

ORDINANCE NO. ORD-21-12

First Reading: April 5, 2021
Public Hearing: May 3, 2021

Approved: May 3, 2021
Published: May 13, 2021
Effective: May 23, 2021

UNIFIED DEVELOPMENT CODE (SHORT-TERM RENTALS)

AN ORDINANCE TO AMEND TABLE 5.15-1, TABLE 5.15-2, SECTIONS 5.33, 5.37.2.P, AND 5.37.2.S OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Table 5.15-1 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

TABLE 5.15-1: PERMITTED PRIMARY 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		
PRIMARY USES																																			
RESIDENTIAL																																			5.16.1
Household Living																																			
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	
Group Living																																			
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	

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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
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	
PUBLIC/ INSTITUTIONAL																																5.16.2	
Community and Cultural																																	
Cemetery	P																																
Club Headquarters or Community Center							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			
Park, Recreation and Open Space																											P						5.16.2G

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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	
Hotel															P	P	P	P	P	P	P	P	P	P										
Short-Term Rental - Non-Principal Residence															P	P	P	P	P	P	P	P	P	P										
Recreation, Entertainment, and Arts																																		
Adult Entertainment Business																															P		P	5.16.3A
Artist Studio															P	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					5.16.3K ¹	

¹ Ordinance No. ORD-19-15, effective June 16, 2019.

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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		
Sales																																			
Automobiles, Motorcycles, Recreational Vehicles, Equipment (Sales and Rental)																					E	E	P	P							P	P			
Fueling Station																					E	E	E	P									P	5.16.3E	
Outdoor Sales, Permanent																	P	P	P	P	P	P	P	P										5.16.3L ²	
Medical Marijuana Provisioning Center																	E	E	E	E	E	E	E	E						E	E	E		5.16.3G	
Mobile Food Vending Service ³																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		5.16.3I	
Restaurant, Bar, Food Service																	P	P	P	P	P	P	P	P											5.16.3P ⁴
Retail Sales, General Merchandise																	P	P	P	P	P	P	P	P											

² Ordinance No. ORD-19-15, effective June 16, 2019.

³ Ordinance No. ORD -19-16, effective June 16, 2019.

⁴ Ordinance No. ORD -19-15, effective June 16, 2019.

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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					
Wholesale, Resale, Building Material and Supplies																							P	P														
Services and Repair																																						
Automobile, Truck, Construction Equipment Repair																					E	E	P	P													5.16.3C	
Contractors, General Construction, and Residential Building																						P	P	P														
Laundry, Cleaning, and Garment Services																	P	P	P	P	P	P	P	P														
Parking Lot or Structure																					E	E					P	P										5.16.3M ⁵
Personal Services																P	P	P	P	P	P	P	P															5.16.3N ⁶
Vehicle Wash																					E	E	E	P														
Veterinary, Kennel, and Animal Boarding																E	E	E	E	E	P	P	P	P														0 ⁷

⁵ Ordinance No. ORD -19-15, effective June 16, 2019.

⁶ Ordinance No. ORD -19-15, effective June 16, 2019.

⁷ Ordinance No. ORD -19-16, effective June 16, 2019.

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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	
OFFICE AND RESEARCH																																	5.16.4	
Office-Type																																		
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		P	P	P	P	P	P	P	P				P	P	P	P			5.16.4B	
Research and Development																																		
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			
TRANSPORTATION																																		
Medical Marijuana Secure Transporter																							P	P					P					5.16.3G

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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			
Railroad and Public Transportation Rights-of-Way																					P	P	P	P									P	P	P	
Transit Center, Station, or Depot																					P	P	P	P									P	P	P	
Transportation Facilities																																				
INDUSTRIAL																																				5.16.5
Agricultural																																				
Agriculture/Greenhouse	P																																			
Barns	P																																			
Borrow Pits	E																																			
Medical Marijuana Grower																	P	P	P	P					P				E	E	P	P	P		5.16.3G	
Manufacturing, Processing, Assembly, and Fabrication																																				
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																				E
Coal and Coke Dealer																																				P
Food and Beverages																																		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	
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 ⁸																											E	E	P	P			5.16.3G	
Marijuana-Infused ⁹ Product Processor																							E	E								5.16.3G		
Oil and Gas Wells																																	5.16.5C	
Pilot Manufacturing																											P	P	P	P	P			
Scrap and Waste Material																																	E	
Slaughterhouse																																	E	
Utilities and Communications																																		
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			

⁸ Ordinance No. ORD-19-26, effective September 22, 2019.

⁹ Ordinance No. ORD-18-22, effective November 4, 2018.

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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					
Electric, Gas, and Sanitary Services																																						
Power and Fuel Rights-of-Way																																						
Wireless Communication Facilities	P															P	P			E	E	E	P	P	E		P	P	P	P	P	P	P	P	5.16.5D			
Warehousing and Storage																																						
Medium Term Car Storage																											E										5.16.3J ¹⁰	
Short Term Car Storage																											P										0 ¹¹	
Outdoor Storage																																		P	P	P		
Warehousing and Indoor Storage																																			P	P	P	

Section 2. That Table 5.15-2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

¹⁰ Ordinance No. ORD -19-15, effective June 16, 2019.

¹¹ Ordinance No. ORD -19-15, effective June 16, 2019.

TABLE 5.15-2: PERMITTED ACCESSORY USE TABLE

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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
ACCESSORY USES																																	5.16.6
All Accessory Buildings																																	5.16.6A;
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
Community Recreation									A	A	A	A	A	A																			5.16.6A;
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6A.3; 5.16.6B
Drive-Through Facility																E					E	E	E	E									5.16.6A; 5.16.6A.3; 5.16.6C
Dwelling Unit, Accessory		A	A	A	A	A																											5.16.6A; 5.16.6D
Dwelling Unit, Manager's																														A	A	A	5.16.6A; 5.16.6E
Family Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6F

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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
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
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.6H
Incidental Services															A									A			A					5.16.6A; 5.16.6I	
Management/Maintenance Office and Storage									A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A					5.16.6A
Medical Marijuana Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Medical Marijuana Use or Cultivation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										5.16.6A; 5.16.3G
Office, Administrative/Executive																										A				A	A	A	5.16.6A;
Outdoor Display and Vending Machines																	A	A	A	A	A	A	A										5.16.6A; 5.16.6J
Outdoor Sales, Temporary																A	A	A	A	A	A	A	A										5.16.6A; 5.16.6K

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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	
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	
Short-Term Rental – Principal Residence Homestay	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											
Short-Term Rental – Principal Residence Whole House	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											
Solar Energy System	A								A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	5.16.6A 5.16.6N	
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	5.16.6A; 5.16.6P	

Section 3. That Section 5.33 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

5.33 Special Standards

5.33.1 Nonconforming Off-Street Parking

- A. Nonconforming Parking Lots and Driveways lawfully constructed prior to January 1, 1986, may be maintained and continued as Nonconforming Uses. All Parking Lots or additions to existing Parking Lots legally constructed after January 1, 1986, must meet the requirements of this chapter.
- B. Nonconforming Bicycle Parking Spaces lawfully installed prior to November 26, 1995, may be maintained and continued as Nonconforming Uses. All new bicycle parking areas or additions to existing bicycle parking areas legally constructed after November 26, 1995, must meet the requirements of this chapter.

5.33.2 Nonconforming Signs

- A. Unless otherwise provided in this chapter or other applicable law, Nonconforming Signs may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming, subject to the provisions in Subsections B through E below.
- B. No Nonconforming Sign:
 - 1. Shall be changed to another Nonconforming Sign.
 - 2. Shall have any change made in the Structure, shape, size, type, design, or mechanical or electrical equipment of the Sign unless the change brings the Sign into compliance with this chapter; however the Building Official may order repair of a Nonconforming Sign for safety.
 - 3. Shall be re-established or maintained after the activity, Business or usage to which it relates has been discontinued for 90 days or longer.
 - 4. Shall be repaired or erected after being damaged if the repair or erection of the Sign would cost more than 50% of the cost of an identical new Sign.
 - 5. Shall have any change made that would result in different type of or greater Illumination of an Illuminated Sign or change a non-Illuminated Sign to an Illuminated Sign.
 - 6. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.
- C. If the owner of a Sign or the Premises on which a Sign is located changes the location of a Building, Lot Line or Sign or changes the use of a Building so that any Sign on the Premises is rendered a Nonconforming Sign, such Nonconforming Sign must be removed or made to conform to this chapter.

- D. Notwithstanding the foregoing, Signs that violate Sections 5.24.10E, 5.24.10F, 5.24.10G, 5.24.10H, 5.24.10I, or 5.24.10J that were in existence before September 1, 1975, and were not removed by that date are illegal Signs, rather than Nonconforming Signs.
- E. Billboards lawfully existing as of April 10, 2013, may be maintained or repaired in the same form and type so as to continue the use of the Billboard in the same manner as its use as of April 10, 2013, however such Billboards may not be expanded, enlarged, or extended and may not be altered to add Illumination, Changeable Copy, or other features that were not lawfully present as of April 10, 2013. Billboards lawfully existing as of April 10, 2013 may be removed for maintenance or repair purposes in accordance with this Subsection 5.33.2E upon obtaining a permit from the City, however, if the Billboard is not reinstalled within 90 days of removal, the Nonconforming Use of the Billboard shall be deemed abandoned and the Billboard may not be reinstalled.

5.33.3 Nonconforming Activities on Wetlands

A use or activity regulated by Section 5.23 that was lawfully begun before the passage of the predecessor regulations to Section 5.23 on December 5, 1994, and that is not in conformity with the provisions of Section 5.23, may be continued subject to the following:

- A. The use or activity shall not be expanded or enlarged in any way unless it is permanently changed to a conforming use.
- B. If a Nonconforming Use or activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.
- C. If Nonconforming Use or activity is destroyed, it shall not be resumed except in conformity with the provisions of this chapter.

5.33.4 Nonconforming Curb Cuts

Curb Cuts lawfully made prior to August 2, 1976 that do not meet the standards of this chapter shall be considered non-conforming but may be maintained except as provided in Sections 5.21.2D, 5.21.2E, and 5.21.2F

5.33.5 Nonconforming Easements

Where access and utility easements exist that are not in conformance with this chapter, the existing easement shall be considered a legal nonconforming access and may continue to serve the existing Lots associated with it. Any division of Lots served by a legal nonconforming access and utility easement shall conform to the requirements of Section 5.21.

5.33.6 Non-conforming Short-Term Rental, Non-Principal Residence

A Non-Principal Residence Short-Term Rental lawfully established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 5.32.1.

Section 4. That Section 5.37.2.P of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

5.37.2.P

Parking Attendant Building

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

Parking Lot

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

Parking Space

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

Parking Structure

A Building or Structure used to store motor vehicles.

Parks, Recreation, and Open Space

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

Partially Nude

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

Permanent Open Space

The portion of a Lot or Lots, exclusive of road rights-of-way, vehicle access and utility easements, and required storm water management, soil Erosion and Sedimentation control facilities, which is restricted by a recorded conservation easement or similar binding instrument. Permanent Open Space shall be intended for, but shall not be limited to, the preservation and conservation of undeveloped natural resources, Natural Features, scenic or wooded conditions, or naturally occurring water surfaces. It may also include undeveloped greenways of contiguous or linear Open Space providing habitats or corridors for wildlife, or links between Parks, nature reserves, cultural features, or historic sites for passive Recreation or conservation.

Permanent Resident

The person(s) occupying a dwelling unit as their Principal Residence.

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 Residence

The dwelling unit where an owner of the property or a tenant of a period of greater than 30 days, has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a principal residence until another principal residence is established.

Principal Use

The primary use of any Lot.

Principal Building

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

Prior Zoning and Development Regulations

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

Processor, Marijuana-Infused Product

A licensee that is a commercial entity located in this state that purchases resin, oil, or other concentrates, to produce, package, and wholesale marijuana-infused products to licensed Provisioning Centers or other Processors.¹²

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 marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. This use includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marijuana registration process in accordance with the Michigan Medical Marijuana 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.

Section 5. That Section 5.37.2.S of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be Amended as follows:

¹² Ordinance No. ORD-18-22, effective November 4, 2018.

5.37.2.S

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.

Short Term Car Storage

Parking of personal, privately owned vehicles in parking lots for up to 14 days. The use is typically associated with car sharing services or park-n-ride services.¹³

Short-Term Rental, Non-Principal Residence

Any dwelling unit that is not the owner's Principal Residence, and is rented wholly or partly for compensation for periods of 30 consecutive days or less.

Short-Term Rental – Principal Residence Homestay

Activity where Permanent Resident hosts visitors in their home, for compensation, for periods of 30 consecutive days or less, while the Permanent Resident lives on-site, in the same dwelling unit, throughout the visitor's stay.

Short-Term Rental – Principal Residence Whole House

Activity where permanent resident hosts visitors in their home, for compensation, for periods of 30 consecutive days or less, while the Permanent Resident is not present or occupied by the Permanent Resident, throughout the visitor's stay.

¹³ Ordinance No. ORD -19-15, effective June 16, 2019.

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.

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

Soil Erosion Control Facility

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

Solar Collector Surface

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

Solar Energy

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

Solar Energy System (SES)

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

SES, Personal-Scale

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

SES, Ground-Mounted

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

SES, Building-Mounted

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

Special Event Sales

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

Special Exception Use

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

Stabilization

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

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 Marijuana 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, 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..

Superintendent

The Superintendent of the department of Parks and Recreation.

Supplemental Regulations

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

Section 6. That this Ordinance shall take effect 10 days after 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 May 3, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on May 13, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk