**

A Lot for which the deed, prior to January 1, 1963, is on record with the Washtenaw County Register of Deeds and that exists as described in those records.

**Lot Width**

The length of a straight line drawn between the points where the Required Front Setback Line cuts the Side Lot Lines.

Section 15. That Section 5.37.2.M of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.37.2.M Specific Terms - M**

**Management/Maintenance Building**

Use within a principal or Accessory Building for storage of maintenance supplies to be used on the Site of the Principal Use, or occupied by a Person for day-use for the purpose of managing a property, Building, or facility.

**Marihuana**

That term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, or as defined in the Michigan Regulation and Taxation of Marihuana Act, as applicable.

**Marijuana**

See definition of Marihuana.

**Designated Marijuana Consumption Facility**

A licensed commercial space where customers may consume, via smoking, ingestion, or other means, Marijuana as authorized by the Michigan Regulation and Taxation of Marijuana Act (and referenced as “Designated Consumption Establishment”).

**Licensee**

As used in the context of Marijuana, a person holding a State Marijuana License.

**Marijuana Facility**

A location at which a Licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marijuana Act.

**Marijuana Grower**

A Licensee that cultivates, dries, trims, or cures and packages Marijuana for sale to a Processor, Medical Marijuana Provisioning Center, or Marijuana Retailer as further defined by the Marijuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marijuana Act, as applicable.

**Marijuana Plant**

Any plant of the species *Cannabis sativa* L.

**Marijuana-Infused Product**

A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marijuana that is intended for human consumption in a manner other than smoke inhalation, as further defined by the Medical Marijuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marijuana Act, as applicable.

**Marijuana-Infused Product Processor**

A Licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale Marijuana-Infused Products to licensed Medical Marijuana Provisioning Centers, Marijuana Retailers, or other Processors.

**Marijuana Microbusiness**

A Licensee that cultivates, processes, and sells or transfers Marijuana directly to consumers, as further defined in the Michigan Regulation and Taxation of Marijuana Act.

**Marijuana Processor**

A Licensee that is a commercial entity located in this state that purchases Marijuana from a Marijuana Grower and that extracts resin from the Marijuana or creates a Marijuana-Infused Product for sale and transfer in packaged form to a Medical Marijuana Provisioning Center or Marijuana Retailer.

**Marijuana Safety Compliance Facility**

A Licensee that is a commercial entity that receives Marijuana from a Marijuana Facility or registered Primary Caregiver, tests it for contaminants and for

tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marijuana to the Marijuana Facility or Primary Caregiver.

**Marijuana Secure Transporter**

A Licensee that is a commercial entity located in this state that stores Marijuana and transports Marijuana between Marijuana Facilities for a fee.

**Marijuana Retailer**

A Licensee that purchases Marijuana from a Marijuana Grower or Marijuana Processor, or Marijuana-Infused Processor, and sells, supplies, or provides Marijuana to customers as further defined by and in compliance with the Michigan Regulation and Taxation of Marijuana Act.

**Medical Marijuana Facilities Licensing Act**

The Medical Marijuana Facilities Licensing Act, as amended, MCL 333.27101 *et seq.*, also referred to as the MMFLA, and the administrative rules authorized by the MMFLA.

**Medical Marijuana Home Occupation**

An Accessory Use of a nonresidential nature that is conducted by a registered Primary Caregiver who resides in the dwelling and (A) is performed within a Single-Family Dwelling or within an Accessory Building to that Single-Family Dwelling, (B) is for the purpose of assisting one or more registered Qualifying Patients with the Medical Use of Marijuana who do not reside in the dwelling, and (C) complies with the MMMA.

**Medical Marijuana Provisioning Center**

A Licensee that is a commercial entity located in this state that purchases Marijuana from a Marijuana Grower or Marijuana Processor and sells, supplies, or provides Marijuana to registered Qualifying Patients, directly or through the Qualified Patients' registered Primary Caregiver. This use includes any commercial property where Marijuana is sold at retail to registered Qualifying Patients or registered Primary Caregivers. A noncommercial location used by a Primary Caregiver to assist a Qualifying Patient connect to the Primary Caregiver through the department's Marijuana registration process in accordance with the MMMA is not a Medical Marijuana Provisioning Center.

**Medical Use of Marijuana**

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marijuana or paraphernalia relating to the administration of Marijuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Michigan Medical Marijuana Act**

The Michigan Medical Marijuana Act, as amended, MCL 333.26421 *et seq.*, also referred to as the MMMA, and the administrative rules authorized by the MMMA.

### **Michigan Regulation and Taxation of Marihuana Act**

The Michigan Regulation and Taxation of Marihuana Act, as amended, MCL 333.27951 *et seq.*, also referred to as MRTMA, and the administrative rules authorized by the MRTMA.

### **MMMA**

See Michigan Medical Marihuana Act.

### **Primary Caregiver**

As used in the context of Marijuana, a person who is at least 21 years old and who has agreed to assist with a patient's Medical Use of Marijuana and who has never been convicted of a felony involving illegal drugs.

### **Qualifying Patient**

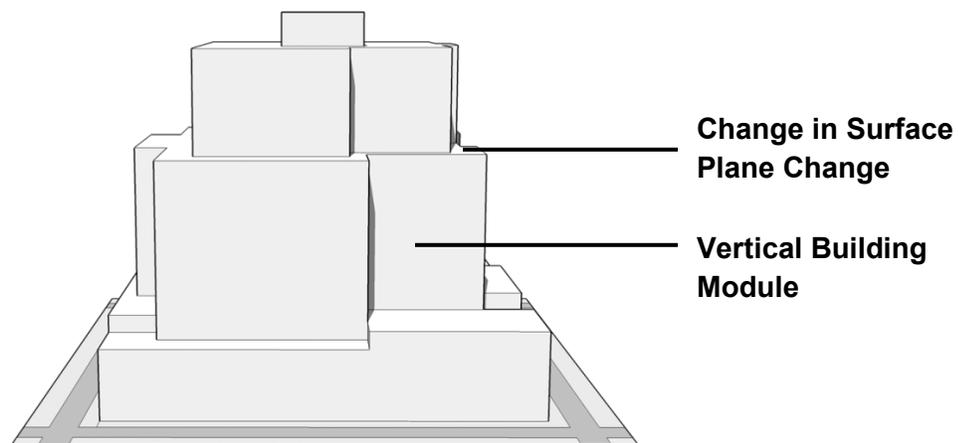
As used in the context of Marijuana, a person who has been diagnosed by a physician as having a debilitating medical condition.

### **State Marijuana License**

As used in the context of Marijuana, or unless the context requires a different meaning, "license" means a state operating license that is issued under the Medical Marihuana Facilities Licensing Act or a state license under the Michigan Regulation and Taxation of Marihuana Act.

### **Massing Articulation**

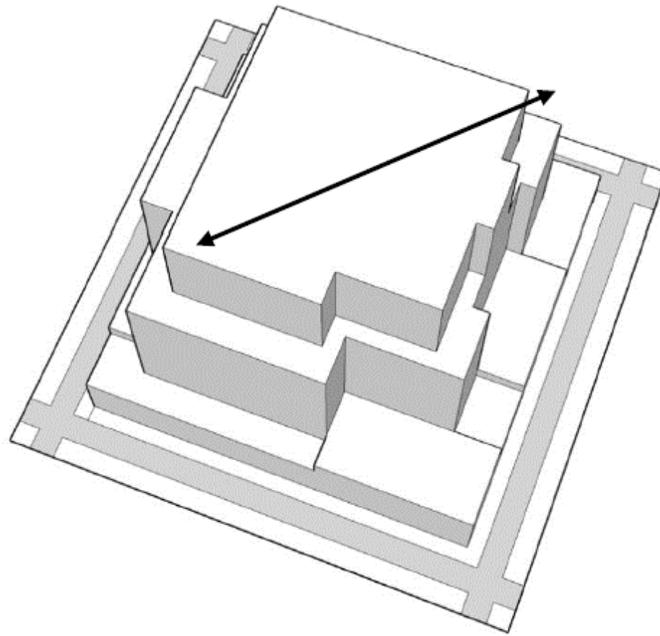
The way in which a Building wall surface is broken down into vertical modules, sub-parts or major elements, which are distinguished by changes in materials, texture or surface plane (see Figure 3).



**Figure 4: Massing Articulation**

### **Maximum Diagonal**

The longest horizontal dimension of a Building or Tower, as measured from corner to corner of a Story (see Figure 4).



**Figure 5: Maximum Diagonal**

**Medical Laboratory**

A facility or area for conducting medical research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the Laboratory.

**Medical or Dental Office**

An establishment where patients who are not lodged overnight are admitted for examination and treatment by an individual physician or dentist or a group of physicians and dentists in practice together.

**Medium Term Car Storage**

Parking of excess inventory of new, used or recalled vehicles owned by a licensed vehicle dealership for a specified period of time. Does not include storage of damaged vehicles, display of vehicles for customers, or retail sales of vehicles.

**Mobile Home Park**

A parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

**Mobile Food Vending Service**

Any vehicle or trailer, designed to be portable and not permanently attached to the ground, from which food is prepared and/or sold.

**Multiple-Family Dwelling**

A Building containing three or more Dwelling Units arranged either side by side or one above the other.

**Museum**

A Building having public significance by reason of its Architecture or former use or occupancy or a Building serving as a repository for a collection of natural, scientific, or literary objects of interest, or works of art, and arranged and designed to be used by members of the public for viewing, with or without admission charge, and which may include as an Accessory Use the sale of goods that are related in topic with the primary purpose of the Museum.

Section 16. That Section 5.37.2.P of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**5.37.2.P Specific Terms - P****Parking Attendant Building**

A shelter to house the on-site attendant of a Parking Lot.

**Parking Lot**

A total surface area on one parcel of 1200 or more square feet or five or more parking spaces used for parking and maneuvering of motor vehicles, which includes unenclosed Parking Structures..

**Parking Space**

A private area designed or used for the parking of a motor vehicle and properly accessed from a public street by a Driveway or private street.

**Parking Structure**

A Building or Structure used to store motor vehicles.

**Parks, Recreation, and Open Space**

Land owned or leased by the City or other public agency for use as a neighborhood park, an urban park or plaza, a Recreation facility, a historic site, a community-wide park, and/or a natural area as described in the Parks and Recreation Open Space Plan.

**Partially Nude**

Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

**Pennants**

A series of triangular or irregular pieces of fabric or other material, attached in strings or strands, or supported on small poles, and which flap in the wind.

**Permanent Open Space**

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 shall be intended for, but shall not be limited to, the preservation and conservation of undeveloped natural resources, Natural Features, scenic or wooded conditions, or naturally occurring water surfaces. It may also include undeveloped greenways of contiguous or linear Open Space providing habitats or corridors for wildlife, or links between Parks, nature reserves, cultural features, or historic sites for passive Recreation or conservation.

### **Permanent Soil Erosion and Sedimentation Control Measures**

Control measures that are installed or constructed to control soil Erosion and Sedimentation and that are maintained after Project Completion.

### **PDSU**

The Ann Arbor Planning and Development Services Unit.

### **Personal Services**

An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to; catering establishments, custom dressmaking, film Processing, licensed massage salons, optical and optician services, service and repair establishments, sun tan centers, bicycle rental, and small craft rental. This definition does not include Laundry, Cleaning and Garment Services.

### **Phase**

A portion of a larger Development that contains independently adequate (1) pedestrian and vehicular access, (2) sanitary, water and storm water conveyance and management systems, and (3) required Site improvements such as, but not limited to, landscaping, Open Space and parking and is specifically identified as a Phase on an approved plan.

### **Pilot Manufacturing**

The production of a product, process, or piece of Equipment on a simulated factory basis, and. limited to Pilot Manufacturing of engineering, Laboratory, scientific, electronic and research instruments and associated Equipment.

### **Pinball Parlor**

A pinball facility meeting all requirements of Chapter 87, Section 7:327.

### **Planning Manager**

The Manager of the PDSU.

### **Plant**

Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

### **Power and Fuel Rights-of-Way**

All lines and facilities related to the provision, collection, distribution, and transmission of Power and Fuel Rights-of-Way.

**Premises**

The contiguous land in the same ownership or control that is not divided by a public street or Alley.

**Principal Activity**

A use accounting for more than 20% of a Business' stock in trade, display space, Floor space, live entertainment time or movie display time per year.

**Principal Use**

The primary use of any Lot.

**Principal Building**

A Building or group of Buildings in which the main or Principal Use is conducted on a Lot.

**Prior Zoning and Development Regulations**

The provisions of each of those chapters of the Code listed in Section 5.9.1 as they existed immediately prior to the adoption of this chapter.

**Professional Engineer**

A person licensed by the State of Michigan to engage in the practice of Professional Engineering as defined by Act 299 of the Public Acts of 1980 (as amended), being Section 2001 of the Michigan Compiled Laws of 1979.

**Project Completion**

The point at which all permitted improvements for a project have been completed consistent with all permit approvals, as well as with any approved amendments or modifications, and for which all final inspections have been made and approved by the City.

**PSA**

Public Services Area.

**Public Right-of-Way or Right-of-Way**

For purposes of this chapter only, all public streets, Highways, Sidewalks and Alleys.

**Public Utility**

Private enterprise with a franchise for providing a public service.

**PUD Development Program**

A written document or portion of a document describing the objectives, purposes, and beneficial effect for the City proposed to be achieved by the PUD zoning district.

Section 17. That Section 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.37.2.S Specific Terms - S**

#### **School, Private**

A private institution intended for the purpose of elementary or secondary education, but also including dance schools, and art schools, but not trade schools, and which does not secure the major part of its funding from public sources.

#### **School, Public**

A public institution intended for the purposes elementary or secondary education, including Public School academies (commonly known as charter schools) and similar institutions as recognized by state regulations.

#### **Security**

For non-Warranty purposes, cash or certified check or money order made payable to the City. For Warranty purposes, surety bond, cash or certified check or money order made payable to the City.

#### **Sediment**

Any solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been moved from its site of origin by the process of soil Erosion.

#### **Short Term Car Storage**

Parking of personal, privately owned vehicles in parking lots for up to 14 days. The use is typically associated with car sharing services or park-n-ride services.

#### **Sign**

Any display or object which is primarily used to identify or display information about or direct or attract attention to a Person, institution, organization, Business, product, event, or location, or any religious, political, social, ideological, or other message, by any means which is visible from any public Street, Sidewalk, Alley, park, or public property and is located or set upon or in a Building, Structure, or piece of land. Sign does not include any goods displayed in a window.

##### **Address Sign**

A Permanent Sign that contains only the address of a location consistent with the address recognized by the United States Postal Service.

##### **Canopy Sign**

A Sign that is part of or attached to a Canopy.

##### **Electronic Message Sign**

A Sign whose message is primarily composed of Light Sources designed to be directly visible and that may be changed through electronic means, such as an LED, LCD, or plasma display.

##### **Freestanding Sign**

A Permanent Sign that is affixed or anchored to the ground and not attached to a Building, Awning or Canopy.

**Neon Sign**

A Sign that is a neon tube or other visible light-emanating gas tube that is bent to form letters, symbols, graphics, or other messaging.

**Permanent Sign**

A Sign that is not a Temporary Sign and which is permanently affixed or anchored to the ground or to a Building, Awning or Canopy.

**Projecting Sign**

A Sign, such as a blade Sign, that is attached to and projects from a Building, generally perpendicular to the Building wall. Projecting Signs do not include Wall Signs and Signs on an Awning or Canopy.

**Temporary Sign**

A Temporary Sign means a Sign constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, and any other Sign intended for a limited period of display that is not permanently anchored to the ground or a Building.

**Wall Sign**

A Sign that is on or attached to and is generally parallel with a Building wall or door.

**Window Sign, Interior**

A Sign that is affixed to or placed on the inside of a window, regardless of the window's opacity or perforation, and a Sign located within 20 feet of a window that is visible and legible from the exterior.

**Window Sign, Exterior**

A Sign that is affixed to or placed on the outside of a window, regardless of the window's opacity or perforation.

**Sign Area**

The surface area of a Sign, measured as described in this chapter.

**Sign Structure**

The necessary poles, posts, walls, frames, brackets, or other supports holding a Sign or its attached Sign illumination in place, to the extent they are not themselves a Sign. This definition does not include Awnings or Canopies.

**Site**

For purposes of applying site plan review and approval standards, one or more Lots that have been identified on a plan for existing or proposed Development.

For purposes of applying Grading and drainage standards, and Lot or parcel of land or combination of contiguous Lots or parcels of land where Grading is performed or permitted.

For purposes of applying streets and Curb Cut standards, all contiguous land under the same ownership or one platted Lot in the case of land for which a recorded plat exists.

### **Soil Erosion Control Facility**

A facility placed or constructed as necessary for the successful control or abatement of Accelerated Soil Erosion.

### **Solar Collector Surface**

Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface, is considered the front of the SES, and does not include frames, supports, and mounting hardware.

### **Solar Energy**

Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

### **Solar Energy System (SES)**

A system (including solar collector surface and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

### **SES, Personal-Scale**

A ground-mounted or building-mounted SES that is accessory to the principal residential use on the parcel. The sale and distribution of excess available energy to an authorized public utility for distribution, if permitted, shall be incidental to this type of system, and not its primary purpose.

### **SES, Ground-Mounted**

A freestanding solar energy system that is not attached to and is separate from any building on the same parcel of land on which the solar energy system is located.

### **SES, Building-Mounted**

A solar energy system that is attached to a building on a parcel as the principal method of physical support.

### **Special Event Sales**

A temporary outdoor use on private or public property that is approved in conjunction with a special event designated by City Council resolution and often subject to special conditions that address the duration and impacts of the special event. Examples include, but are not limited to, art fairs, home football games at the University of Michigan Stadium, Sidewalk sales, festivals, and carnivals.

**Special Exception Use**

A use permitted in a particular zoning district if it conforms to specific standards outlined in this chapter.

**Stabilization**

The establishment of vegetation or the proper placement, Grading, or covering of soil to ensure its resistance to soil Erosion, sliding, or other earth movement.

**Steep Slope**

A naturally occurring landform with a vertical change in elevation of ten feet or more, a slope of 20% or more, and a length of 50 feet or more measured parallel to the contour lines.

**Story**

That portion of a Building included between the surface of any Floor and the surface of the Floor next above it, or if there be no Floor above it, then the space between the Floor and the ceiling next above it and including those basements used for the Principal Use.

**Stockpiling**

The depositing of earth materials or rock for temporary periods of time for the purpose of facilitating construction operations.

**Storm Water Management System**

A system that is designed and constructed or implemented to control runoff, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overland flow, environmental degradation, and water pollution or otherwise affect the quality and quantity of the discharges. The Storm Water Management System includes but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, infiltration devices, swales, and pumping Stations.

**Storm Water Retention/Detention Basin**

An artificial impoundment constructed in upland that serves to restrain or filter storm water runoff.

**Street Frontage**

The length of a Premises abutting one or more streets.

**Streetwall**

The exterior face of a Building that fronts a street between the street Grade and the Streetwall Height (see Figure 7).



**Figure 7: Streetwall and Streetwall Height**

**Streetwall Height**

The height of the Streetwall portion of the Building, as measured in stories above the street Grade (see Figure 7).

**Stripping**

Any activity that removes or significantly disturbs the vegetative surface cover, including Clearing and Grubbing operations.

**Structural Amenity**

When used in the context of landscaping, a non-plant element in the landscape that adds to the public benefit of the proposed landscape plan, such as outdoor art, benches, sculptural solar lighting, water features, and similar items.

**Structure**

A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

**Student Cooperative Housing**

A facility for housing students who largely perform their own household maintenance and meal preparation and who have a vote in the operation, maintenance and management of their household affairs. Such housing must be an organized legal entity, such as a corporation, and recognized by the national association for student cooperatives..

**Superintendent**

The Superintendent of the department of Parks and Recreation.

**Supplemental Regulations**

A written document that contains the zoning and site Development requirements that, once approved, become part of the ordinance establishing the PUD zoning district, and, in addition to current City regulations and ordinances, shall be in effect for the district.

Section 18. This ordinance shall take effect ten days from the date of publication.