

ORDINANCE NO. ORD-21-20

First Reading: June 7, 2021  
Public Hearing: July 6, 2021

Approved: July 6, 2021  
Published: July 15, 2021  
Effective: July 25, 2021

UNIFIED DEVELOPMENT CODE  
(PLANNED PROJECT SITE PLAN MODIFICATIONS)

AN ORDINANCE TO AMEND SECTIONS 5.18.3, 5.18.4, 5.17.3, 5.37.2.A AND 5.37.2.S, TO ADD SECTIONS 5.19.6 AND 5.33.6, AND TO REPEAL SECTIONS 5.30.1 AND 5.30.4.B OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

**Section 1. That Section 5.18.3 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:**

**5.18.3 Additional Area, Height, and Placement Standards**

- A. No portion of a Lot used in connection with a Building, Structure or use and necessary for compliance with the area, height, and placement regulations of this chapter, shall, through sale or otherwise, be used again as a part of the Lot required for any other Building, Structure or use, except as provided in Subsections B or C below.
- B. After an official site plan approval of attached Single-Family Dwellings, Two-Family Dwellings, or Townhouse Dwellings, or condominium Buildings in conformity with all area, height, and placement regulations, applicable to the primary Building(s) the platting and/or conveyance of individual Dwelling Units within the primary Structure shall not be deemed to render either the primary Building(s) or any individual Dwelling Unit a Nonconforming Structure. Platting and/or conveyance of individual Dwelling Units shall be subject to the provisions of Section 2:33, Chapter 27, Title II of this Code relating to multiple services.

**C. Setback Line and Yard Alternatives**

**1. Multiple-Family Residential Zoning Districts**

The normal Side Required Setback provided in Table 5.17-3 may be used for Buildings over 50 feet in length or width and over 35 feet in Height as long as the total increased Side Setback Area required by Footnote A is provided and shown on an approved site plan. Examples of how this alternative may be applied include C, L, T, and U-shaped Buildings rather than rectangular-shaped Buildings.

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

The minimum Required Setbacks, including Front, Side or Rear, may be decreased by up to 50% as provided in Tables 5.17-4 and 5.17-5 when another

Required Setback is increased by the same amount such that the total Required Setback Area for the Lot is provided and shown on an approved site plan.

- ~~C.D.~~ Nothing in this section is intended to allow a greater density of population, greater intensity of land use, or less required Open Space than that provided in the approved site plan or plat.

**Section 2.** That Section 5.18.4 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended as follows:

#### 5.18.4 Exceptions to Height Limits

**A. Certain Architectural and Mechanical Features**

The height limits of this chapter shall apply to spires, belfries, cupolas, penthouses, domes, water Towers, observation Towers, power transmission lines and Towers, Roof-mounted Dish Antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling Towers, and other similar mechanical appurtenances. However, if such facilities are proposed specifically to house and disguise Wireless Communications Facilities, their height limits shall be those in Section 5.16.5.D. The applicable height limit of the zoning district in which such a facility is proposed may be modified by the Zoning Board of Appeals.

**B. Building-Mounted Solar Energy Systems (SES)**

Building-Mounted SES may extend up to 12 feet above the surface of a flat Roof when determining the Height of the Building.

**C. Wireless Communications Antennas**

Wireless Communications Antennas are not subject to the height limits of this chapter, except when attached to Wireless Communications Towers. Wireless Communications Towers and their associated facilities are subject to the height limits found in Section 5.16.5.D.

**D. Sustainable and Affordable Housing Developments**

The height limits of this chapter may be increased by up to 30% when the following conditions are met:

1. The development has an Affordable Housing Component or a Sustainability Component.
2. For any portion of the Site that is within 300 feet of any residential zoning district, the Side and Rear Required Setback within that buffer shall be increased by the amount of the increased Height limitation for the portion of the Building(s) above the normal Height limit. This requirement is intended to result in Building(s) that comply with the normal Required Setbacks and have a step back above the normal Height limit or Building(s) that comply with the increased Required Setbacks without step backs.

**Section 3.** That a new Section 5.19.6 of Chapter 55 of Title V of the Code of the City of Ann Arbor be added as follows and that the current and subsequent sections be renumbered accordingly:

**5.19.6 Developments with Sustainable Components and Affordable Housing Components**

No off-street vehicle parking as provided in Table 5.19-1 of this Section is required when the following conditions are met:

- A. The development has a Sustainability Component or an Affordable Housing Component.
- B. The development is part of an approved site plan and the amenities provided to satisfy the conditions are included as a condition to the approval of the site plan, and in a Development Agreement, or both.
- C. All other requirements of Table 5.19-1 of this Section are provided.
- D. Within the Special Parking District, curbside management provisions are provided in accordance with the Public Services Area Standard Specifications Downtown Street Design Manual. Outside of the Special Parking District, a minimum of one on-site drop off and delivery space is provided as part of the development.
- E. This section may be used in addition to the premiums allowed in Section 18.6 as long as the requirements and conditions of each section are met individually.

**Section 4.** That Table 5.17-3 in Section 5.17.3 of the Code of the City of Ann Arbor be amended as follows:

TABLE 5.17-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS												
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18.												
DISTRICT	MAXIMUM DENSITY (DWELLING UNITS PER ACRE)	MINIMUM LOT AREA PER DWELLING UNIT (SQ. FT.)	MINIMUM OPEN SPACE (% OF LOT AREA)	MINIMUM ACTIVE OPEN SPACE PER DWELLING UNIT (SQ. FT.)	REQUIRED SETBACK (FT.)					MAXIMUM HEIGHT (FT.)	MINIMUM GROSS LOT DIMENSIONS	
					MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM BUILDING SPACING	MINIMUM REAR		AREA (SQ. FT.)	WIDTH (FT.)
R3	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35	21,780	120
R4A	10	4,300	65	300	15	40	20 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	21,780	120

<b>R4B</b>	15	2,900	55	300	15	40	12 plus [A] and [B]	20	30 plus [A] and [B]	35 or 45 [C]	14,000	120
<b>R4C</b>	20	2,175	40	300	25 [D]	None	12 plus [A]	20	30 plus [A]	30	8,500	60
<b>R4D</b>	25	1,740	50	300	15	40	30 plus [A] and [B]	20	30 [A] [B]	120	83,000	200
<b>R4E</b>	75	580	40	150	15	40	10 plus [A]	20	30 plus [A] and [B]	None	14,000	120
<b>R6</b>	N/A	10 times the Floor Area for each Dwelling Unit	None	40	None	20	None	30	15; 12 for Accessory Structures	170,000	100	

**NOTES:**

[A] ~~(1)~~ The minimum Required Side Setback as set forth above, shall be increased 3 inches for each foot of Building Height above 35 feet and 1.5 inches for each foot of Building length over 50 feet. The minimum Required Rear Setback, as set forth above, shall be increased 1.5 inches for each foot of Building Height over 35 feet and 1.5 inches for each foot of Building width over 50 feet. The Building length shall be the dimension of that side, which is parallel to the Side Lot Line, of a rectangle within which the Building may be located. The Building width shall be the dimension of that side which is parallel to the Front Lot Line, of a rectangle within which the Building may be located.

~~(2) As an alternate to increasing the Required Side Setback dimension as required in note (1) above, an equal amount of area in square feet as the increased Side Setback Area may be provided between the minimum side setback line and the Building. Nothing in this section shall be deemed, however, to permit reduction of the required side setback line minimum dimension, as set forth in the table above.~~

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

[C] For Buildings with parking below at least 35% of the Building.

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

**Section 5.** That Section 5.30.1 (Planned Project Site Plan Modifications) of Chapter 55 of Title V of the Code of the City of Ann Arbor be repealed.

**Section 6.** That Section 5.30.4.B (Approved Planned Projects) of Chapter 55 of Title V of the Code of the City of Ann Arbor be repealed.

**Section 7.** That a new Section 5.33.6 of Chapter 55 of Title V of the Code of the City of Ann Arbor be added as follows:

**5.33.6 Nonconforming Planned Project Site Plans**

Buildings with modified Height or placement standards approved under previous Section 5.30.1 Planned Project Site Plan Modifications (repealed by Ordinance No. ORD-21-20) are subject to the provisions of this Article provided that any conditions of approval and justifications for which the modifications were approved are maintained.

**Section 8.** That Section 5.37.2.A of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to add the following definition:

**Affordable Housing Component**

When and where at least 15% of all Dwelling Units or 15% of all Floor Area is devoted to Affordable Housing Dwelling Units or when a payment in lieu has been made to the Affordable Housing Fund in the rate or amount established by resolution of the City Council.

**Section 9.** and Section 5.37.2.S of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to add the following definition:

**Sustainability Component**

When and where a Solar Collector Surface covers at least 60% of the Building(s) footprint area on a Site and the electrical panels of Building(s) have capacity to solely power the Site by electricity, including any conduit and other necessary infrastructure for future conversions if complete electrification is not achievable at the time of initial construction.

**Section 10.** This ordinance shall take effect and be in force on and after ten days from legal publication.

**As Amended and Approved at First Reading on June 7, 2021**

**CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of July 6, 2021.

\_\_\_\_\_  
(Date)

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Jacqueline Beaudry, Ann Arbor City Clerk

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Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on July 15, 2021.

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Jacqueline Beaudry, Ann Arbor City Clerk