

A proposed draft of Section 5.32.2 Nonconforming Structures is below. This draft shows revisions reflecting Planning Commission Working Session comments on [October 8, 2024](#). Red text shows what was presented on October 8th, blue represents subsequent feedback presented on December 3rd, while black text is existing.

NONCONFORMING STRUCTURES

AN ORDINANCE TO AMEND SECTION 5.32.2 OF CHAPTER 55 (UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR – NONCONFORMING STRUCTURES

The City of Ann Arbor ordains:

Section 1. That Section 5.32.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.32.2 Nonconforming Structure

A *nonconforming structure* may be maintained or restored, but no *alteration* shall be made to a *nonconforming structure* unless one of the following conditions is met:

- A. **Alterations to nonresidential *nonconforming structures*.** The *alteration* is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.
- B. **Alterations to residential *nonconforming structures*.** ~~The An~~ *alteration* meeting the following standards shall be ~~is~~ approved by the Planning Manager: ~~upon a finding that it conforms to all the requirements of this chapter and is made to a building which will be a single family dwelling on completion of the alteration and is located in an R1, R2, R3 or R4 district.~~
 1. The *alteration* does not extend closer to the *lot line* than any part of the existing *nonconforming structure*.
 2. The *alteration* does not create a new nonconformity on the *lot* or an adjacent *lot*.
 3. The *alteration* maintains compliance with all other dimensional standards of the zoning district for the *lot* on which it is located.
 4. The *alteration* will meet all other code and ordinance requirements.

~~Otherwise, the *alteration* shall require variance approval be approved by the Zoning Board of Appeals. upon finding that it complies as nearly as practical with the requirements of this chapter and it will not have a detrimental effect on neighboring property.~~

- C. For purposes of this Section, *alteration* shall mean any change in a *building* that results in additional *floor area* being fit for occupancy, a greater number of *dwelling units* or rooming units or an increase in the exterior dimensions of the *building*.
- D. A *nonconforming structure* shall not be replaced after damage or destruction of the *nonconforming structure* if the estimated expense of reconstruction exceeds 75% of the appraised value, as determined by the Building Official, of the entire *building* or *structure*, exclusive of foundations.

Section 2. That this ordinance shall take effect and be in full force on and after ten days from legal publication.