

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 4, 2007

SUBJECT: Amendment to Chapter 55, Section 5:54, Required Open Space

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 55 (Zoning Ordinance), Section 5:54, Required Open Space, addressing placement of refuse containers in the required front open space.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment to Chapter 55 of the City Code be **approved** because the amendment would provide for flexibility in the placement of refuse containers that is not currently possible.

DESCRIPTION OF AMENDMENT

As currently written, the Zoning Ordinance requires that the minimum required open space (the minimum required front, side and rear yards of a parcel) remain open and unoccupied by any structure or thing. Some exceptions are allowed. Terraces, patios, steps, ramps, retaining walls, sidewalks, light poles and flagpoles, and fences are allowed as exceptions in any required open space (the front, side and rear yards). Additional exceptions are allowed for refuse containers, fire escapes and mechanical equipment to be located in the side or rear open space in residential districts.

Planning & Development Services Unit staff, who are responsible for enforcement of the Zoning Ordinance, and Systems Planning Unit staff, who assist in coordinating solid waste and recycling collection programs, propose an amendment to the Zoning Ordinance to allow a further exception to the structures that can be located in the required open space. Specifically, staff has identified the need to allow refuse containers in the required front open space in certain residential areas.

An unintended consequence of the "A2 Cart" solid waste collection program (the rolling blue carts issued to every residence in the City for garbage pick-up) has been increased difficulties for some residents to store these refuse containers out of the required front open space. Some neighborhoods with very closely spaced dwellings or attached dwellings have found it impossible to store the carts anywhere but in the required front open space. One example is the Pittsfield Village neighborhood, located between Packard Road and Washtenaw Avenue along Pittsfield Boulevard. This neighborhood of attached dwellings has no rear alleys and no garages. Most residents of Pittsfield Village have been storing their A2 Carts near their individual front doors among the shrubbery. While this is the best solution for residents of this neighborhood and others in a similar situation, it is in violation of the Zoning Ordinance.

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The proposed amendment to the Zoning Ordinance will work in conjunction with an amendment to Chapter 26, Solid Waste Ordinance. The Zoning Ordinance is proposed to be amended by inserting a reference to Section 2:4 of Chapter 26. The Solid Waste Ordinance is proposed to be amended to include a provision where the Public Services Administrator may approve an alternative location if placement at the side or rear is not possible. (Currently, the Solid Waste Ordinance also prohibits refuse containers from being placed in the front yards.)

These coordinating amendments will still prohibit refuse containers in the required front open space in most cases, but will allow an exception to be made if it is determined that there is no other option in a residential district.

STAFF COMMENTS

Planning – Systems Planning Unit staff presented this amendment proposal to the Ordinance Revisions Committee (ORC) in October 2007. The ORC supported the proposed amendment, and suggested that the amendments to the Solid Waste Ordinance include more defined standards for Public Services Administrator approval of alternate locations and also include a screening requirement for refuse containers in the front yard.

Staff supports the proposed amendment, as it will provide needed relief to existing neighborhoods that have no other option but to locate their individual refuse containers in the required front open space.

Prepared by Alexis DiLeo
Reviewed by Mark Lloyd
jsj/12/1/06



Attachment: Proposed Ordinance Amendment

c: City Attorney
Systems Planning
File

ORDINANCE TO AMEND SECTION 5:54 OF CHAPTER 55 OF OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Section 5:54 of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:54. Required open space.

- (1) Except as specifically provided in this chapter, required open space shall be open, unoccupied, and unobstructed by any permanent structure or any part thereof from the ground to the sky.
- (2) Exceptions.
 - (a) The following types of structures may be located anywhere on a lot: open and unroofed terraces, patios, stoops and steps, ramps for building access, awnings, flag poles, trellises, retaining walls, fountains, outdoor cooking equipment, sidewalks, mailboxes, light poles, and fences in accordance with Chapter 104. Parking lots and drives may be located in required open space if permitted by Chapter 59.
 - (b) In residential zoning districts, the following types of structures may be located anywhere on a lot except the required front open space; refuse containers (unless approved under Section 2:4 of Chapter 26), fire escapes, and mechanical equipment.
 - (c) Certain architectural features, such as cornices, eaves, gutters, and chimneys may project 2 feet into required open space.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.