

ORDINANCE NO. ORD-24-31

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UNIFIED DEVELOPMENT CODE  
(Fences, Reimbursements, Public and Private Utilities)

AN ORDINANCE TO AMEND SECTIONS 5.22, 5.26, 5.28, 5.29, 5.30 and 5.37 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 5.26.2 of Chapter 55 (Unified Development Code) of Title V of  
the Code of the City of Ann Arbor be amended as follows:

## 5.26.2 Standards

### A. Residential Zoning Districts

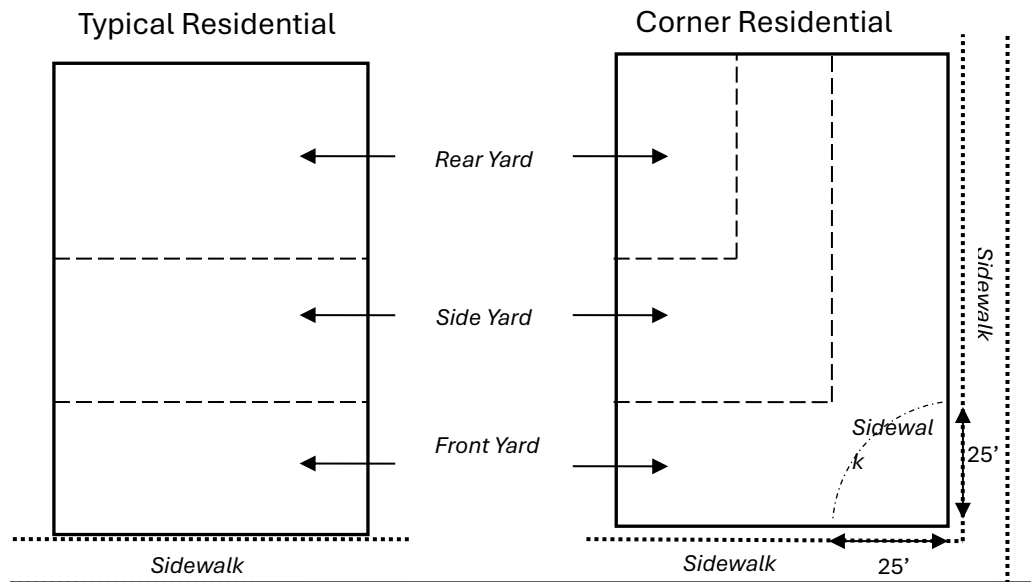
*Fences located in Residential Zoning Districts (See also figure below):*

*Shall not exceed four feet in height and 50% opacity in the front yard:*

*Shall not exceed six feet in height and 80% opacity in the side yard:*

*Shall not exceed eight feet in height in the rear yard:*

*Figure 26-1: Residential Zoning Districts – Height and Opacity Standard*



### B. Nonresidential Zoning Districts

*Fences located in Nonresidential Zoning Districts:*

*Shall not exceed 12 feet in the front required setback area, or exceed the maximum height limit for the zoning district in which the fence is located outside of the front required setback area:*

*Shall have no restriction as to solid matter or closed construction:*

*Shall not be charged or connected to an electrical current:*

*Shall not contain spikes, nails, barbs (including barb wire), or other pointed instruments, or any cleaved selvages or any sharp points on wire fences that have not been removed or bent to eliminate any sharp extrusions:*

C. All fences located within 25 feet of the intersection of two or more Street lot lines where the minimum front required setback of the zoning district in which the lot is located is greater than none shall not be higher than 30 inches above the Sidewalk grade:

~~D. In determining the maximum height of a fence that separates two adjoining lots and runs within two feet of the lot line, the maximum height at any point shall be determined from the highest grade within two feet on either side of the lot line.~~

**A. General**

- ~~1. Fences may be located anywhere on a lot including abutting a lot line.~~
- ~~2. Fences shall not contain any sharp elements such as barbs and barbed wire, spikes, or nails, or be electrified, except when specifically required by another code.~~
- ~~3. In determining the maximum height of a fence that separates two adjoining lots and runs within two feet of the lot line, the maximum height at any point shall be determined from the highest grade within two feet on either side of the lot line.~~

**B. Height and Opacity**

<b><u>Table 5.26-1: Height and Opacity Standards for Fences</u></b>					
	<b><u>Residential Districts</u></b>				<b><u>Mixed-Use, Nonresidential and Special Purpose Districts</u></b>
	<b><u>Street Corner Triangle</u></b>	<b><u>Front Yard</u></b>	<b><u>Side Yard</u></b>	<b><u>Rear Yard</u></b>	
<b><u>Maximum Height</u></b>	<b><u>30 inches</u></b>	<b><u>4 feet</u></b>	<b><u>6 feet</u></b>	<b><u>8 feet</u></b>	<b><u>12 feet</u></b>
<b><u>Maximum Opacity</u></b>	<b><u>50%</u></b>	<b><u>50%</u></b>	<b><u>100%</u></b>	<b><u>100%</u></b>	<b><u>100%</u></b>
<b><u>Street corner triangle is the area on a lot within 25 feet of the intersection of two or more Street lot lines.</u></b>					

**Section 2.** That Section 5.28.1.E of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

**E. Reimbursements and Reductions**

1. Reimbursements of fees for withdrawn applications and permits partially processed shall be offered as established by resolution of the City Council upon recommendation of the City Administrator.
2. ~~Up to f~~Fifty percent of application fees shall be reimbursed when the proposed development provides affordable housing dwelling units in accordance with the following formula: Total Fees Paid x (Percentage of Floor Area Dedicated to Affordable Housing Dwelling Units/2).

**Section 3.** That Section 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

### Public Utility

~~Private enterprise with a franchise for providing a public service. As provided in the Public Services Standard Specifications: City-owned, operated, and maintained utilities and their appurtenances including, but not limited to, systems for sanitary sewer, water, stormwater, communication conduit and cable, streetlights, and traffic control.~~

### Private, or Franchise, Utility

As provided in the Public Services Standard Specifications: Utilities not owned by the City, including but not limited to, privately-owned natural gas and electric distribution systems, and telephone, communication, cable, and conduit systems and all appurtenances thereto.

**Section 4.** That Section 5.22.4.B of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

#### 5.22.4 Grading Operation Responsibility

Any Person engaged in *grading* operations and/or the permittee shall be responsible for:

- A. Installing *temporary soil erosion and sedimentation control measures* before any *earth change* activity, and maintaining the measures on a daily basis.
- B. Preventing damage to any *public or private utilities* or the interruption of utility services within the limits of *grading* and along any routes of travel of the equipment.
- C. Preventing damage to adjacent property. No Person shall *grade* land so close to the *lot line* as to endanger any adjoining public Sidewalk, Alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
- D. Carrying out the proposed work in accordance with the approved plans, and sequence of construction, and in compliance with all the requirements of the permit and this Section 5.22.
- E. Immediately removing all soil, miscellaneous *debris* or other material applied, dumped, tracked, or otherwise deposited on Streets, Highways, Sidewalks, *stormwater management systems*, or public thoroughfares during transit to and from the construction, when such spillage constitutes a public nuisance or *hazard*. The construction of a *haul road* or other approved vehicle cleaning method may be required by the City Planning Manager to prevent the spread of *debris*.

- F. Designing, constructing, and completing *earth changes* in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.
- G. Designing, installing and maintaining *soil erosion and sedimentation control measures* to remove *sediment* caused by *accelerated soil erosion* from runoff water before it leaves the *site* of the *earth change*.
- H. Designing and constructing temporary or permanent measures for the conveyance of water around, through or from the *earth change* area to limit the water flow to a *non-erosive velocity*.
- I. Grading and stabilizing earth change areas with permanent soil erosion and sedimentation control measures, and removing temporary soil erosion and sedimentation control measures.
- J. Installing *permanent soil erosion and sedimentation control measures* for all slopes, channels, ditches or any disturbed land area within five calendar days after final *grading* or the final *earth change* has been completed. All *temporary soil erosion and sedimentation control measures* shall be maintained until *permanent soil erosion and sedimentation control measures* are implemented and the disturbed land areas are *stabilized* and approved.
- K. Making the approved plans and permit available for inspection at all times at the *site* of the *earth change*.
- L. Conducting *earth changes* in such a manner that will effectively reduce *accelerated soil erosion* and resulting sedimentation.

**Section 5.** That Section 5.29.8.B of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

### **B. Existing Conditions Plan**

Drawings and written descriptions of the existing conditions of the *site* must be included on the plans, including the following:

1. ALTA Land Survey.
2. Existing and proposed contours extending 50 feet beyond the *site* at a minimum interval of two feet.
3. If new ~~City public sanitary sewer, water mains, stormwater management system~~ *public utilities*; or Streets are proposed in conjunction with a site plan, the plans must be referenced to the Ann Arbor Geodetic Reference System.

4. Exception: Where there are no existing public utilities on the *site*, the Planning Manager may waive the requirements of Section 1 and Section 2 to provide an ALTA Land Survey and minimum two-foot contours for an Area Plan, Site Plan for Administrative Approval, or Site Plan for *Special Exception Use*, or when the combination of existing conditions and proposed *development* are so minor that preparing an ALTA Land Survey and minimum two-foot interval contours would be a significant financial hardship to the *applicant*. In those cases, a site analysis, prepared by a professional land surveyor and showing the following, must be provided:
  - a. Existing land use and activity on the *site*.
  - b. Location and use of all existing *structures* on the *site*.
  - c. Existing and proposed vehicular, pedestrian and bicycle ways and access points.
  - d. Public Utility availability and proposed connections together with all existing *public rights-of-way* and public and private easements.
  - e. Existing landscaping, fences and retaining walls.

**Section 6.** That Section 5.30.1.B of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

#### **B. Modification Conditions**

The eligible requirement sections listed in paragraph A above may only be modified if one or more of the following conditions are met:

1. The *site* is located in a special parking district as designated in Section 5.19.3.
2. Strict application of this chapter will result in a loss of existing *parking spaces* required by Sections 5.19.2 or 5.19.3 and the *site* does not abut residential uses.
3. The topography or elevation of the *site* relative to adjacent *sites* is such that the required landscaping and screening will result in less effective screening and landscaping than alternative landscape designs which achieve the same purpose.
4. Planting or installing required landscaping and screening materials would be more detrimental to existing vegetation and would result in

conditions less desirable or effective for landscaping and screening than if located and spaced as required.

5. The soil conditions underlying the required landscaping and screening area prevent strict application of the requirements because, for example, soils are contaminated, soils are unsuitable for infiltration, or there is a significantly-sized and shallow-depth *public or private utility* such as a main, ~~or~~ enclosed culvert, conduit or manhole.
6. Landscape elements which are a part of a previously approved site plan may be maintained and continued as nonconforming provided no alterations of the existing landscape elements are proposed.
7. Planting a new Street tree is prevented by an existing and unmovable obstruction, impediment, or public infrastructure such as, but not limited to, fire hydrants, overhead utility lines, poles, traffic control devices, transit shelters, or barrier-free accessible routes.

**Section 7.** This ordinance shall take effect and be in force on and after ten days from legal publication.