

ORDINANCE NO. ORD-19-16

First Reading: May 6, 2019  
Public Hearing: June 3, 2019

Approved:  
Published:  
Effective:

ESTABLISH DEFINITION OF MOBILE FOOD VENDING SERVICE AND PROVIDE AS PERMITTED USE IN ALL MIXED-USED, NON-RESIDENTIAL AND SPECIAL PURPOSE ZONING DISTRICTS

AN ORDINANCE TO AMEND SECTION 5.15 (TABLE 5-15), 5.16.3 AND 5.37.2 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR (MOBILE FOOD VENDING SERVICE)

The City of Ann Arbor Ordains:

Section 1. That Section 5.15 (Table 5-15) of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

**TABLE 5-15: PERMITTED USE TABLE**

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
<b>PRIMARY USES</b>																																			
<b>RESIDENTIAL</b>																																			5.16.1
<b>Household Living</b>																																			
Adult Foster Care		P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P				P							
Dwelling, Assisted Living											P	P	P	P		P	P	P	P	P	P	P	P				P							5.16.1B	
Dwelling, Multi-Family											P	P	P	P		P	P	P	P	P	P	P	P				P	E						5.16.1A; 5.16.1D	
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P				P							5.16.1A; 5.16.1C	
Dwelling, Townhouse										P	P	P	P	P		P	P	P	P	P	P	P	P				P							5.16.1A	
Dwelling, Two-Family							P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P				P							5.16.1A	
House Trailer/Mobile Home Park															P																			5.16.1A	
<b>Group Living</b>																																			
Emergency Shelter											P	P	P	P		P	P	P	P	P	P	P	P												
Fraternities, Sororities, and Student Cooperative Housing								E		E	E	E	E	E		E	P	P	P	P	P	P	P											5.16.1A; 5.16.1E	
Group Housing								E		E	P	P	P	P		P	P	P	P	P	P	P	P											5.16.1A; 5.16.1F	
Guest House										P	P	P	P	P		P	P	P	P	P	P	P	P											5.16.1A; 5.16.1G	

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
<b>PUBLIC/ INSTITUTIONAL</b>																																		5.16.2	
Community and Cultural																																			
Cemetery	P																																		
Club Headquarters or Community Center							E		E	E	E	E	E	E		E	P	P	P	P	P	P	P	P										5.16.2C	
Conference Center																					E							E							
Correctional Facility																											P								
Museum, Art Gallery																					P	P	P	P			P								
Funeral Services																P	P	P	P	P	P	P	P							P	P	P			
Government Offices and Courts																P	P	P	P	P	P	P	P				P			P	P				
Library		P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P				P			P	P				
Park, Recreation and Open Space																											P								5.16.2G
Religious Assembly	P	E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P												
<b>Day Care</b>																																			
Adult Day Care Center		E	E	E	E	E	E	E	P	P	P	P	P	P		P	P	P	P	P	P	P	P					E	P	P	P			5.16.2A	
Child Care Center		E	E	E	E	E	E	E	P	P	P	P	P	P		P	P	P	P	P	P	P	P				E	P	P	P				5.16.2B	
<b>Educational</b>																																			
Institutions of Higher Learning, Private		E	E	E	E	E	E	E	E	E	E	E	E	E		P	P	P	P	P	P	P	P							P	P	P			5.16.2E
Institutions of Higher Learning, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

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NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS						
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
School, Private		E	E	E	E	E	E	E	E	E	E	E	E	E		E	P	P	P	P	P	P	P	P										
School, Public	P	P	P	P	P	E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Trade/Industrial																	P	P	P	P	P	P	P	P			P		P	P	P	P		

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE						NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS									
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16			
<b>Health Care</b>																																				
Hospital											E	E	E	E	E	E	E	E	E	E								P				E	E		5.16.2D	
Nursing Care Facility											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P		5.16.2F		
<b>COMMERCIAL</b>																																			5.16.3	
<b>Lodging</b>																																				
Bed and Breakfast																					P	P	P	P	P											
Hotel																P	P	P	P	P	P	P	P	P	P											
<b>Recreation, Entertainment, and Arts</b>																																				
Adult Entertainment Business																																P		P		5.16.3A
Artist Studio																P	P	P	P	P	P	P	P	P						P	P	P		5.16.3B		
General Entertainment																	P	P	P	P	P	E	P	P											5.16.3D	
Indoor Recreation																E	P	P	P	P	P	P	P	P				P		E	E	E	E		5.16.3F	
Outdoor Recreation	P	E	E	E	E	E	E	E	E	E	E	E	E	E									P	P				P		E					5.16.3H	

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE					NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS									
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
<b>Sales</b>																																			
Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																					E	E	P	P							P	P			
Fueling Station																					E	E	E	P									P		
Outdoor Sales, Permanent																	P	P	P	P	P	P	P	P											
Medical Marijuana Provisioning Center																	E	E	E	E	E	E	E	E							E	E	E		
<b>Mobile Food Vending Service</b>																<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>5.16.3H</b>	
Restaurant, Bar, Food Service																	P	P	P	P	P	P	P	P											
Retail Sales, General Merchandise																	P	P	P	P	P	P	P	P											
Wholesale, Resale, Building Material and Supplies																															P	P	P		

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE					NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS								
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
<b>Services and Repair</b>																																		
Automobile, Truck, Construction Equipment Repair																					E	E	P	P							P	P	P	5.16.3C
Contractors, General Construction, and Residential Building																						P	P	P							P	P	P	
Laundry, Cleaning, and Garment Services																	P	P	P	P	P	P	P	P							P	P	P	
Parking Lot or Structure																					E	E					P	P						5.16.3JK
Personal Services																P	P	P	P	P	P	P	P											5.16.3KL
Vehicle Wash																					E	E	E	P										
Veterinary, Kennel, and Animal Boarding																E	E	E	E	E	P	P	P	P							P	P	P	5.16.3MN

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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE					NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS								
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
<b>OFFICE AND RESEARCH</b>																																	5.16.4	
<b>Office-Type</b>																																		
Bank, Credit Union, Financial Services																P	P	P	P	P	P	P	P							P	P			
Office, General																P	P	P	P	P	P	P	P				P	P	P	P			5.16.4C	
Medical/Dental																P	P	P	P	P	P	P	P						P	P			5.16.4C	
Nonprofit Corporations		E	E	E	E	E	E	E	E	E	E	E	E	E	E	P	P	P	P	P	P	P	P				P	P	P	P			5.16.4B	
<b>Research and Development</b>																																		
Laboratory																												P	P	P	P	P		5.16.4A
Medical Laboratory																					P	P	P	P			P	P	P	P	P			
Medical Marijuana Safety Compliance Facility																											P	P	P					5.16.3G
Research/Development																											P	P	P	P	P			
<b>TRANSPORTATION</b>																																		
Medical Marijuana Secure Transporter																							P	P					P					5.16.3G
Railroad and Public Transportation Rights-of-Way																					P	P	P	P			P			P	P	P		
Transit Center, Station, or Depot																					P	P	P	P			P			P	P	P		
Transportation Facilities																											P							



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USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS							
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
<b>INDUSTRIAL</b>																																		5.16.5	
<b>Agricultural</b>																																			
Agriculture/Greenhouse	P																																		
Barns	P																																		
Borrow Pits	E																																		
Medical Marijuana Grower																	P	P	P	P								E	E	P	P	P		5.16.3G	
<b>Manufacturing, Processing, Assembly, and Fabrication</b>																																			
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																	E		
Coal and Coke Dealer																																	P		
Food and Beverages																																P	P	P	
Heavy Manufacturing																																P		5.16.5A	
Laundry and Dry Cleaning Plant																															P	P	P		
Light Manufacturing																												P	P	P				5.16.5B	
Medical Marijuana Processor																											E	E	P					5.16.3G	
Oil and Gas Wells																																		5.16.5C	
Pilot Manufacturing																												P	P	P	P	P			
Scrap and Waste Material																																	E		
Slaughterhouse																																	E		

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	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
<b>Utilities and Communications</b>																																		
Broadcasting Facility																					P	P	P	P							P	P	P	
Data Processing and Computer Centers																P	P	P	P	P	P	P	P				P	P	P	P	P	P		
Electric, Gas, and Sanitary Services																														P	P	P		
Power and Fuel Rights-of-Way																																P		
Wireless Communication Facilities	P														P	P			E	E	E	E	P	P	E		P	P	P	P	P	P	5.16.5D	

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	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16			
<b>Warehousing and Storage</b>																																				
Outdoor Storage																																		P	P	P
Warehousing and Indoor Storage																							P	P									P	P	P	
<b>ACCESSORY USES</b>																																			<b>5.16.6</b>	
All Accessory Buildings																																			5.16.6A;	
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																					5.16.6A	
Community Recreation									A	A	A	A	A	A																					5.16.6A;	
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																					5.16.6A; 5.16.6A.3; 5.16.6B	
Drive-Through Facility																E						E	E	E	E									5.16.6A; 5.16.6A.3; 5.16.6C		
Dwelling Unit, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																					5.16.6A; 5.16.6D	
Dwelling Unit, Manager's																																	A	A	A	
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											5.16.6A; 5.16.6F	
Group Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A												5.16.6A; 5.16.6G	

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	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6H
Incidental Services																A									A								5.16.6A; 5.16.6I
Management/Maintenance Office and Storage									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A				5.16.6A
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Office, Administrative/Executive																											A			A	A	A	5.16.6A;
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A	A									5.16.6A; 5.16.6J
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A										5.16.6A; 5.16.6K
Parking Attendant Building																										A							5.16.6A;
Restaurant, Bar, Food Service																									A								5.16.6A; 5.16.6L
Retail Sales, General Merchandise																													A	A	A	A	5.16.6A; 5.16.6M
Roadside Stand	A																																5.16.6A
Solar Energy System	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A 5.16.6N	

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**TABLE 5-15: PERMITTED USE TABLE**

P= PERMITTED

E = SPECIAL EXCEPTION

A= PERMITTED ACCESSORY USE

BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN

NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13

NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL															MIXED USE							NONRESIDENTIAL AND SPECIAL PURPOSE							USE-SPECIFIC STANDARDS				
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16	
Solar Energy System, Personal-Scale		A	A	A	A	A	A	A	A	A																							5.16.6A 5.16.6O	
Wireless Communication Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A; 5.16.6P
<b>TEMPORARY USES</b>																																	5.16.7	
Christmas Tree Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P											5.16.7A
Outdoor Sales, Temporary by Others																	E	E	E	E	E	E	E											5.16.7B
Special Event Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		5.16.7C

Section 2. That Section 5.16.3 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **5.16.3 Commercial Uses**

#### **A. Adult Entertainment Business**

##### **1. Locations of Adult Entertainment Businesses**

An Adult Entertainment Business shall be located only in accordance with the following restrictions:

- a. No Adult Entertainment Business shall be located on a Lot within 700 feet of (i) any Residential Zoning District, or (ii) Planned Unit Developments with residential uses, or (iii) land zoned residential in a township.
- b. No Adult Entertainment Business shall be established within 700 feet of another Adult Entertainment Business.

##### **2. Use Regulations**

- a. No Person shall reside in or permit any Person to reside in the Premises of an Adult Entertainment Business.
- b. No Person shall operate an Adult Personal Service Business unless there is conspicuously posted in each room where such Business is carried on a notice indicating the prices for all services performed by said Business. No Person operating or working at such a place of Business shall solicit or accept any fees except those indicated on any such notice.
- c. No Person operating an Adult Entertainment Business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
- d. No Person shall operate an Adult Personal Service Business without obtaining a current code compliance license. Licenses shall be issued by the City Administrator following an inspection to determine compliance with City Code and upon payment of a license fee as set by resolution of City Council. Such a license shall be subject to the regulations contained in Chapter 76 of Title VII of this Code.
- e. No Person operating an Adult Entertainment Business shall permit any Person under the age of 18 to be on the Premises either as an employee or customer.
- f. No Person shall become the lessee or sublessee of any property for the purpose of using said property for an Adult Entertainment Business without the express written permission of the owner of the property for such use.
- g. No lessee or sublessee of any property shall convert that property from any other use to an Adult Entertainment Business without the express written permission of the owner of the property for such use.

**B. Artist Studio**

**1. O District**

No more than 25% of the total Floor Area of the studio shall be used for the display and sale of articles that are produced in the studio.

**C. Automobile, Truck, Construction Equipment Repair**

**1. C2B District**

Storage and Repair of Automobiles, Trucks, and Construction Equipment must be located in an enclosed Building.

**D. General Entertainment**

**1. Theaters, Enclosed**

**a. C1B District**

The total seating capacity shall not exceed 600 seats.

**2. Pinball Parlor**

Allowed only in the C1A District.

**E. Fueling Station**

A Fueling Station shall employ berms or 30 inch high opaque walls between the Vehicular Use Area and the Public Right-of-Way unless the landscape buffer strip provided is 15 feet in width or greater. If the landscape buffer strip provided is 15 feet in width, then a landform berm, hedge and/or dense planting combination at least 30 inches in total height is acceptable. If a wall is used, it shall be set back at least four feet from the Lot Line with one 30 inch high shrub provided for every four linear feet, planted on the street side of the wall. The Site design, planting scheme, and materials used in these areas shall comply with the requirements set forth in this chapter.

**F. Indoor Recreation**

**1. C1 District**

Special Exception Use approval pursuant to Section **Error! Reference source not found.** shall be required when adjacent to any R district.

**2. C1A, C1A/R, C1B Districts**

Special Exception Use approval pursuant to Section **Error! Reference source not found.** shall be required when adjacent to any R district.

**G. Medical Marijuana Facility**

**1. Intent**

- a. It is the intent of this section to provide appropriate locations and reasonable restrictions for Medical Marijuana facilities allowed by the Medical Marijuana Facilities Licensing Act, MCL 333.2701 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district regulations.
- b. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of Marijuana allowed by the Michigan Medical Marijuana Act, MCL 333.26421 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district and Home Occupation regulations..
- c. It is the intent of this section to protect the health, safety, and general welfare of Persons and property by limiting land uses related to Marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of Persons in the district, or other uses allowed in each district.

**2. Words and Phrases**

Words and phrases contained in the Michigan Medical Marijuana Facilities Licensing Act (“MMFLA”), MCL 333.2701 et seq., or the Medical Marijuana Act (“MMMA”), MCL 333.26421 et seq., shall have the same meanings in this Code. Article VIII of this chapter contains some words and phrases that are defined in the MMFLA or the MMMA, but if any definition in Article VIII conflicts with the definition in the MMFLA or MMMA, then the definition in the MMFLA or MMMA shall apply.

**3. Additional Medical Marijuana Facility Location Restrictions**

- a. A Medical Marijuana Provisioning Center may only be located within a PUD in compliance with the standards in this Section 5.1.1G and where retail use is permitted in the PUD Supplemental Regulations.
- b. No Lot containing a Medical Marijuana Provisioning Center shall be located within 600 feet of a Lot on which another Medical Marijuana Provisioning Center is located.
- c. A maximum of one State Operating License shall be utilized per Lot.
  - i.) Exceptions: In the M1, M1A and M2 districts, a maximum of five Marijuana Facilities with State Operating Licenses may co-locate on a single Lot, and in the RE and ORL districts, a maximum of two Marijuana Facilities with State Operating Licenses may co-locate on a single Lot. No two facilities of the same type of Medical Marijuana use (Grower, Processor, Secure Transporter, Provisioning Center as accessory Retail Sales, and Safety Compliance Facility) may be located on the same Lot.



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- d. No Lot containing a Medical Marijuana Provisioning Center, Grower, or Processor shall be located within 1,000 feet of a Lot on which a Public School or Private School, but excluding dance or art schools, is located.

4. **Standards for Medical Marijuana Home Occupations**

Cultivation or other Medical Use of Marijuana as a Medical Marijuana Home Occupation in Single-Family Dwellings.

- a. Medical Marijuana Home Occupations are not permitted in Two-Family or other Multiple-Family Dwellings.
- b. In a Single-Family dwelling in any zoning district, no more than 72 Marijuana plants shall be grown on the Premises, regardless of the number of registered Primary Caregivers and/or registered Qualifying Patients residing in the dwelling. The Principal Use of the Single-Family Dwelling shall be a Residential Occupancy and shall be in actual use as such.
- c. All other performance standards for Home Occupations as provided in Section **Error! Reference source not found.** shall be required.
- d. A zoning permit shall be required, consistent with Section **Error! Reference source not found.**

5. **Standards for Medical Marijuana Use or Cultivation**

When the cultivation or other Medical Use of Marijuana in Dwelling Units is not a Medical Marijuana Home Occupation, it shall comply with the following standards.

- a. The Principal Use of the Dwelling Unit shall be Residential Occupancy and shall be in actual use as such.
- b. No more than 12 plants for each registered Qualifying Patient who resides in the Dwelling Unit shall be grown.
- c. No Equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.
- d. All aspects of the Medical Use of Marijuana shall comply at all times with the provisions of the MMMA.

6. **Medical Marijuana Facility Regulations**

- a. No Person shall reside in or permit any Person to reside in a Marijuana Facility, except as allowed in the M1 and M2 zoning districts.
- b. No smoking, inhalation, or consumption of Marijuana shall take place on the Premises of any Marijuana Facility.
- c. All activities of a Marijuana Facility shall be conducted indoors.
- d. No equipment or process shall be used in any Marijuana Facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the Premises.

**7. Special Exception Use Regulations for Medical Marijuana Facilities**

- a. In addition to the requirements in Section **Error! Reference source not found.**, the following information shall be provided to the Planning Commission for consideration of an application for Special Exception use. Additional information may be requested by staff or the Planning Commission.
  - (i) For Provisioning Centers, Growers, and Processors
    - a) An operations statement that describes, but is not limited to, the life-cycle of Marijuana and Marijuana-Infused Products entering, stored on, grown, dried, and leaving the site. This may include how deliveries are handled, methods of storage, cash handling, a business floor plan, or other pertinent information.
    - b) A detailed safety and security plan that addresses Marijuana, customers, employees, and neighboring residents, offices, or businesses.
    - c) A description of methods to be used to contain all odors within the building.
    - d) A waste disposal plan specific to Marijuana, Marijuana plant waste, and Marijuana-Infused Products.
    - e) Days and hours of operation.
  - (ii) For Growers
    - a) A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment, permits required for wastewater disposal, and the expected volume of wastewater based on the maximum number of plants allowed in that facility's Grower class.
- b. A Site Plan that meets the requirements of this chapter shall be provided. For sites that require City Council approval of a Site Plan, approval of the Special Exception use by the Planning Commission shall be contingent upon Site Plan approval by City Council.
- c. An application for a Medical Marijuana Provisioning Center in the M1, M1A, or M2 zoning district may only be approved if the Provisioning Center is incidental to the Principal Activity or Principal Use and the Floor Area devoted to Provisioning Center does not exceed 10% of the Floor Area of the Site.

**H. Mobile Food Vending Services**

Mobile Food Vending Services shall meet the following requirements:

- (1) The Mobile Food Vending Service and associated fixtures shall not be located less than 10 feet from any Public Right-of Way or within any required sight distance triangle. A Mobile Food Vending Service is permitted in any Mixed Use Zoning District or any Nonresidential and Special Purpose Zoning District.

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On a property adjacent to any Residential Zoning District, a Mobile Food Vending Service shall not be located within the required setback established by the zoning district immediately adjacent to the residentially zoned district.

(2) Any operator of a Mobile Food Vending Service must receive a Zoning Compliance Permit annually and display at service. All applications for Zoning Compliance Permit shall include documentation of property owner permission for any proposed location, which may be amended over course of permit term, and Washtenaw County or other applicable Health Department approval.

(3) The Mobile Food Vending Service shall provide trash and recycling receptacles for customers to dispose of waste. Such receptacle shall be located no more than ten feet from the mobile food vendor.

(4) The Mobile Food Vending Service is responsible for removing all associated trash, litter, and refuse from the site at the end of each day. This includes food wrappers, food utensils, paper products, cans, bottles, food, and other such waste discarded improperly by customers.

(5) One Mobile Food Vending Service may occupy a property with an improved parking area of 20 or fewer parking spaces. A Mobile Food Vending Service may occupy other properties at a rate not to exceed one Mobile Food Vending Service per 20 parking spaces, or fraction thereof, at a single time.

(6) A Mobile Food Vending Service shall not cause any parking, traffic, vehicular accessibility or pedestrian or other non-motorized conflicts or impediments on the property. A Mobile Food Vending Service shall not block or obstruct any fire lanes. A Mobile Food Vending Service shall not violate any provisions of City or State Building Codes.

## **HI. Outdoor Recreation**

### **1. All Residential Zoning Districts**

- a. The only Outdoor Recreation use allowed in residential zoning districts are accessory Outdoor Residential Recreation Facilities, subject to the Special Exception Use standards in Section **Error! Reference source not found.** and the following standards. Membership shall be open to residents of the subdivision or residential development in which the Outdoor Residential Recreation Facility is located.
- b. Any permanent addition, other than a Fence, to an outdoor recreation use, including an accessory Outdoor Residential Recreational facility

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shall constitute a modification of the use that requires Special Exception Use approval.

- c. For purposes of this section, any new accessory Outdoor Residential Recreational facility or permanent addition to an existing accessory Outdoor Residential Recreational facility will require a scaled drawing showing the existing and proposed Structures and improvements on the Site, instead of a site plan, as part of the Special Exception Use application.
- d. A Conflicting Land Use Buffer per Section **Error! Reference source not found.** shall be provided to screen the facility from adjacent residential properties.
- e. One off-street Parking Space per 200 square feet of Floor Area of the club Building shall be provided.

**2. C1, C1A, C1A/R, C1B Districts**

Special Exception Use approval pursuant to Section **Error! Reference source not found.** shall be required when adjacent to any Residential District.

**3. AG District**

Special Exception Use approval is required for any Outdoor Recreation that is not a golf course, park, or athletic field.

**4. Outdoor Theatre**

Special Exception Use approval pursuant to Section **Error! Reference source not found.** is required in all districts.

**IJ Outdoor Sales, Permanent**

Only permitted if the sales or display is in an area specifically designated for outdoor sales and display as shown on an approved site plan.

**JK Parking Lot or Structure**

**1. D1 and D2 Districts**

- a. In the D1 district, an off-street Parking Structure is not permitted at the level of the adjacent street unless separated from the street by a portion of the Building that is occupied by a permitted use or uses, with the exception of the portion of a Parking Structure that provides vehicular or pedestrian access to the street. Permitted uses shall be located within the Building and have a minimum depth of 25 feet from the exterior of the front wall. On Corner Lots, this requirement shall apply to Lot frontages on primary streets, as defined in Section **Error! Reference source not found.** If none of the Street Frontages are a primary street, an off-street Parking Structure must be separated from at least one Street Frontage by a portion of the Building that is

occupied by a permitted use, with the exception of the portion of a Parking Structure that provides access to the street.

- b. In the D2 district, an off-street Parking Structure shall be located a minimum of ten feet from the Front Lot Line at the level of the adjacent street and provide a landscape buffer or screening wall between the Building and the Front Lot Line.
- c. In the D1 and D2 districts, any wall of an off-street Parking Structure that abuts a residential zoning district shall not contain openings, or if it contains openings shall be separated from the Lot Line by a Building other than a Parking Structure occupied by a permitted use, or uses.

## **KL Personal Services**

### **1. C1A, C1A/R, C1B Districts**

Special Exception Use approval pursuant to Section **Error! Reference source not found.** shall be required when adjacent to any Residential District.

### **2. O District**

Beauty Salons are the only permitted Personal Services in this zoning district. Incidental Sales of products used in the salon shall occupy no more than 25% of the total Floor Area.

## **LM Restaurant, Bar, Food Service**

### **1. C1 District**

Each Restaurant, Bar, and Food Service use shall have a maximum seating capacity of 50 seats.

## **MN Veterinary, Kennel, and Animal Boarding**

All facilities must be completely enclosed in a soundproof Building in such a way as to produce no objectionable noises or odors at the Lot Lines.

Section 3. That Section 5.37.2 of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

### **Accelerated Soil Erosion**

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

### **Accessory Building**

A Building that is subordinante 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.

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### **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 **Error! Reference source not found.**

### **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

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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 for Lower Income Households**

Housing units for households or individuals with income levels (including low and very low income levels) that are less than 80% of City median income as defined by the United States Department of Housing and Urban Development where the occupant is paying no more than 30% of gross income for housing costs, 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 publically 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.

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### **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 extending over or in front of a place, such as over steps or in front of a door or window, as a shelter.

### **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.

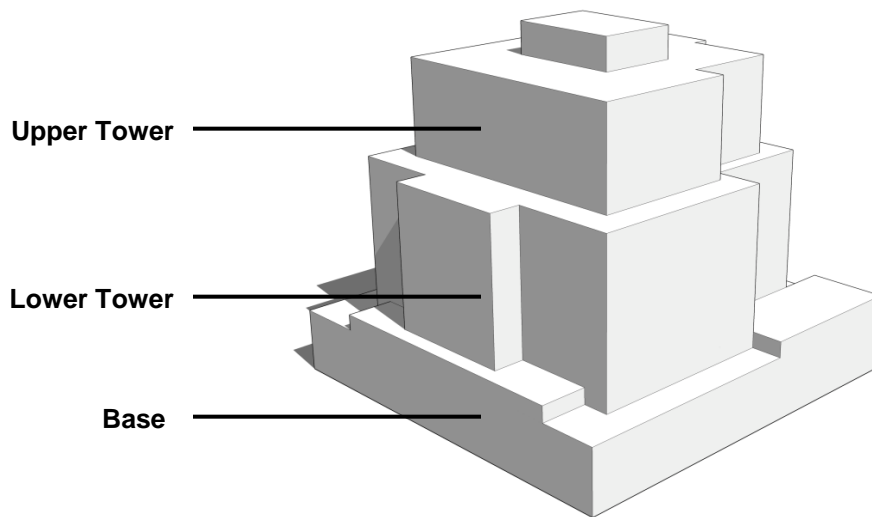
### **Barn**

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 Tower**

**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.

**Billboard**

An Off-Premises Sign with a Sign Area in excess of 200 square feet.

**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

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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 Center**

A group of five or more Businesses that collectively has a name different than the name of any of the individual Businesses and that has common private parking and entrance facilities, or that is a platted Business subdivision.

### **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.

### **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.

### **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 and Buildings, a rooflike Structure covered with canvas supported by poles extending over or in front of a place such as over a sidewalk or patio or in front of a door, 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.

## Ordinance No. ORD-19-16 Cont.

### **Changeable Copy**

That portion of a Sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the Sign.

### **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.

## Ordinance No. ORD-19-16 Cont.

### **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.

### **Data Processing and Computer Center**

An establishment that conducts computer programming, software development, and training, and services and maintains electronic data Processing Equipment.

### **DDA**

The Ann Arbor Downtown Development Authority.

### **Debris**

Loose refuse or earth material not suitable for use as presently situated or constituted.

### **Development**

Any human alteration to the state of land, including its vegetation, soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as, but not limited to, Clearing, Grubbing, or Grading of land, and structural improvements (e.g., Buildings, walls, Fences, Signs, and vehicular areas).

### **Diameter at Breast Height (DBH)**

The diameter of a tree measured 4.5 feet above the existing Grade.

### **Dish Antenna**

A Signal-sending or receiving device for communicating with orbiting satellites.

### **Dormer**

A window vertical in a Roof or the Roofed Structure such as a window.

### **Drive-Through Facility**

Any Building or Structure, or portion thereof, that is constructed or operated for the purpose of providing goods or services to customers who remain in their motor vehicle during the course of the transaction.

### **Driveway**

An access roadway between a public street and a Parking Space, Structure, or Lot.

### **Dwelling Unit**

One or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by a Single-Family. See also Accessory Dwelling Unit, Manager's Dwelling Unit, Assisted Living Dwelling, Multiple-Family Dwelling, Single-Family (or One Family) Dwelling, Townhouse Dwelling, Two-Family Dwelling.

## Ordinance No. ORD-19-16 Cont.

### **Dwelling Unit, Accessory**

See Accessory Dwelling Unit.

### **Dwelling Unit, Manager's**

An Accessory Dwelling Unit located on a Site used for nonresidential uses specifically for managers, Security staff and caretakers of the Principal Use.

### **Dwelling, Assisted Living**

A Multiple-Family dwelling which may or may not be licensed by the State of Michigan where accessory services primarily for, but not limited to, older adults are provided to help with normal daily activities as an integral part of the dwelling. Assisted Living Dwellings may also be known as assistive living, continuing care community, senior independent living, senior living community, senior housing and care, and housing with services establishment, or other similar marketing term.

### **Dwelling, Multi-Family**

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

### **Dwelling, Single-Family (or One-Family)**

A detached Building connected to public water and sanitary sewer services containing 1 Dwelling Unit.

### **Dwelling, Townhouse**

A Building containing three or more Dwelling Units arranged side by side, separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.

### **Dwelling, Two-Family (or Two-Family)**

A detached Building containing two Dwelling Units, but not including two otherwise freestanding Single-Family units that are attached at one point or by a non-structural decorative feature.

### **Earth Change**

Any Excavation or Cut, Fill or Grading as herein defined.

### **Electric, Gas and Sanitary Services**

All lines and facilities related to the provision, collection, distribution, and transmission of water, storm and sanitary, power, and Gas Services.

### **Emergency Shelter**

A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency.

### **Endangered Species Habitat**

The habitat necessary to maintain the existence of those plants and animals listed on the current federal and state list of endangered or threatened species.

### **Entertainment, General**

Any establishment where generally non-sporting indoor entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with another use. Examples include, but are not limited to, arcades, Pinball Parlors, dancing, music, karaoke, and similar uses. This use does not include any activity that meets the definition of indoor or Outdoor Recreation.

## Ordinance No. ORD-19-16 Cont.

### **Erosion**

The process by which the ground surface is worn and carried away by the action of wind, water, gravity or a combination thereof.

### **Established Building Setback**

The distance at which an existing Building is located from a Lot Line.

### **Established Building Line (including Front, Side, and Rear)**

A line parallel to the Lot Line, extending from the point at which an existing Building is closest to the Lot Line outward to the Lot Lines.

### **Established Front Building Line**

The Established Building Line that is parallel to the Front Lot Line.

### **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.

### **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.

## Ordinance No. ORD-19-16 Cont.

### **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.

### **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.

### **Government Offices and Courts**

An Office of a governmental agency that provides Administrative and/or direct services to the public, such as, but not limited to: City hall, post Office, Courts, employment Office, Library, waste treatment facilities, Correctional Facility, public assistance Office, or motor vehicle licensing and registration services.

### **Grade or Grading**

Any Stripping, excavating, filling, Stockpiling or any combination those activities, and shall include the land in its excavated or filled condition.

### **Grading Permit**

A soil Erosion and Sedimentation control permit issued to authorize work to be performed under this Ordinance.

## Ordinance No. ORD-19-16 Cont.

### **Group Day Care Home**

An Accessory Use of a private dwelling in which up to 12 minor children are given care and supervision for periods of less than 24 hours a day.

### **Group Housing**

A Building containing a group of rooms forming a single habitable unit used or intended to be used for living and sleeping. Separate kitchen and dining facilities may or may not be provided within the Building. Also known as a Rooming House or Boarding House. See also “Family living arrangement” in 5.16.1.A.2.

### **Grower**

As used in the context of Marijuana, a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

### **Grubbing**

To clear ground of roots and stumps by digging them up.

### **Guest House**

A place for temporary lodging for Family members of a patient at a Hospital that usually has a resident manager, provides one or more meals per day to guests, and offers other support services.

### **Haul Road**

An on-site roadway constructed to prevent the spread of Debris onto the Public Right-of-Way.

### **Hazard**

Any danger to public health, welfare, and safety including exposure to risk of damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire, and disease.

### **Heavy Manufacturing**

An Industrial Plant, Manufacturing, Processing, or Assembling that does not meet the definition of Light Manufacturing

### **High-Water Mark, Ordinary**

The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural Ordinary High-Water Mark.

### **Home Occupation**

An Accessory Use of a nonresidential nature that is performed within a dwelling or within an Accessory Building, and conducted by members of the Family residing in the dwelling, and not more than one additional employee.

### **Hospital**

An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where



## **Ordinance No. ORD-19-16 Cont.**

persons suffering from permanent types of illness, injury, deformity or deficiency or age are supervised or given care and treatment on a prolonged or permanent basis.

### **Hotel**

A Building or portion of a Building containing 4 or more individual rooms, suites of rooms or Dwelling Units offered for transient sleeping accommodations for periods of 29 days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services, and communication and fitness facilities. This use includes motels.

### **House Trailer**

Any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies.

### **Housekeeping Unit**

A Dwelling Unit organized as a single entity in which the members of the household share common facilities.

### **Illuminated or Illumination**

When used in the context of sign regulation, refers to lighting of a sign by any type of artificial light, whether by emission or reflection.

### **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.

## **Ordinance No. ORD-19-16 Cont.**

### **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.

### **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.

### **Licensee**

As used in the context of Marijuana, a person holding a state operating license.

### **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.

### **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.

Ordinance No. ORD-19-16 Cont.

**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**

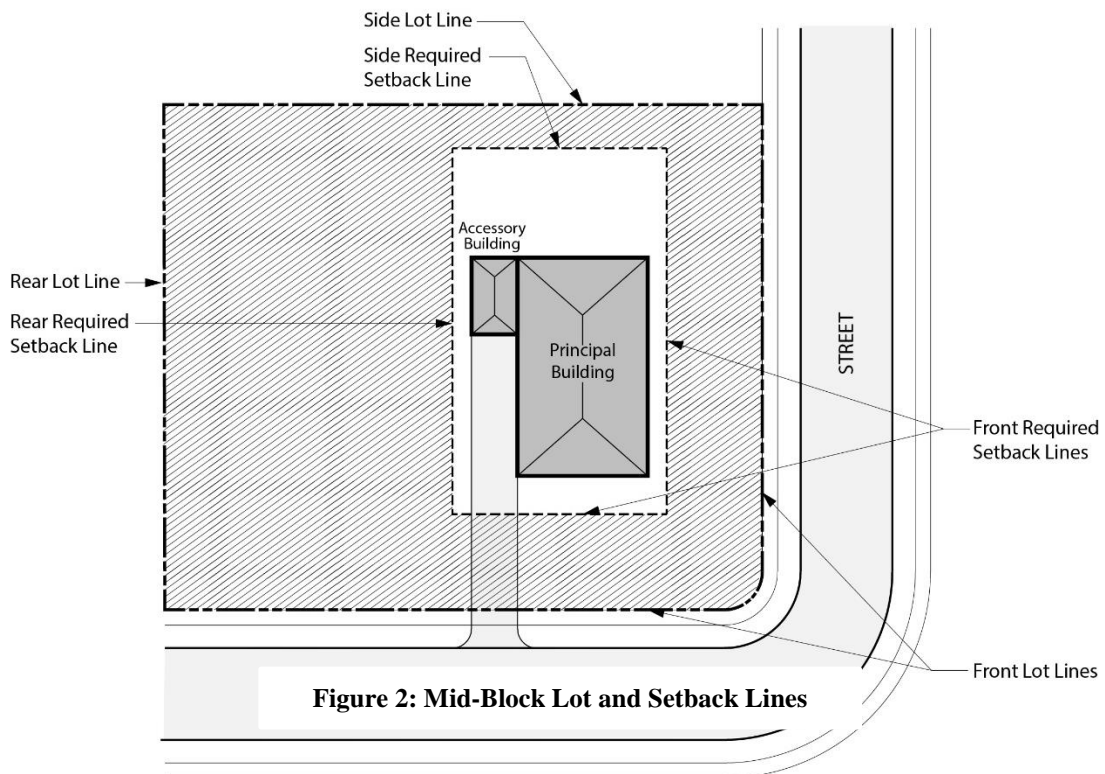
The Lot Line separating a Lot from a street.

**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.

**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.

**Marihuana Facility**

A location at which a license holder is licensed to operate under the MMFLA.

**Marihuana Plant**

Any plant of the species Cannabis sativa L.

**Marihuana-Infused Product**

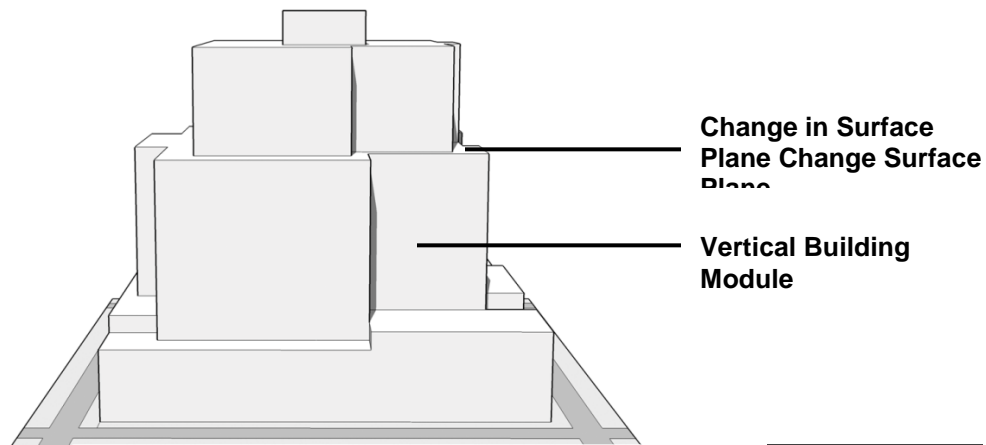
A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

**Marijuana**

Marihuana, as defined in the Medical Marihuana Licensing Facilities 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).

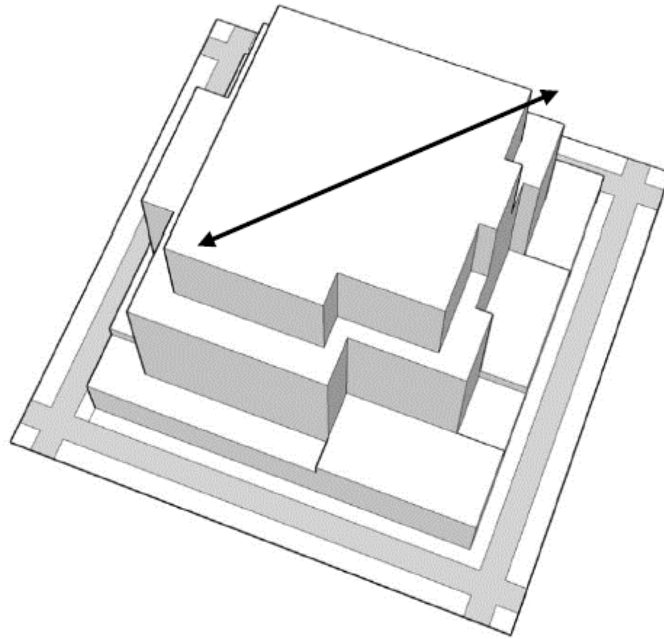


**Figure 4: Massing Articulation**

Ordinance No. ORD-19-16 Cont.

**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 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 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.

**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.

**Message Unit**

Each of the following equals one Message Unit: a word, an abbreviation, a number, a symbol, a geometric shape, a Person's initials, or a website or electronic mail address. Letters or numbers

## **Ordinance No. ORD-19-16 Cont.**

four inches or smaller in height and punctuation marks are not counted in computing a number of Message Units. When a Business has a Sign with identical Sign messages facing opposite directions, only the Message Units on one side of each such pair shall be counted in computing the permitted number of Message Units.

### **Michigan Medical Marijuana Act**

The Michigan Medical Marihuana Act, as amended, MCL 333.26421 *et seq.*, also referred to as the MMMA.

### **MMMA**

See Michigan Medical Marijuana Act.

### **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.

### **Native or Prairie Plantings**

The exclusive use of plants in a landscape planting that were in the City prior to European settlement in Michigan.

### **Natural Feature**

Any one or more of the following: Endangered Species Habitat, 100-Year Floodplain, Landmark Tree, Steep Slope, Watercourse, Wetland, and Woodland.

### **Nit**

A measure of luminance equal to one candela per square meter.

### **Nonconforming Lot**

A lawfully-established Lot that does not conform to the area or width regulations of this chapter.

### **Nonconforming Structure**

A lawfully-established Building or Structure that does not conform to the area, height, or placement regulations of this chapter.

### **Nonconforming Use**

A lawfully-established use of land that does not conform to the use regulations of this chapter.

### **Nonconforming Sign**

A lawfully-established Sign that does not conform to the Sign regulations of this chapter.

## Ordinance No. ORD-19-16 Cont.

### **Noncontiguous Wetland**

A Wetland that is not "contiguous" as defined by law for Wetland regulation.

### **Non-Erosive Velocity**

A speed of water movement that is not conducive to the Development of Accelerated Soil Erosion.

### **Nonprofit Corporation**

An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

### **Nursing Care Facility**

Licensed facilities primarily engaged in providing shelter, food and intermediate or long term nursing and health related care for individuals, but not including Hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This use includes Guest Houses for relatives of Hospital patients.

### **Nursery School**

A daytime group facility that has as its main objective a Developmental program for pre-school children and whose staff meets the educational qualifications as established by the State of Michigan.

### **Office, General**

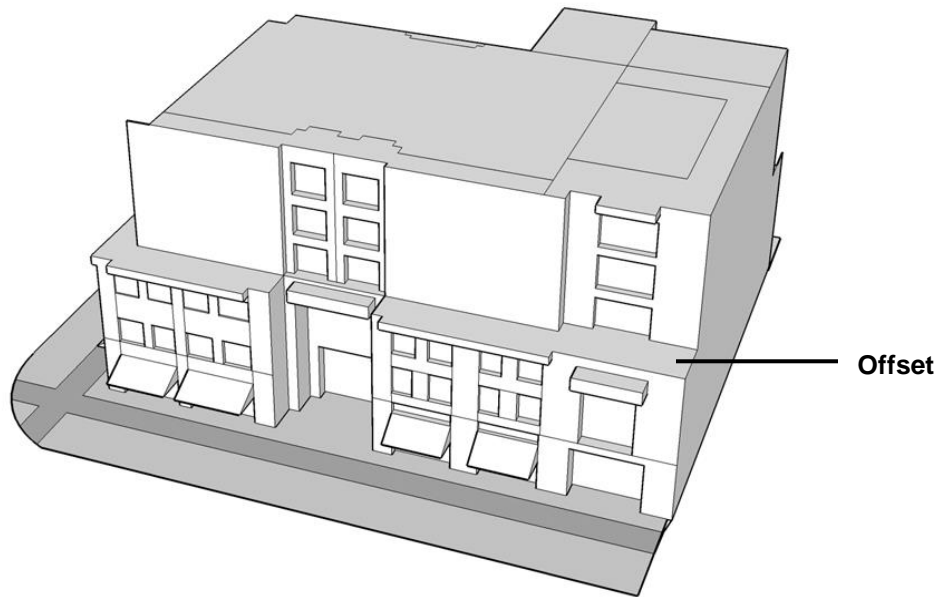
An establishment in which goods, wares or merchandise are not commercially created, displayed, stored, exchanged or sold, but is intended for the conduct or service by a commercial enterprise, or space for the conduct of professional or Business Service. Examples include, but are not limited to, Administrative, legal, accounting, management, advertising, general Business not listed elsewhere, consulting, and real estate Offices.

### **Office, Administrative/Executive**

Space for Executive, Administrative, management and support staff of the Principal Use, which is typically a Research/Development or industrial use.

### **Offset**

The distance that the exterior wall of a Tower or upper stories of a Building is set back from the Streetwall or the exterior wall of the Base (see Figure 5). For purposes of this definition, unenclosed balconies are not considered to be part of the exterior wall of a Tower.



**Figure 6: Offset**

**Offspring**

Descendants, including natural children, adopted children, foster children and legal wards.

**Oil and Gas Wells**

Any well drilled, to be drilled, or used for the intended or actual production of natural oil, gas, or other hydrocarbons.

**Opacity, Fence**

The degree to which a Fence is impervious to rays of light. This condition will be measured by observation of any two square yard area of Fence between one foot above the ground level and the top of the Fence. The observation shall be from a direction perpendicular to the plane of the Fence.

**Opening**

The point of connection of the Driveway and Approach at the street Right-of-Way line. Its width and location shall be determined by extending the Driveway line to the street Right-of-Way line.

**Open Space**

The unenclosed portion of a Lot that is devoted to space for recreation, greenery, and household activities. Open Space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory Structures used for Recreational purposes, permanent or seasonal water surfaces, and protected natural areas. It shall not include areas covered by Parking Lots, Driveways, refuse facilities, or enclosed accessory Structures.

**Outdoor Display and Vending Machines**

Display of General Merchandise sold by owner or operator of Principal Use and vending machines.

**Outdoor Recreation**

Establishment providing Outdoor Recreational service, such as: miniature golf, golf driving ranges, commercial swimming pools, outdoor theaters and canoe liveries.



## Ordinance No. ORD-19-16 Cont.

### **Outdoor Residential Recreation Facility**

A private swimming club or an outdoor playground, volleyball, basketball or tennis court, or other similar Recreational facility, located in a residential Development, where equipment is permanently installed.

### **Outdoor Sales, Temporary**

Temporary display and sales of merchandise sold by the owner or operator of Principal Use.

### **Outdoor Sales, Temporary by Others**

Temporary Outdoor Sales or display of goods and services normally sold in the zoning district by a party other than the owner or operator of the Principal Use.

### **Outdoor Sales Permanent**

Permanent Outdoor Sales or display of goods and services normally sold in the zoning district on the same Lot as the Principal Building.

### **Outdoor Storage**

The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or Equipment for sale in a sales Lot.

### **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.

### **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.

## Ordinance No. ORD-19-16 Cont.

### **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.

### **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.

### **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.

## Ordinance No. ORD-19-16 Cont.

### **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 **Error! Reference source not found.** as they existed immediately prior to the adoption of this chapter.

### **Processor**

As used in the context of Marijuana, a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

### **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.

### **Provisioning Center**

A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. This use includes any commercial property where marihuana 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 connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a Provisioning

### **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.

### **Qualifying Patient**

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

### **Railroad and Public Transportation Rights-of-Way**

A public or private Right-of-Way on which tracks for trains are constructed.

### **Religious Assembly**

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery or other Structure, together with its accessory Structures, including a parsonage or rectory. This use

## **Ordinance No. ORD-19-16 Cont.**

does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory Uses may include religious education classes, meeting rooms, and childcare provided for persons while they are attending assembly functions.

### **Research/Development**

A Structure or complex of Structures designed or used for research Development intended to advance knowledge and develop technology related to academia or industry and similar fields of endeavor but not facilities for the manufacture or sale of products, except as incidental to the primary purpose of the Laboratory.

### **Residential Builders, General Contractors Trade Contractors**

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.

### **Residential Occupancy**

The use of land or Buildings by a tenant(s) for overnight use.

### **Restaurant, Bar, Food Service**

An area or Structure in which the principal Business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state. Operations may or may not include outdoor seating areas or outdoor Food Service, but the operation does not include a Drive-Through Facility, or an establishment primarily devoted to the serving alcoholic beverages by the drink and in which the service of the food is only incidental to the consumption of such alcoholic beverages.

### **Retail Center**

A group of predominantly commercial establishments managed as a total entity.

### **Retail Sales, General Merchandise**

A facility or area for the retail sale of General Merchandise or food to the general public for direct consumption and not for Wholesale. Typical General Merchandise includes clothing and other apparel; Equipment for hobbies or sports; gifts; flowers and household plants; auto parts without service, dry goods; groceries and convenience and specialty foods; toys; furniture; books and Stationery; pets; drugs; hardware; and similar consumer goods. This use does not include other uses defined separately in this Article VIII..

### **Required Setback (including Front, Side, and Rear)**

The minimum or maximum distance specified by this chapter that shall be provided between a Lot Line and a Structure.

### **Required Setback Area (including Front, Side and Rear)**

The portion of a Lot between the Required Setback Line and the Lot Line.

### **Required Setback Line (including Front, Side, and Rear)**

A line parallel to a Lot Line representing the minimum Required Setback from that Lot Line and, together with the Lot Line, defines the Setback Area.

### **Roof**

The cover of any Building, including the eaves and similar projections.

### **Rooming House**

See Group Housing.

## Ordinance No. ORD-19-16 Cont.

### **Rules of the WCWRC**

The Rules of the Washtenaw County Water Resources Commissioner, Procedures and design Criteria for Storm Water Management Systems, dated May 15, 2000.

### **Safety Compliance Facility**

A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility

### **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.

### **Secure Transporter**

A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

### **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.

### **Sign**

A name, identification, description, display, light, balloon, banner, or illustration that is affixed to, or painted, or otherwise located or set upon or in a Building, Structure or piece of land and that communicates information or directs attention to an object, product, place, activity, Person, institution, organization, or Business and that is visible from any Public Right-of-Way, Parks, Recreation, and Open Space, or other public property. The definition includes any support Structure, lighting, or other accessory features. The definition does not include goods displayed in a window. The definition does not include religious symbols or paintings that do not display lettering and do not advertise a Business, product or service.

### **Sign Area (or other reference to square measure)**

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing representation, emblem, or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such Sign is placed. Where a Sign has two or more faces, the area of all faces shall be included in determining the area of the Sign. Where a Sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10% of the area of the Sign as otherwise computed shall be disregarded.

## Ordinance No. ORD-19-16 Cont.

### **Sign, Exterior**

Any Sign other than an Interior Sign.

### **Sign, Interior**

A Sign within the walls of a Building.

### **Sign, Illuminated**

A Sign lighted by any type of artificial light, whether emitted from the Sign or reflected off the Sign.

### **Sign, Off-Premises**

A Sign other than an On-Premises Sign.

### **Sign, On-Premises**

A Sign that advertises only goods, services, facilities, events, or attractions on the Premises where the Sign is located.

### **Sign, Political**

A Sign whose message relates to a candidate for political Office, or to a political party, or to a political issue, or an ideological opinion.

### **Sign, Temporary**

A Sign intended for a limited period of display.

### **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 steets 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.

## Ordinance No. ORD-19-16 Cont.

### **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.

### **State Operating License**

As used in the context of Marijuana, or unless the context requires a different meaning, "license" means a license that is issued under the Medical Marihuana Facilities Licensing Act that allows the licensee to operate as one of the following, specified in the license: a Grower; a Processor; a Secure Transporter; a Provisioning Center; or a Safety Compliance Facility.

### **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,

## Ordinance No. ORD-19-16 Cont.

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 6).



**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 6).

### **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..



## Ordinance No. ORD-19-16 Cont.

### **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.

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

Interim control measures that are installed or constructed to control soil Erosion and Sedimentation and that are not maintained after Project Completion.

### **Theatre, Enclosed**

An indoor establishment for the production, display, or transmission of entertainment, such as radio and television studios, excluding transmission and receiving Towers, assembly halls, concert hall or similar places of assembly or entertainment.

### **Tower**

Any portion of the Building that rises above the Base. Towers often include a lower Tower section and an upper Tower section (see Figure 1).

### **Transit Center, Station, or Depot**

A Building, facility, or area designed and used for Persons using or changing transportation modes, or for the storage or parking of motor-driven buses.

### **Transportation Facilities**

Municipal Airports, rail Stations, bus Stations, bicycle centers, auto and bicycle parking facilities, and similar facilities.

### **Vehicular Use Area**

Any area of 1,200 square feet or more of a property that is not located within an enclosed Structure and that is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory) or storage of Automobiles, trucks or other vehicles, loading areas, service areas and drives. The area within a carport is considered part of the Vehicular Use Area. Any paved area designed to be used solely for access between the street and the Vehicular Use Area shall not be considered part of the Vehicular Use Area.

### **Vehicle Wash**

The use of a Site for washing and cleaning of passenger vehicles, Recreational vehicles, and other light-duty Equipment, only by automatic, coin-operated, or moving line wash facilities.

### **Veterinary, Kennels and Animal Boarding**

A facility for the diagnosis, treatment, or Hospitalization of animals, and including the incidental boarding or breeding of animals or any facility, public or private, where domesticated animals are temporarily boarded, groomed, and sold for compensation. This use also includes public facilities for the temporary impoundment of animals, and facilities for the temporary boarding of animals during the day or overnight.

### **Warehousing and Indoor Storage**

An establishment in an enclosed Building primarily engaged the storing raw materials, goods, or property, or in the sale or distribution of goods and materials in large quantity to retailers, or other Businesses for Resale or distribution to individual or Business customers. This shall not include Heavy Manufacturing, resource extraction, bulk storage of Hazardous materials, or scrap or salvage operations.

## Ordinance No. ORD-19-16 Cont.

### **Warranty**

Promise that all defects in or failures of materials or installation that appear or are identified, including any damage resulting from the defects, shall be corrected at the expense of the promisor.

### **Watercourse**

Any naturally occurring open waterway, river, stream, creek, lake, or any body of surface water having well-defined banks and bed, whether continually or intermittently flowing.

### **WCWRC**

The Washtenaw County Water Resources Commissioner, or the office of the Commissioner.

### **Wetland**

Any land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support Wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

### **Wetland and Watercourse Buffer Area**

The minimum area adjacent to Wetlands and Watercourses, as provided under this chapter.

### **Wetland Use Permit**

The City approval required for activities regulated by this chapter, issued by the CSA Administrator.

### **Wholesale, Resale, Building Material and Supplies**

An establishment in an enclosed Building primarily engaged in the sale or distribution of goods and materials in large quantity to retailers, or other Businesses for Resale or distribution to individual or Business customers. This shall not include Heavy Manufacturing, resource extraction, bulk storage of Hazardous materials, or scrap or salvage operations.

### **Wireless Communications Antenna**

An antenna that is an Accessory Use or attached to a Wireless Communication Facility and is designed to transmit or receive communications as authorized by the Federal Communications Commission, excluding ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.

### **Wireless Communications Facility**

Includes Wireless Communications Antennas or Towers and all unstaffed facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving Signals, usually consisting of an Equipment shelter or cabinet, support Structure and/or other transmission and reception devices. This definition excludes ancillary antennas such as citizen band antennas, ham and amateur radios, fleet type communications, satellite dishes, and personal television receiving antennas.

### **Wireless Communications Tower**

A Tower, including but not limited to self-supporting lattice, guyed, or monopole that elevates the Wireless Communications Antenna and related transmission or receiving Equipment and may include accessory transmission or receiving Equipment.

### **Woodland**

A forested area of 1/2 acre or more with a gross basal area of 30 square feet per 1/2 acre, containing 20 trees per 1/2 acre greater than 6 inches in Diameter at Breast Height (DBH), or a plantation of 1/2 acre or more with a minimum average DBH of 10 inches. The Critical Root Zone of all trees in the perimeter of the forested area or plantation defines the area of a Woodland.

## Ordinance No. ORD-19-16 Cont.

### Woody Plants

Trees two inches or greater in diameter measured four feet above the existing Grade, shrubs two inches or greater in diameter measured at the existing Grade (ground level), or trees and shrubs ten feet or greater in height.

### Xeriscaping

A combination of landscaping features and techniques that in aggregate reduce the demand for, and consumption of, water.

### Yard

#### Front Yard

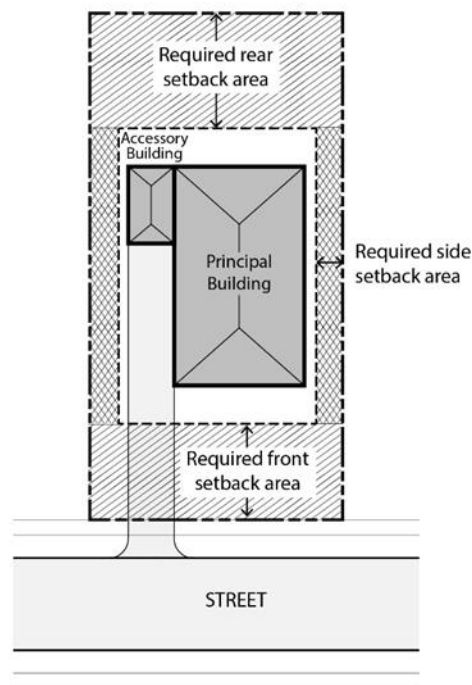
The portion of a Lot between each Front Lot Line and the Established Front Building Line facing that Front Lot Line, as extended to cut the Side Lot Lines. All area directly between the any façade of the Principal Building facing a Front Lot Line and that Front Lot Line shall also be considered a Front Yard (see Figures 8 and 9).

#### Rear Yard

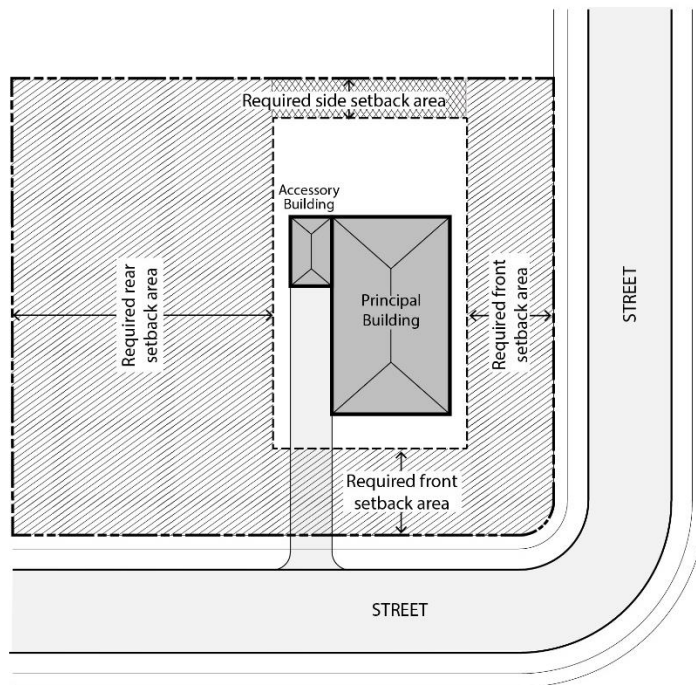
The portion of a Lot between a Rear Lot Line and the Established Rear Building Line, as extended to cut the Side Lot Lines (see Figures 8 and 9).

#### Side Yard

The portion of a Lot between a Side Lot Line and the Established Side Building Line that is not included in the Front Yard or Rear Yard (see Figures 8 and 9).



**Figure 8: Mid-Block Lot Setback Areas**



**Figure 9: Corner Lot Setback Areas**

Section 4. That cross-references in the Use-Specific Standards column in Section 5.15 (Table 5-15) and subsections in Section 5.16.3 be renumbered consistent with this ordinance and other contemporaneous ordinances amending these sections.

Section 5. This ordinance shall take effect and be in force on and after ten days from legal publication.

### **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 June 3, 2019.

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

\_\_\_\_\_  
Jacqueline Beaudry, Ann Arbor City Clerk

\_\_\_\_\_  
Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on June 6, 2019.

\_\_\_\_\_  
Jacqueline Beaudry, Ann Arbor City Clerk