

Ann Arbor City Council Regular Session: July 16, 2018
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
	<u>Received</u>						
1	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:32 PM		Christopher Taylor	Emily Mashal		Email address, address	Privacy
3	7:33 PM		City Council	Emily Mashal		Email address, address	Privacy
4	8:37 PM		Jane Lumm	Jane Lumm		Email address	Privacy
5	8:55PM		Kirk Westpahl, Jane Lumm, Kerry Gray	Robert Gavin		Email address	Privacy
6	10:02 PM		Christopher Taylor	Sharon Singh		Email address	Privacy
7	11:03 PM		Jane Lumm	Margie Checkoway		Email address	Privacy
8	11:32 PM		City Council, Jacqueline Beaudry	Kevin McDonald			
9	11:49 PM		Chuck Warpehoski	Anna Lemler		Email address	Privacy
10	1:04 AM		Anne Bannister, Sumi Kailasapathy, Jane Lumm, Jack Eaton	Tom Stulberg		Email address	Privacy

Archive, Journal

From: Emily W. Mashal [REDACTED]
Sent: Monday, July 16, 2018 7:32 PM
To: Taylor, Christopher (Mayor)
Subject: Email of support for the amendment of Ch. 55; section 5.17.3G

Dear Mayor Taylor,

My name is Emily Mashal- I live at [REDACTED] Ann Arbor, 48105. I grew up in Ann Arbor and just recently moved back as I believe there is no place like it to raise a family. I ask for your support of Amendment of Ch. 55; section 5.17.3G to increase the facility restriction around medical marijuana dispensary locations. I believe children of all ages, not just K-12 should be protected and it is our duty to see this through.

Thank you very much for your time and consideration.

Sincerely,

Emily Waldinger Mashal

Archive, Journal

From: Emily W. Mashal [REDACTED]
Sent: Monday, July 16, 2018 7:33 PM
To: CityCouncil
Subject: Email of support for the amendment of Ch. 55; section 5.17.3G

Dear City Council Members,

My name is Emily Mashal- I live at [REDACTED] Ann Arbor, 48105. I grew up in Ann Arbor and just recently moved back as I believe there is no place like it to raise a family. I ask for your support of Amendment of Ch. 55; section 5.17.3G to increase the facility restriction around medical marijuana dispensary locations. I believe children of all ages, not just K-12 should be protected and it is our duty to see this through.

Thank you very much for your time and consideration.

Sincerely,

Emily Waldinger Mashal

Archive, Journal

From: Lumm, Jane
Sent: Monday, July 16, 2018 8:37 PM
To: Lumm, Jane
Subject: FW: Neighborhood Meeting - Proposed Changes to Fraternity/Sorority Standards

From: Lumm, Jane
Sent: Monday, July 9, 2018 4:17 PM
To: 'Paulina Treiger Muzzin' [REDACTED]
Subject: RE: Neighborhood Meeting - Proposed Changes to Fraternity/Sorority Standards

Dear Paulina,

Thank you for reaching out on behalf of Chi Omega.

The meeting we have planned for Wednesday is our first and only opportunity (not the neighbors' fault/problem but our own, and I take full responsibility) to sit down with the two impacted neighborhoods to discuss the zoning amendment. The fraternities, sororities and University were both provided an opportunity and invited to a meeting with City staff. No such invitation has been extended to or offered our neighbors.

I have lived in this area for 40+ years, know many Chi O alums and know the Chi Omega house is well-run and has been a good neighbor. The zoning amendment is not retroactive and Chi Omega will not be affected by the Special Exception Use amendment.

We have received, honestly I have lost count, significant input from all fraternities and sororities and their extensive network of alumni and legal representatives. None of the Fraternities or Sororities support the zoning amendment. I will be happy to meet with you after we have our meeting with the neighbors.

I will take full and complete responsibility for not notifying the impacted neighborhoods in advance. This amendment was supported unanimously by the Planning Commission, recommended by City staff, supported unanimously on April 2nd when the first reading was approved by Council. Then the conversation completely changed with the 100 +/- fraternity and sorority and frat and sorority legal counsel communications. Meanwhile, our neighbors were left in the dark, and why this meeting with our neighbors is critical.

Thank you for your understanding.

Sincerely, Jane Lumm
Ward 2 councilmember

From: Paulina Treiger Muzzin [mailto:[REDACTED]]
Sent: Monday, July 9, 2018 4:00 PM
To: Lumm, Jane <JLumm@a2gov.org>
Subject: Re: Neighborhood Meeting - Proposed Changes to Fraternity/Sorority Standards

Ms. Lumm,

I hope this note finds you well. I am a representative of Chi Omega at 1525 Washtenaw and a member of the Panhellenic Alumnae Council. I have been out of the country until today (very jet lagged) and missed a few emails so I apologize for the tardy response to the earlier email chain. I do appreciate your commitment to the fair representation of your constituents but would very much like to learn of their concerns as well. If attending the neighborhood HOA meeting isn't possible would you be willing to meet for coffee after to discuss what you learned?

In full disclosure, I am against the proposal as written. Not because I do not want to make certain Greek Organizations are good neighbors. In fact, I am certain you will find our Chapter to be well run with active advisors so I have no fear of the impact of this zoning change as a result of discipline. But, there are many reasons Chapters are closed; financials, lack of advisors, lack of membership. As a Greek alumnae and an attorney I feel the proposed zoning change as written has unintended consequences that directly affect the hoped for results. I would love the chance to discuss this with you and address each other's fears and concerns.

I promise you that although this matter has become very confrontational all involved want the same result- healthy, safe Greek organizations that are good neighbors. We are more than happy to address any concerns and hope that the other members of the community are willing to be good neighbors as well.

Please let me know when you may have some time to meet and I thank you in advance for your willingness to work towards a mutually beneficial solution.

Best,
Paulina Treiger Muzzin
Chi Omega

Sent from my iPad

On Jul 9, 2018, at 3:21 PM, Lumm, Jane <JLumm@a2gov.org> wrote:

Brett,

This is an OxBridge and North Burns Park Neighborhood Meeting. I personally, not the City, made the arrangements with the host, the Stone Chalet, and we have discuss attendees (#, needs, etc.).

As I've asked of the Sorority representative who questioned the need for the CM's who represent these neighborhoods to call a meeting with the neighbors, please extend to us the same respect and courtesy that was extended to and provided the Fraternities, Sororities and University of Michigan when the City met with all of you, and no representatives of these neighborhoods.

As Mr. Lax is the attorney representing the Fraternities and Sororities and also an OxBridge homeowner, I see no reason to not also extend the invitation to Mr. Lax.

Again, I arranged this meeting for the purposes of our meeting with the two neighborhoods – they have not previously been provided this opportunity by the City staff, et. al.

Thank you for your understanding.

Jane Lumm

From: Lenart, Brett

Sent: Monday, July 9, 2018 2:21 PM

To: [REDACTED]
juergens.lindy@gmail.com; Allan Lutes <alutes@alphamg.net>; ddrita@roxburygroup.com;

Cc: [REDACTED] Ackerman, Zach
<ZAckerman@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>;
Westphal, Kirk <KWestphal@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Delacourt, Derek
<DDelacourt@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>
Subject: Neighborhood Meeting - Proposed Changes to Fraternity/Sorority Standards

Hello-

I hope that some of you will be able to attend a meeting scheduled for this Wednesday, July 11th from 7:00-8:30 at the Stone Chalet Bed and Breakfast (1917 Washtenaw Avenue, Ann Arbor, MI 48104). As discussed at the last City Council meeting, this is an opportunity to hear from residents and for you to share some of your proposed plans for operation of fraternity and sorority houses via improved lease agreements and the like.

Sincerely,

Brett Lenart, AICP | Planning Manager
City of Ann Arbor Planning & Development Services
301 E. Huron Street, P.O. Box 8647
Ann Arbor, MI 48107-8647

Direct (734) 794-6000 #42606 | General (734) 794-6265 | www.a2gov.org

Archive, Journal

From: Robert F. Gavin [REDACTED]
Sent: Monday, July 16, 2018 8:55 PM
To: mccullo6@msu.edu
Cc: Gray, Kerry; Lumm, Jane; Westphal, Kirk; [REDACTED]
Subject: Re: Questions Regarding Ann Arbor Gypsy Moth Invasion

Dear Dr. McCullough,

"Whew" is right, and yes, it does help! Thank you so much for your very informative and quick reply. My reading of your information is that, while nothing can be stated with certainty with regard to gypsy moth outbreaks, for Vintage Valley residents, unless some new actions are taken (e.g., emamectin benzoate injections or Btk aerial spraying) it is more likely than not that:

- next Spring will look a lot like a repeat of this Spring;
- the outbreak could continue for another 1 to 3 years; and
- the gypsy moths will spread to other homes and neighborhoods.

(I recognize the above is a simplification of all the information you have provided, but, given the uncertainties you express with regard to the path of GM outbreaks, I am trying to boil it down to basic "more likely than not" probabilities. This will help us to understand the future GM risk to our neighborhood and others, and to assess the wisdom and value of additional action (e.g., emamectin benzoate injections, or Btk aerial spraying. If the above statements demonstrate a misunderstanding of your assessments, please let me know.)

Based on your response, I looked up the QuickJetAir you referenced. It looks like it is sold by a company called Arborjet, but as you suggest, it also looks sufficiently complicated that an arborist would need to be responsible for the emamectin benzoate injections using this system. Given the number of trees in the neighborhood, it appears this could be quite expensive relative to aerial Btk spraying, but it has the benefit of remaining effective for 1 - 2 years, and not being as sensitive to timing as Btk. One of our homeowners investigated aerial spraying, and found, if the whole neighborhood agrees, we could have Btk applied at a rate of 1/2 gallon/acre from a height of 50 feet using Foray 48F (a water based formulation containing Btk as the active ingredient.) I could be wrong, but I believe he said that Hatfield Spraying Service, out of Numica, MI, would do this for \$50/home - if everyone agrees.

One additional question: are the mass gypsy moth defoliations of the type that occurred in NJ in July 2007 an aberration, or a thing of the past, or are they still possible? Partly, I am wondering if 2007 preceded the introduction of the Entomophaga maimaiga fungus, or the spread of NPV?

After we have the opportunity to chew this over in the neighborhood, I will likely take you up on you generous offer of a phone consultation.

Thanks again for your very helpful responses to my many questions.

Sincerely,
Bob Gavin

-----Original Message-----
From: McCullough, Deborah [REDACTED]
To: Robert F. Gavin [REDACTED]
Cc: KGray <KGray@a2gov.org>; JL umm <JL umm@a2gov.org>; KWestphal <KWestphal@a2gov.org>; aehunt [REDACTED]

Sent: Mon, Jul 16, 2018 5:17 pm
Subject: RE: Questions Regarding Ann Arbor Gypsy Moth Invasion

Hi Bob,

I will take a shot at addressing your questions and a few points in your note. Also, I'd be willing to talk with you on the phone if that would be useful. I know gypsy moth outbreaks can be pretty awful and I appreciate you taking the time to put all the information into an email.

OK – here goes...

1. Our ability to predict or project when outbreaks of forest insects will occur is lousy. In fact, it's the holy grail of forest entomology. Many people have spent their careers looking at weather variables, site and stand conditions and so forth and we still are not good at it. Populations can be at very low densities for years and then over a 1-2 year period, they blow up to outbreak densities. We can't predict it for spruce budworm or forest tent caterpillar – both of which are native insects that defoliate millions of acres of forest during their outbreaks. And we are even worse at predicting outbreaks of an invasive insect like gypsy moth that doesn't go through periodic cycles.
2. Entomologists call insect poop "frass." I don't know the origin of the word but that's what it's called. Keep in mind that gypsy moth frass is mostly lignins and cell walls from the leaves the caterpillars ate -- it's the tough part of the leaves they can't digest. Frass is icky but it should break down quickly. I do realize that when frass is raining on your head, your deck, your driveway – it's pretty nasty.
3. The egg mass scraping by you and your neighbors surely didn't hurt. I understand that you ended up with way more caterpillars than you expected but the density would have been even higher had you not scraped those egg masses. Also, you don't need to use hot soapy water – the soapy water can be cold. It's the soap that kills the eggs (and caterpillars too).
4. Egg masses can be small for 2 main reasons. First, at high densities, caterpillars don't get to eat as much foliage as they would like. They get enough nutrients to develop into moths but they will be smaller pupae and smaller adults. Second, the virus can be present at sublethal levels in caterpillars and subsequently adults. It's not high enough to kill the insect but the insects are not as healthy as they would otherwise be, so they end up small and those females lay smaller egg masses. The virus can be passed transovarially – in other words, the female moth can transmit the virus to her eggs. If the larvae get a big enough dose, they will die before completing their development. When the virus-killed cadavers break down, the virus particles get onto bark and probably into the litter and soil. So... usually, there is more virus in GM populations as the density builds up. Eventually, barring other mortality factors, the virus will cause an epizootic – e.g., a big die-off of caterpillars. That generally occurs after 1-2 years of high densities and heavy defoliation. Sometimes it takes 3 years but usually not.

The impact of the fungus depends on weather, including precip, temps and soil moisture, plus the amount of resting spores in the soil that can germinate and infect young caterpillars. We are not great at predicting when the fungus will cause an epizootic and when it's not going to be very important. I would have guessed that with all the rain this spring, we would have seen more fungus. But – I am aware of very few areas where there was much GM mortality caused by the fungus this year. Plus, we have not had big GM outbreaks in Ann Arbor, Lansing, Grand Rapids, etc. in several years. I would bet the resting spore density is low now – so that could be involved as well. The good thing about the fungus is that its not dependent on the density of the GM population like the virus pathogen. If weather conditions are "right" (whatever that is), resting spores will germinate regardless of the GM density.

Your questions:

1. Is it possible that the moths laying egg masses this year in the upper part of the trees were healthier than those at ground level, perhaps as a result of being somewhat removed from the origins of the fungus and/or NPV?
It is possible but I would be surprised if there was enough of a difference to cause the high densities you had this year. I suspect there were a lot of egg masses up high in bark crevices, upper sides of branches, etc. that you would not be able to see. Also, right after hatching, caterpillars will disperse by blowing in the wind. It is not uncommon to have lots of larvae end up in an area where the egg mass density was not real high and we think it's because the larvae were carried by wind. The fungal resting spores typically infect early stage larvae as they move across the ground while the conidiospores of the fungus blow in the wind and infect late stage larvae feeding up in the canopies. The virus is within the population, so to speak. The GM larvae are moving up the trees at night to feed and down the trees during the day to hide out, so I don't think the location of the egg masses will have a big effect on GM health.

2) If the answer to Q1 is yes, then could the caterpillars hatching next Spring at the higher tree levels also be less affected by the fungus and NPV than those hatching at ground level?

Maybe initially, at least a bit, but not over the course of their 6 week development period.

3) If the answer to Q2 is yes, how long will it be before the caterpillars hatching in the upper canopy next year are affected by the fungus or NPV?

See the above summary of NPV and fungus dynamics. Upper canopy and lower canopy caterpillars will all have to deal with the pathogens.

4) Will the young caterpillars hatching in the upper canopy be more readily wind-born and propagated to other neighborhoods?

All GM larvae are programmed to climb up and outwards after hatching, then drop on a silk strand and wait to be blown somewhere. It's how the species disperses. Larvae up high in a tree might blow further than larvae hatching down low but it depends on where they launch from, wind speed and what will intercept them. Other tree canopies, for example, might catch most of the upper canopy larvae.

5) If we have a dry Spring next year, will that reduce the effectiveness of the fungus, and if so, to what extent?

It probably will but again, that's hard to predict. It's not just the total amount of precip – it's when the rain occurs, soil and air temps, soil moisture, etc.

6) How likely is it that the fungus and/or virus will decimate the GM population next year before the caterpillars do significant foliage and frass damage?

Most of the feeding (and frass) occurs in the last 2 stages of the larval development. It's just physics – big caterpillars eat more foliage than small ones. I would expect there will still be plenty of GM larvae next summer, but I don't know that for sure. Our ability to predict when and where NPV epizootics will occur and whether the fungus will kick in is... not great.

7) As you might expect, currently neighborhood residents are very concerned about what will happen next Spring.

Specifically, based on what you now understand of our situation, if nothing is done, other than removing egg masses from the lower tree trunks (as was done last year), are we more or less likely to have an experience similar to this Spring?

Most GM outbreaks last 2-3 years. A few last 4 years. Some involve only 1 year of heavy defoliation but that tends to be in areas where aspen is the main host. When it's oaks – usually it's 2-3 years. Based on the high egg mass density you have observed, I would expect there will be plenty of GM feeding again next spring, even if you scrape egg masses again.

8) Are we right to be concerned that, given the significant increase in the number and height of egg masses, next Spring's GM hatch could be even worse than this year's?

Seems like it couldn't be much worse! But yes, it's possible you will have another year of high GM densities.

9) Would it be correct to think that, given the number and size of the affected trees in our neighborhood, emamectin benzoate injections would be costly and difficult to the point of being impractical?

I'm not sure why trunk injections would be impractical. You'd likely need to hire an arborist(s) and you would be treating individual trees. And it will cost something. I would expect the price per DBH inch would depend on how many trees in the area the arborist would treat – presumably the price would be lower if lots of trees were being injected. There is a tool called the QuikJet Air that has made trunk injections MUCH more efficient than they were even 2 years ago. If I was hiring an arborist, I'd include that in the specs. You should be able to get quotes from some tree care companies, especially if several neighbors merge forces.

10) If the neighborhood agreed, would aerial Btk spraying be a reasonable course of action in the Spring?

It could be an option. You'd need somebody who could monitor egg hatch and you'd probably want a helicopter to apply the spray. There are weather conditions that will be important and there will need to be enough leaf development to capture the very fine droplets of spray. I've never set up that kind of a contract before so I can only provide general advice. Be careful with this approach. If landowners don't want their property sprayed, then it can't get sprayed. I think you'd need some kind of written permission from the affected landowners. It's not impossible but it will take some planning. Most years, Bt sprays need to be applied in May, around Memorial Day. But – depends on temperatures, bud break and egg hatch.

Whew! Hope that helps. I'll be out at a field site most of tomorrow but if you want to talk, you can give me a call Wed or Thursday [REDACTED].

Deb

From: Robert F. Gavin [REDACTED]
Sent: Sunday, July 15, 2018 9:45 PM
To: McCullough, Deborah <mccullo6@msu.edu>
Cc: KGray@a2gov.org; JLumm@a2gov.org; KWestphal@a2gov.org; [REDACTED]
Subject: Questions Regarding Ann Arbor Gypsy Moth Invasion

Dear Dr. McCullough,

I live in an area of Ann Arbor particularly hard hit by gypsy moths. I have copied our Kerry Gray, along with our city council representatives, and our neighborhood association President and Secretary on this email. As you can see below Kerry Gray was kind enough to forward me your email on gypsy moths, and to encourage me to contact you directly with any additional questions. Hopefully, I am not inappropriately imposing on your time; any assistance you provide will be greatly appreciated by all concerned. Before asking questions, I believe it would be helpful to provide you with some background information:

- My neighborhood (Vintage Valley) consists of 41 homes on approximately 2/3 acre lots, plus one lot owned by a homeowner who keeps it undeveloped and heavily wooded. Additionally, various parts of the neighborhood adjoin heavily wooded, undeveloped greenspace.
- When the neighborhood was developed in the 1970's, it was done with the idea of sparing as many trees as possible, which is a major reason why many people find it so charming. The entire neighborhood is wooded with highly valued old oak, hickory, and other deciduous trees, as well as pine and spruce trees. As an example, my 2/3 acre lot has approximately 26 large oak and hickory trees. The canopy extends above sixty feet, perhaps approaching eighty feet for a few trees.
- We first noticed the gypsy moth (GM) last Summer; however, I do not remember their related caterpillars being a problem last Spring, or even noticing them. Once we found out what the moths were, we, and most of the other residents who had the resulting egg masses deposited on their trees, set about diligently scrapping the masses into hot soapy water, etc. Last Fall, my wife removed over 300 masses from our trees, and other neighbors, up and down the street, did the same. The masses we were able to remove were mostly located on the lower 8 feet of the tree trunks. While we could see a few masses higher up, they appeared very limited in number, and did not seem to go above 25 or 30 feet in height. We thought we had significantly reduced or even eliminated the threat to our trees for the following 2018 Spring. We were wrong.
- The residents who removed the egg masses last Fall were shocked this Spring by the number of caterpillars eating, pooping and defoliating their trees. A few trees were completely defoliated, and many were 70 to 80 percent defoliated. I accept that, barring other stresses this year the trees will reflush and be largely unaffected; however, the amount of frass deposited by the caterpillars on a constant basis, as well as the numerous, ever present caterpillars themselves, made the outdoors virtually unusable for many Vintage Valley residents. People are very, very unhappy and disgusted with the overwhelming and unhealthy mess created by these caterpillars, as well as concerned with the health of our highly prized trees should the GM invasion fail to subside in the next year or two.
- As you may know, this year Ann Arbor had a very wet Spring. Toward the end of this year's caterpillar stage of the GM cycle I noticed a number of caterpillars becoming lethargic and eventually dying in the head down position, presumably stricken by the *Entomophaga maimaiga* fungus. There were also a few caterpillars dying in the upside-down "V" position, presumably as a result of NPV. I left these dead caterpillars on the trees; however, these represented a small fraction of the overall caterpillar population.
- Egg masses deposited on my trees this year are considerably more numerous than last year. At the lower level (bottom 8 feet) on my trees the masses are too numerous to count accurately, probably in excess of 1,000. Most of these are considerably smaller than last year's masses. Many of last year's masses were approximately 2 inches long. This year most of the masses on the lower part of tree trunks are between the size of a dime and a quarter. As noted in your email to Ms. Gray, I assume the smaller size indicates a less healthy GM population. However, unlike last year we have numerous egg masses deposited all along the tree trunks, including in the upper reaches (fifty feet and higher) of the canopy. Having scanned these with binoculars, I believe them to be numerous (at least several hundred) and larger than those closer to the ground.

Questions:

- 1) Is it possible that the moths laying egg masses this year in the upper part of the trees were healthier than those at ground level, perhaps as a result of being somewhat removed from the origins of the fungus and/or NPV?
- 3) If the answer to Q2 is yes, how long will it be before the caterpillars hatching in the upper canopy next year are affected by the fungus or NPV?
- 4) Will the young caterpillars hatching in the upper canopy be more readily wind-borne and propagated to other neighborhoods?
- 5) If we have a dry Spring next year, will that reduce the effectiveness of the fungus, and if so, to what extent?
- 6) How likely is it that the fungus and/or virus will decimate the GM population next year **before** the caterpillars do significant foliage and frass damage?
- 7) As you might expect, currently neighborhood residents are very concerned about what will happen next Spring. Specifically, based on what you now understand of our situation, if nothing is done, other than removing egg masses from the lower tree trunks (as was done last year), are we more or less likely to have an experience similar to this Spring with regard to the number of caterpillars eating and pooping in our trees? (As an aside, I just want to say I never thought I'd be concerned with or writing about caterpillar poop.)
- 8) Are we right to be concerned that, given the significant increase in the number and height of egg masses, next Spring's GM hatch could be even worse than this year's?
- 9) Would it be correct to think that, given the number and size of the affected trees in our neighborhood, emamectin benzoate injections would be costly and difficult to the point of being impractical?
- 10) If the neighborhood agreed, would aerial Btk spraying be a reasonable course of action in the Spring?

Thank you in advance for any advice and assistance you can provide: the entire neighborhood will greatly appreciate it.

Sincerely,
Bob Gavin

-----Original Message-----

From: Gray, Kerry <KGray@a2gov.org>
To: rfgavin [REDACTED]
Sent: Tue, Jul 3, 2018 7:23 pm
Subject: Fwd: Pheromone traps for gypsy moth

Hello Mr. Gavin,

It was nice to meet you this afternoon. I wanted to forward an email from MSU forest entomologist, Dr. Deb McCullough. She provides some insight and recommendations that I found useful and hope you do as well.

All the best,
Kerry

Sent from my iPhone

Begin forwarded message:

From: McCullough, Deborah <mccullo6@msu.edu>
Sent: Tuesday, July 03, 2018 3:47 PM

To: Gray, Kerry <KGray@a2gov.org>
Subject: Pheromone traps for gypsy moth

Hey Kerry,

I read through the resolution you attached and feel that I have to be straightforward and blunt. Pheromone traps are a waste of money and time. Trapping male moths does nothing to affect the dynamics of a gypsy moth (GM) population and it will tell you nothing about the densities of the population. Male moths are not a limiting factor for GM populations. I can guarantee that thousands of male moths will be captured and it will not make a difference in terms of how many eggs are laid or the distribution of the populations. You will have no way to tell if the dead male moths in the traps mated already. And there will be plenty of moths that you don't catch that will be able to mate with GM females. Plus, male moths will continue to immigrate into the area with the traps. You might catch some but you won't catch most of them. And... a lot of them will mate before you trap them. If someone calls and asks me about a pheromone trapping program, I will have to tell them the same thing.

Pheromone traps are very useful for detecting a new GM population – but that's in areas **beyond** the leading edge of the infestation. That is NOT Michigan. The greater Ann Arbor area has had GM for more than 20 years - there were incredibly high densities around the mid 1990's. In very specific situations, pheromone traps can effectively trap out a GM population. But that **only** works if the infestation is recently established, the population density is very low, and the infested area is small and localized. Otherwise, males will immigrate in and some of them will mate with all those females.

The Entomophaga maimaiga fungus is one of two pathogens that can have major effects on GM populations. There is a virus, NPV (nucleopolyhedrosis virus), that will build up in high density GM populations and within 3 years or so, the GM population will collapse. This is consistent – you can count on it. The fungus is weather dependent – it may or may not show up – depends on spring weather. NPV is not affected by weather but it is affected by GM density. I have talked to arborists in the AA area and seen their images of dead GM larvae. The virus killed at least some larvae. Both pathogens can occur together.

A better method for monitoring GM populations is to conduct egg mass surveys later this summer and into the fall. You identify an area (could be a block or a 1/40 acre plot – just know the size of the area). Count all the egg masses you can find in that area and extrapolate to an acre. If there are more than 200 egg masses per acre, expect high defoliation again next year. If the egg masses are big (2-3 inches long and thick), the female moths were healthy. Chances are good the population will be high next year. If the egg masses are small (like a quarter), the females were not healthy. They may have a sublethal load of virus. Chances are the population will be collapsing next year.

Egg masses can be scraped into soapy water. That's not an option for the egg masses up high, but can certainly be done on tree trunks where you can reach them. Horticultural oil, like Sunspray oil, can be sprayed on the egg masses if you can reach them. That suffocates most of the eggs.

Next spring – like in late May or very early in June, property owners can have their landscape trees injected with an emamectin benzoate insecticide. That will kill the young larvae if they feed on the tree. Imidacloprid insecticides won't work well on GM larvae, so don't mess with those.

Btk (*Bacillus thuringiensis* – Kurstaki strain) sprays are OK but they have to be well-timed. They will affect caterpillars that eat leaves that have been sprayed. The sprays need to be applied after nearly all eggs have hatched, but before the caterpillars get too large. And the oaks and other favored host trees need to have leaves that are mostly expanded to capture the spray. The half-life of Bt is about 4-7 days. Therefore, caterpillars feeding later in the summer will not be affected. But – timing is critical. Usually Bt sprays need to go by Memorial Day or so. And the Bt has to get on the leaves up in the canopy. Hard to do from the ground – helicopters or spray planes work better but that will be expensive and may not be popular.

Hardwood trees will recover from even 100% defoliation if they are reasonably healthy. They will produce a second set of buds and within 3 weeks or so, the trees will look pretty much fine. They don't need extra fertilizer. Keep them watered while it's dry, don't wound them... they should be good.

Next summer, if conifer trees (spruces, pines) are being heavily defoliated in mid June, property owners may need to spray an old school chemical insecticide (e.g., Orthene, Tempo, etc.). Conifer trees cannot

produce a new set of buds, like hardwood trees will. Systemics move so slowly in conifer trees that the larvae will be finished with their feeding before the insecticide reaches the needles.

Again, PLEASE don't waste money on pheromone traps and lures. You can engage neighborhood groups, Audobon members, etc. to help with egg mass surveys and scraping. Also, it's good to reassure people that GM outbreaks have come and gone before. And they will again....

Deb

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Archive, Journal

From: Sharon Singh [REDACTED]
Sent: Monday, July 16, 2018 10:02 PM
To: Taylor, Christopher (Mayor); CityCouncil

Dear City Council and Mayor Taylor -

I am writing to express my support for the proposed amendments to Chapter 55 Section 5.17.3G ordinance involving the restrictions for the location of medical marijuana dispensaries/facilities that are due to be read at tonight's City Council meeting.

I support both:

- a) that the minimum distance between medical marijuana dispensaries/facilities be increased from the current minimum of 600ft to the proposed 1000ft, and
- b) that the 1000ft buffer zone between schools and marijuana dispensaries/facilities currently afforded to only K-12 schools be expanded per the proposed amendment language to include "public schools, private schools, child care centers, group child care homes, youth centers and any other...locations which contain programs that provide, on a regular basis, activities or services for persons under the age of 18 (such as after-school programs, counseling, tutorial, cultural, or recreational activities)."

Sincerely,
Sharon Singh MD
(Ann Arbor pediatrician, mother)

Archive, Journal

From: Margie Checkoway [REDACTED]
Sent: Monday, July 16, 2018 11:03 PM
To: Lumm, Jane
Subject: Re: Support for zoning amendment

Jane, I appreciate your kind reply and your leadership in City government.
I hope you get some time to enjoy the summer.
Best,
Margie

Sent from my iPad

On Jul 16, 2018, at 6:10 PM, Lumm, Jane <JLumm@a2gov.org> wrote:

Dear Margie,

Thank you so very much for taking the time to so eloquently, thoughtfully, and helpfully share your important perspective and explain why this ordinance amendment is needed. I also appreciate how you framed the important Q for all the opposition letter writers to ponder – how would they view this proposal if these houses were their neighbors? For all the alums and fraternity and sorority representatives, and council members for that matter, who don't live in N. Burns Park or OxBridge and who think UM affiliation/recognition is a monumentally aggressive/bad requirement, I think and would hope your question would open their minds to viewing this more rationally and reasonably, and to support the neighbors' perspective.

My belated and heartfelt thanks for your very thoughtful letter, and hope that we have enough votes to see this supported tonight. I only regret that it is so modest, and does not require affiliation for existing fraternities and sororities, as I know that would assist us in helping all of you on the front lines.

Always and so nice to see you at Jeff and Marcia's party, and thank you so very much for your very kind words!

Warmly, Jane

From: Marjorie Checkoway [REDACTED]
Sent: Friday, July 13, 2018 12:02 PM
To: CityCouncil <CityCouncil@a2gov.org>
Subject: Support for zoning amendment

Dear Mayor and City Council,
I strongly support the proposed Zoning Amendment for Special Exception Use Standards for Fraternities and Sororities. In fact, I think it is overly generous. As a North Burns Park resident for 23+ years, I have experienced first-hand the need for guidelines for a neighborhood community. After countless incidents of drunk fraternity/sorority members collapsing and sleeping on our front

porch, vomiting in our bushes, bottles and cups strewn on our lawn (we were a block away from their houses), loud noise, etc., the need for laws that shape civil behavior was apparent. When I would ask the offending young people, after I woke them up or saw them using our yard for bathroom, if they would act this way in their parents' neighborhood, they would be incredulous--of course not! I would then be in the role of their mother. Do you want a cup of coffee? Can you get home on your own, etc. They see their relatively new environment as their playground and have little consciousness that they are living side-by-side with families and non-college adults who need to go to bed earlier and wake up earlier, may have young children, and expect accommodating neighbors. The North Burns Park Association examined other college towns such as Ithaca, Madison, Champaign-Urbana, Berkeley (and I have lived in two of these other communities) and found much more restrictive zoning and behavior regulations for their campus districts. Ann Arbor has been the most laissez-faire by far. We talked with city officials, planners, and looked at their regulations. For all the letter writers of opposition to these mild changes, let me ask if you would feel comfortable with these houses as your neighbors. Noise, excessive drinking, beer pong next store as you sit on your front porch, partying outside your windows, debris all around. Of course, the answer is no. Group houses need to be civil neighbors. This is a big challenge for young people who enjoy partying, drinking, and other activities that are seen as rite-of-passage for them as they go out on their own and experience late adolescence and early adulthood. Affiliation and accountability are paramount to control the excess because excess is sure to be there. You all have seen it, but only the many neighbors of these houses have experienced it on a daily basis. Those in opposition to the changes have little ground to stand on. You would not want it for yourself. Young people in a college environment do need guidance and restrictions to ensure the rights of their neighbors and to protect others and themselves. Sorry, guys, many of you do need some help with self-regulation. It's not a put-down. It's what data strongly show. These modest changes are needed, a very modest step for a healthier community.

Sincerely,
Margie Checkoway
Ward #3

Archive, Journal

From: McDonald, Kevin
Sent: Monday, July 16, 2018 11:32 PM
To: *City Council Members (All)
Cc: Beaudry, Jacqueline
Subject: UDC Version Full Def Section - Fraternity and Sorority Ordinance Amendment.docx
Attachments: UDC Version Full Def Section - Fraternity and Sorority Ordinance Amendment.docx

FRATERNITY AND SORORITY DEFINITION AND USE SPECIFIC STANDARDS

AN ORDINANCE TO AMEND SECTIONS 5.16.1.E AND 5.37.2 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 5.16.1.E of Chapter 55 of Title V of the Code of the City of Ann Arbor be amended to read as follows:

Fraternities, Sororities, and Student Cooperative Housing

1. R2B and Multiple-Family Zoning Districts

In addition to the Special Exception Use standards in Section 5.29.5, the following standards apply:

- a. A resident manager shall be employed or appointed. For purposes of this section, a resident manager is one who lives on-site, serving in a regular or full-time capacity.
- b. A minimum Lot size of 8,500 square feet subject to a minimum of 350 square feet of Lot Area per occupant shall be provided.
- c. The Floor Area of the Principal Building shall have a minimum of 5,000 square feet. Single or Two-Family Dwelling containing 5,000 square feet or less may not be converted to a Fraternity, a Sorority, or Student Cooperative Housing.
- d. A Fraternity, Sorority, or Student Cooperative Housing adjacent to a Single- or Two-Family Dwelling shall have a hedge, berm, Fence, or wall, forming a continuous screen at least six feet high along the entire length of each Lot line where the adjacency with the Single- or Two-Family Dwelling occurs, except in the Front Setback Area or as restricted by other ordinance. Screening that continues into the Required Front Setback Area shall be consistent with Section 5.26 Fences.
- e. The maximum number of occupants shall be established by the special exception use, and any increase in occupancy shall require a new special exception use permit.
- ef. Density increases and other modifications to existing Fraternities, Sororities, and Student Cooperative Housing may be allowed pursuant to Section 5.30 except as provided in Subsection f below.
- fg. Kitchen facilities, common areas for meeting and social space, or handicap accessibility may be expanded by 10% of the Floor Area or 1,000 square feet, whichever is less, without securing or modifying a Special Exception Use permit if

current parking ordinance standards for Fraternities, Sororities, and Student Cooperatives are met.

Section 2. That the Definition for “Fraternity or Sorority House” in 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 subordinate in use, area and purpose to the Principal Land Use and Principal Building in which an Accessory Use is contained or conducted on the Lot. Accessory Buildings can be attached or detached to a Principal Building. When attached, the Accessory Building shall be considered part of the Principal Building for setback purposes.

Accessory Dwelling Unit

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

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).

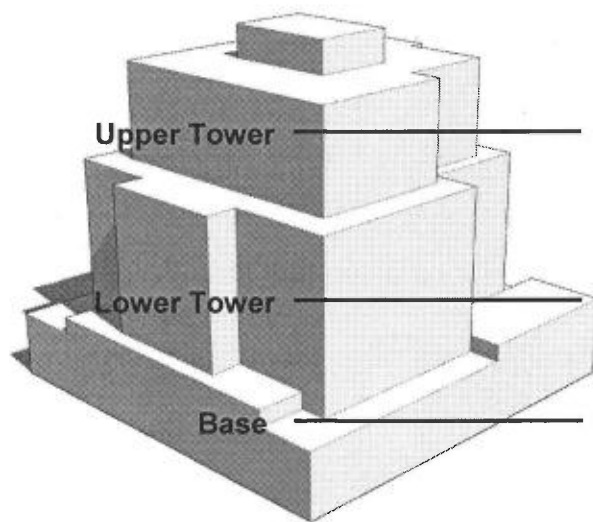


Figure 1: Base, Lower Tower, and Upper Tower

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 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 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.

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.

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.

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.

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.

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.

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 marijuana 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 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 Trailer¹

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.²

Impervious Surface

¹ From current Chapter 56 *Prohibited Land Uses*.

² Text added per Ord-13-04.

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 Recreation³

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, Assembling⁴

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

Institution of Higher Learning, Private

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

Institution of Higher Learning, Public⁵

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

Invasive Species

³ New definition.

⁴ New definition. "Manufacturing plants" and "Manufacturing / Processing" have been merged with this use.

⁵ New definition.

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

Laboratory⁶

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 Service⁷

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 Plant⁸

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.

⁶ New definition.

⁷ New definition.

⁸ New definition.

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.

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.

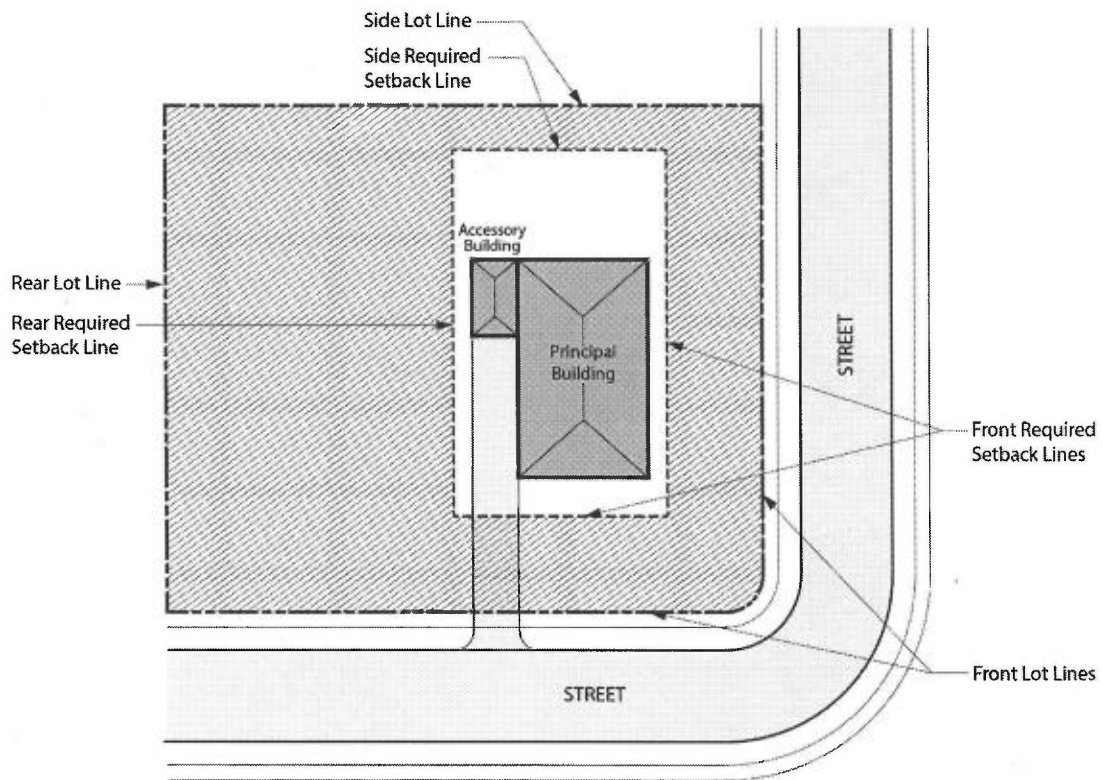


Figure 3: Corner Lot and Setback Lines

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).

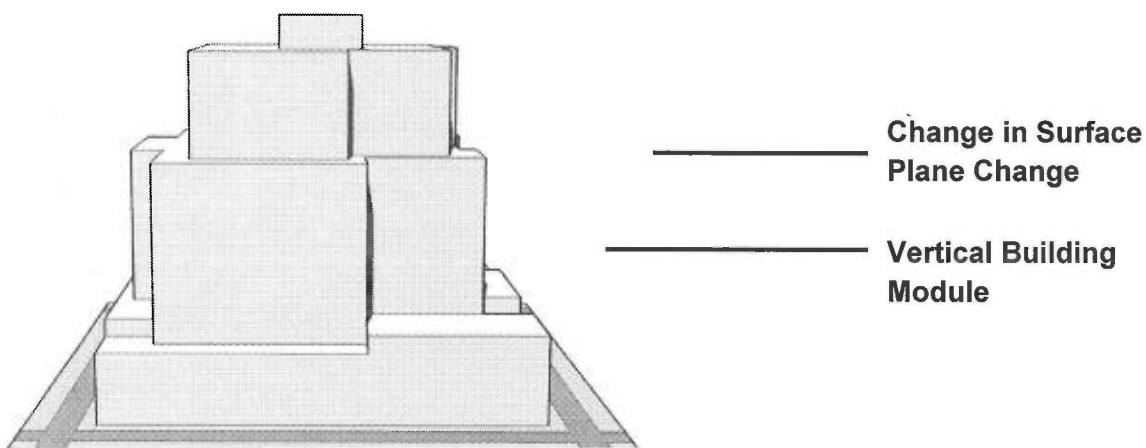


Figure 4: Massing Articulation

Maximum Diagonal

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

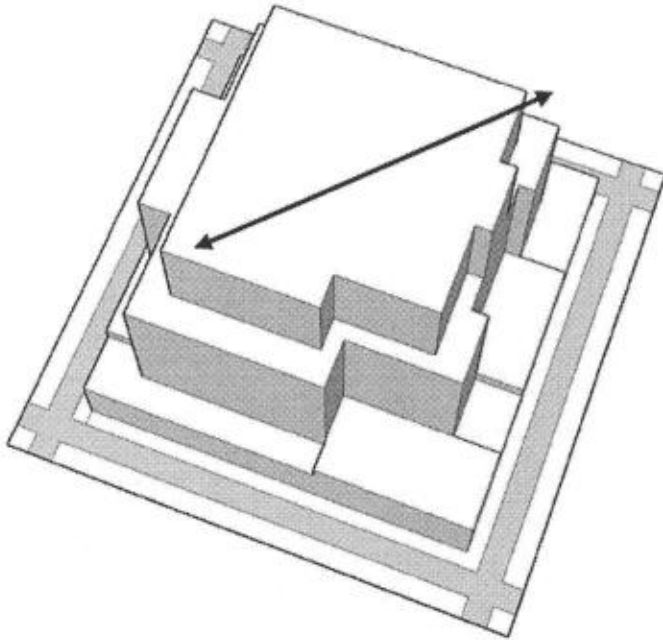


Figure 5: Maximum

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 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 Marijuana 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.

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.

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.

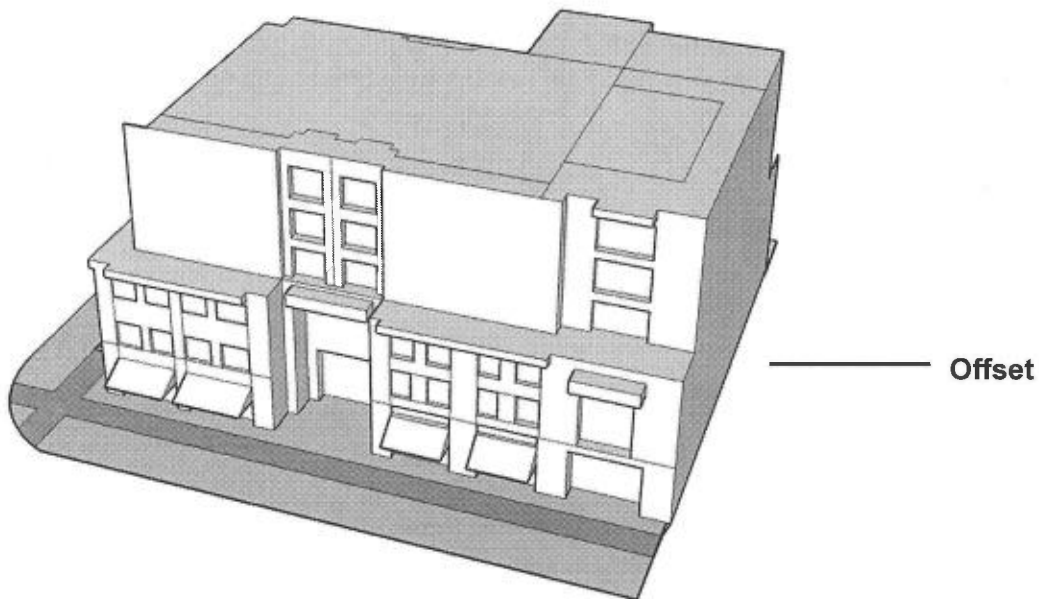


Figure 6: Offset

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.

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.

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 GarmentServices.

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.

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 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.

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.

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.

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 License⁹

⁹ Added per Ord. 17-21.

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.¹⁰

Streetwall

¹⁰ "Property" revised to "Premises" to reflect current interpretation.

The exterior face of a Building that fronts a street between the street Grade and the Streetwall Height (see Figure 6).

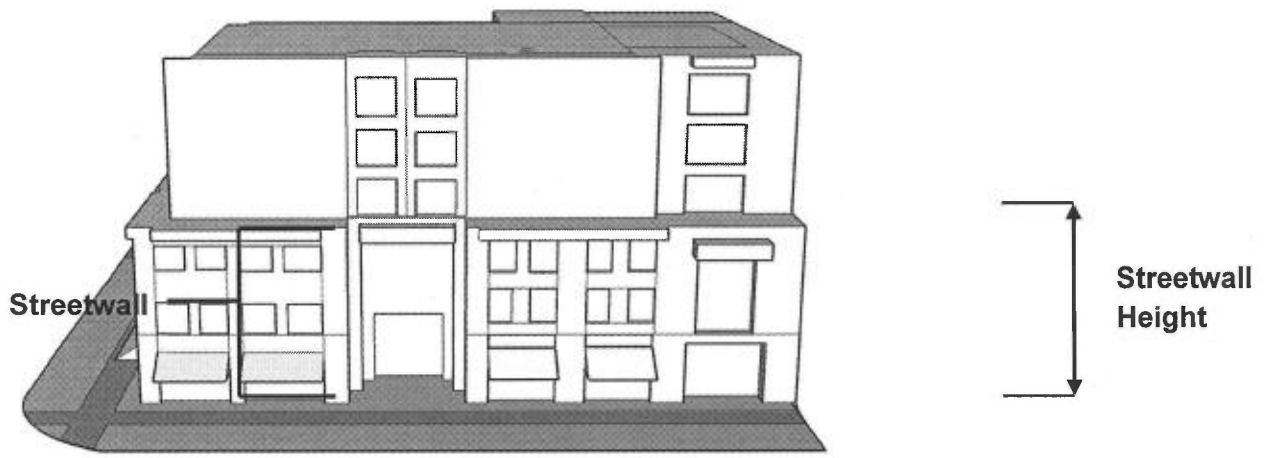


Figure 7: Streetwall and Streetwall Height

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.¹¹

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,

¹¹ New definition from Ord. 11-09.

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.

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.

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.

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).

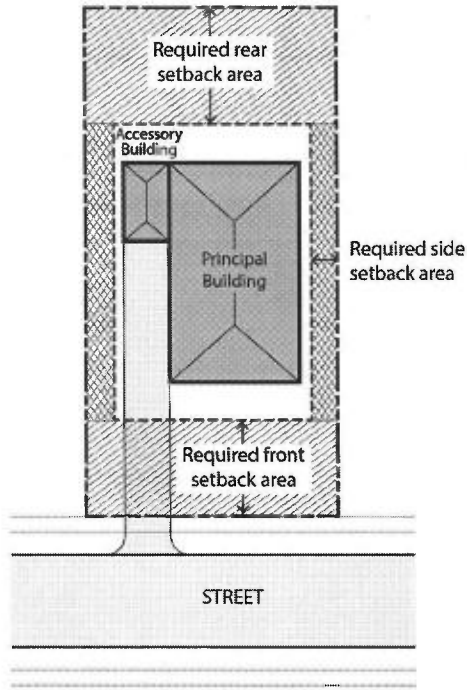


Figure 8: Mid-Block Lot Setback Areas

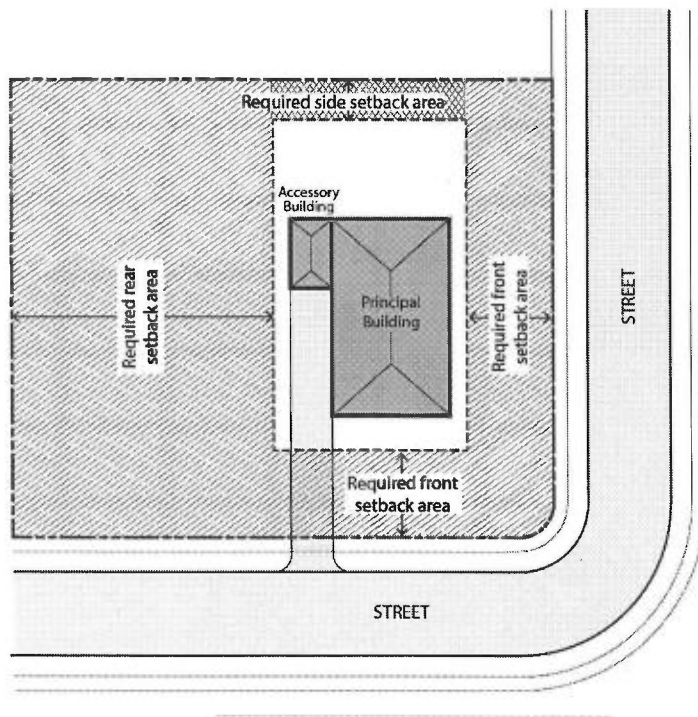


Figure 9: Corner Lot Setback Areas

Section 3. This ordinance shall take effect and be in force on and after ten days from legal publication.

Archive, Journal

From: Anna Lemler [REDACTED]
Sent: Monday, July 16, 2018 11:49 PM
To: Warpehoski, Chuck
Subject: Racial Equity Resolution

Hi Chuck,

I got home a bit ago and won't be able to return around 1:30/2am. I have full days ahead (both with work but also with the police task force), and since I wasn't sure there'd be too robust of a conversation that late, I thought it'd be best to not stay.

In regards to tonight, I'd love to follow-up to any discussion and/or questions with City Council. If you want to document them and send my way, that'd be great, or I'm also happy to look online (if you don't mind just keeping track of what time you all start discussing it!).

It is unfortunate that tonight's racial equity resolution was essentially the last agenda item making it so that many community members won't be present. In order to get the word out, I'd like to create an event for it on the Advancing Racial Equity Facebook page and also create a view-only doc of it <<https://docs.google.com/document/u/0/?tgif=d>>, like we are doing for the County ordinance. Would this be okay with you? That way it is way more accessible and community members can be aware of it. [If it is okay, would you like your contact information in addition to mine? And do you have a sense for when it will be discussed on the 16th?]

Also, after reviewing the most updated version, I noticed that it's been broadened and isn't just a racial equity resolution, which I'll share more thoughts on later!

Thanks,

Anna

Archive, Journal

From: Warpehoski, Chuck
Sent: Tuesday, July 17, 2018 12:38 AM
To: Beaudry, Jacqueline
Subject: amendment

- RESOLVED, That the City Council direct the City Administrator to form a special task force to review the current application, notice, staging, and security processes and provide recommendations for future policies regarding Special Events and Festivals and the enforcement of those policies;
- RESOLVED, That the City Administrator will designate a task force chair who will seek representation from the involved City agencies, residents, merchant and business organizations, event organizers, and other stakeholders; and

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Archive, Journal

From: Smith, Chip
Sent: Tuesday, July 17, 2018 1:03 AM
To: Beaudry, Jacqueline
Cc: McDonald, Kevin
Subject: from Mr. McDonald as a DS addition
Attachments: Summary Publication Fraternity (002).docx

Mr. McDonald has asked that this be added as new business from staff.

Chip Smith
Ann Arbor City Council - Ward 5
734-709-2022

Emails sent and received by me as a Council member regarding Ann Arbor City matters are generally subject to disclosure under the Freedom of Information Act (FOIA).

Archive, Journal

From: Tom Stulberg [REDACTED]
Sent: Tuesday, July 17, 2018 1:04 AM
To: Bannister, Anne; Kailasapathy, Sumi; Lumm, Jane; Eaton, Jack
Subject: Trinitas vote

Thank you all for your support tonight. I know from exit conversations that the neighbors are pleased.

I personally have mixed feelings. As a "procedures wonk", I do think that council should have voted the application down, rather than postponing it. We keep "Tayloring" our votes to do things that might seem reasonable, but aren't done the way they really are supposed to be done. There is a process, and it is there for a good reason, and we should follow it.

The changes will be significant enough, if Trinitas decides to make the changes that seem to be pretty well specified for them, to REQUIRE a restart of the process. We that have registered as interested citizens will be notified, as Brett Lenart said, so that we can review the changes, but our merry band does not have the right to be deputized to represent all the rest of the citizens. Theoretically, what if the new plan satisfies us, but offends some other group who hasn't been paying attention or who somehow silently liked what was proposed. Not a likely scenario, but what if we imagine a slightly different case where it was possible. Have we disenfranchised those imaginary citizens.

If planning staff will have to do a full review of the new plans, including traffic, parks, storm (which needs county review too), then there should be a new report generated from staff. They usually do that for Planning Commission. Then the staff report usually gets passed on to you without change along with PC's vote. Will you get a staff report? I presume so. When will that report come out? Thursday before the 9/17/18 Council Meeting? Is that enough time for the citizens of A2 to digest and discuss it?

Sorry if I seem like I am never satisfied. I think what makes our system work is that there are rules, and that we follow them. Sometimes it is inconvenient, but it ratifies the system. When we deviate from the system as a practice, we create a pattern, and then the next applicant says why can't I get special treatment like others have. Our actions create expectations.

So, thank you all again. For the neighborhood, this is a fine outcome. But count on me for a friendly little nag about process, even more so when you are a council majority.

Happy Tuesday,

Tom